

No. 25-1304

In the
**Supreme Court of the
United States**

ROBERT T. WILSON, JR.

Petitioner,

v.

CHARLES RANDALL WATTS, et al.,

Respondents.

**On Petition for a Writ of Certiorari
To the Supreme Court of Alabama**

**BRIEF OF MARK E. WILSON IN OPPOSITION
TO PETITION FOR WRIT OF CERTIORARI**

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RESTATEMENT OF QUESTIONS PRESENTED

1. Whether the trial court provided a meaningful constitutional review of the punitive damage award at the remittitur hearing?
2. Whether an appellate court must issue a written opinion explaining why the punitive damage award complies with due process?

CORPORATE DISCLOSURE STATEMENT

Since Respondent is an individual, no corporate disclosure is required by Rule 29.

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STATEMENT OF THE CASE

Petitioner is a disbarred lawyer who previously represented Mark Wilson (hereinafter “Mark”) in estate matters. Prior to disbarment, Petitioner drafted a trust for Yvonne Watts, the mother of Charles Randall Watts (hereinafter “Watts”). Mark served as trustee of the Yvonne Watts Trust, which was established for Watts’ benefit. Mark asked Petitioner, at that time a licensed attorney, to hold the trust corpus for distribution on Watts’ behalf.

After Watts learned that Petitioner had taken the trust corpus, Watts sued Petitioner for converting trust funds that had been entrusted to Petitioner for administration. Mark also asserted a crossclaim against Petitioner for failure to repay an unrelated \$200,000 loan.

Before trial, the court entered an order granting Watts a partial summary judgment against Petitioner in the amount of \$160,696.46 (the missing trust corpus). See Petition, Appendix H. The order preserved Watts’ remaining claims for mental anguish and punitive damage for resolution by the jury. *Id.* Watts’ remaining claims and Mark’s crossclaim were then tried before a jury in Walker County, Alabama in October of 2024. See Petition, Appendix E.

The jury returned a verdict in favor of Watts for \$200,000 for additional compensatory damages (mental anguish) and \$800,000 for punitive damages. *Id.* The jury also returned a verdict in favor of Mark and against Petitioner for \$246,872.70. *Id.* The trial

court entered an Order based upon the jury verdicts. See Petition, Appendix D.

Petitioner timely filed a Motion for Remittitur and other post-verdict motions¹. See Respondent's Brief, Appendix I. The court held a hearing to address the Motion for Remittitur and the other motions. See Respondent's Brief, Appendix J. Petitioner argued that the punitive damage award was constitutionally excessive considering the guideposts established by *BMW of North America v. Gore*, 517 U.S. 559 (1996). Respondent's Brief, Appendix J at A-9 to A-10. The court explained at the hearing as follows:

THE COURT: Yeah. And the punishment is directly related to what he did to these folks. He took their money, and he took it under false pretenses. And the jury decided we're going to punish this person. I don't find that it be excessive at all.

Id. at A-11.

Petitioner also argued that the ratio of punitive damages to compensatory damages was 7.8 to 1. *Id.* at A-9 to A-10. In response, Watts argued that the proper ratio of punitive damages to compensatory damages was 2.2 to 1, because the mental anguish damages were compensatory damages

¹ Petitioner timely filed a Motion for New Trial, which failed to raise any issue about the punitive damage award. Petitioner also filed a Motion for Judgment as a Matter of Law, which did raise the same claim that the punitive damage award was constitutionally excessive.

(\$800,000/\$360,696=2.217). *Id.* at A-14. The court explained at the hearing:

THE COURT: That's well within the range of what it can be.

Id. Watts also argued that the reprehensibility of Petitioner's conduct supported a substantial award of punitive damages. *Id.* at A-15. The Court stated as follows:

THE COURT: Yeah. The jury has made their decision. It's well within BMW.

Id. After explaining the rationale at the hearing, the court entered a written Order that stated the Motion for Remittitur "is hereby DENIED". See Petition, Appendix C.

Petitioner then appealed the case to the Alabama Supreme Court. After the parties submitted briefs, the Alabama Supreme Court ruled as follows: "AFFIRMED, NO OPINION. See Rule 53(a)(1) and (a)(2)(F) ², Ala. R. App. P." See Petition, Appendix A.

² Ala. R. App. P. 53(a) provides in pertinent part as follows: "(a) **Affirmance Without Opinion.** The Supreme Court may affirm a judgment or order of a trial court if the court determines: (1) That an opinion in the case would serve no significant precedential purpose; and (2) That one of the following circumstances exists: ... (F) The court, after review of the record and the contentions of the parties, concludes that the judgment or order was entered without an error of law."

REASONS WHY WRIT SHOULD NOT ISSUE

Preliminary Statement

While Mark does not have a direct interest in sustaining the punitive damage award, Mark has filed this Brief in Opposition because of the following circumstances: (a) Petitioner has failed to provide this Court with a complete recitation of what happened in the court below: and (b) Watts may not have the financial ability³ to hire a member of this Bar to file a Brief in Opposition on his behalf.

1. Petitioner Was Provided a Meaningful Constitutional Review of the Punitive Damage Award at the Remittitur Hearing.

As stated above, the trial court conducted a hearing to determine whether the punitive damage award was constitutionally excessive. See Respondent's Brief, Appendix J. Petitioner was given the opportunity to offer evidence at the remittitur hearing to establish any of the *BMW of North America v. Gore* "Due Process" guideposts⁴.

³ Petitioner has failed to satisfy any of the judgments entered below.

⁴ In *BMW of North America Inc. v. Gore*, 517 U.S. 559, 575-585, 116 S.Ct. 1589, 1599-1604 (1996) this court established three (3) guideposts to be used by courts to determine whether a punitive damage award was constitutionally excessive: (1) the degree of reprehensibility of the defendant's conduct; (2) the disparity between the actual or potential harm suffered by the plaintiff and the punitive damages award; and (3) the difference between the punitive damages awarded by the jury and the civil penalties authorized or imposed in comparable cases.

At the remittitur hearing, Petitioner could have presented evidence to show one or more of the following:

- that his conduct was not reprehensible;
- that the ratio of punitive damages to actual harm was excessive; or
- that the \$800,000 punitive damages award was out of line with awards imposed in comparable cases.

Petitioner did not testify at trial, and he did not testify at the remittitur hearing. Petitioner did not otherwise offer any evidence at the remittitur hearing. See Respondent's Brief, Appendix J *in passim*.

At the remittitur hearing, the trial court expressed frustration that Petitioner failed to explain why he took Watts' inheritance. Respondent's Brief, Appendix J at A-11. The court explained:

THE COURT: But without him defending, he's just -- he's thumbed his nose at everybody.

Id. Instead, Petitioner advanced only two legal arguments at the remittitur hearing: (1) that the ratio of punitive damages to Watts' actual harm proved that the award violated due process; and (2) that he had already been punished by the loss of his law license, and therefore, he could not reoffend. *Id.* at A-10.

At the remittitur hearing, the trial court focused on the most significant *BMW of North America v. Gore* guidepost: the reprehensibility of Petitioner's conduct. Respondent's Brief, Appendix J at A-11. The

court explained that Petitioner had taken Watts' inheritance under false pretenses and had offered no reasonable explanation for his conduct. *Id.*

Moving to the next guidepost, the trial court also recognized that the ratio of the punitive damage award compared to Watts' actual harm was 2.2 to 1—not 7.8 to 1, as Petitioner argued below. *Id.* at A-9 to A-10, A-14. In *State Farm Mut. Auto. Ins. Co. v. Campbell*, 538 U.S. 408, 425, 123 S.Ct. 1513, 1524 (2003) this Court held that single digit ratios of punitive damages compared to actual harm are more likely to comport with due process.

Petitioner's loss of his law license had no bearing on the third *BMW of North America v. Gore* guidepost, which examined "the difference between the punitive damages awarded by the jury and the civil penalties authorized or imposed in comparable cases." *State Farm*, 538 U.S. at 418, 123 S.Ct. at 1520. Regardless, there was no evidence presented below that Petitioner lost his law license because he converted Watts' money.

In the appeal to the Alabama Supreme Court and before this Court, Petitioner argues that the trial court's denial of the remittitur without written explanation violated due process. In *TXO Production Corp. v. Alliance Resources Corp.*, 509 U.S. 443, 113 S.Ct. 2711 (1993) the trial court held a remittitur hearing to review a multi-million-dollar punitive damage award. In the Order, however, the trial court simply "Denied" the motion for remittitur, without explanation. That unexplained denial of the motion for remittitur was later challenged as a violation of due process. This Court held as follows:

The only basis for criticizing the trial judge's review of the punitive damages award is that he did not articulate his reasons for upholding it. He did, however, give counsel an adequate hearing on TXO's post-verdict motions, and during one colloquy indicated his agreement with the jury's appraisal of the egregious character of the conduct of TXO's executives. See n. 12, *supra*. While it is always helpful for trial judges to explain the basis for their rulings as thoroughly as is consistent with the efficient dispatch of their duties, we certainly are not prepared to characterize the trial judge's failure to articulate the basis for his denial of the motions for judgment notwithstanding the verdict and for remittitur as a constitutional violation.

TXO Production, 509 U.S. at 464-465, 113 S.Ct at 2724 (plurality opinion).

For the reasons stated above, Petitioner received a meaningful constitutional review of the punitive damage award rendered in this case. The Petition for a Writ of Certiorari therefore should be DENIED.

2. While *de novo* review of the trial court’s constitutional assessment of the punitive damage award is required, this Court has yet to require a written opinion explaining that review from the appellate court.

Petitioner argues that the affirmance without opinion from the Alabama Supreme Court was a denial of due process. See Petition at 4. In *BMW of North America v. Gore*, this Court required courts to conduct a meaningful review of a punitive damage award when challenged as unconstitutional using three (3) guideposts. In *Cooper Industries, Inc. v. Leatherman Tool Group, Inc.*, 532 U.S. 424, 121 S.Ct. 1678 (2001), this Court reaffirmed the importance of the three (3) guideposts set out in *BMW of North America v. Gore* and held that appellate courts must conduct *de novo* review of a trial court’s application of those guideposts in deciding whether a punitive damage award violates due process. *Cooper Industries*, 532 U.S. at 440–43, 121 S.Ct. at 1687–89.

Petitioner argues that the “silent affirmance in the face of a preserved federal due-process challenge is incompatible with *Cooper Industries*, which requires appellate courts to conduct *de novo* review of the constitutionality of punitive damage awards.” See Petition at 4. There was no silent affirmance in this case. The Alabama Supreme Court did not issue an Opinion because it would serve “no significant precedential purpose” and the court found that no error of law was present in this case. See Petition, Appendix A.

Petitioner has cited no case from this Court which mandates that an appellate court issue a written opinion explaining its *de novo* constitutional review of the punitive damage award. See Petition, *in passim*. Counsel for Mark can find no case from this Court requiring an appellate court to issue a written opinion explaining its *de novo* constitutional review of the punitive damage award. As this Court held in *TXO Productions*, due process is not violated simply because the court reviewing the constitutionality of a punitive damage award fails to explain the reason for its ruling. *TXO Production*, 509 U.S. at 464-465, 113 S.Ct at 2724 (plurality opinion).

For these reasons, the Petition for Writ of Certiorari is due to be DENIED.

CONCLUSION

For the foregoing reasons, the Petition for Writ of Certiorari should be DENIED

Respectfully submitted,

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APPENDIX I

**IN THE CIRCUIT COURT OF WALKER
COUNTY, ALABAMA**

Case No: 64- CV-2022-900190

**CHARLES RANDALL WATTS and
CHARLES RANDALL WATTS as
EXECUTOR OF ESTATE OF SONYA
YVONNE WATTS, deceased
Plaintiffs,**

v.

**MARK E. WILSON, ROBERT T.
WILSON, Jr., and WILSON &
WILSON ATTORNEYS &
COUNSELORS, P.C.,
Defendants.**

**DEFENDANT ROBERT T. WILSON MOTION
FOR REMITTITUR UNDER ALABAMA RULE
59(f)**

DEFENDANT'S MOTION FOR REMITTITUR

COMES NOW the Defendant, Robert T Wilson,
by and through undersigned counsel, and respectfully
moves this Court to order a remittitur of the punitive
damages award rendered by the jury in this case. In
support of this motion, the Defendant states as
follows:

Factual Background

1. In the instant case, the Court awarded Plaintiff compensatory damages in the amount of \$167,000. However, the jury also awarded punitive damages in the amount of \$1.3 million, which represents a punitive-to-compensatory ratio of approximately 7.8:1.

Alabama Law on Excessive Punitive Damages

2. Under Alabama law, punitive damages must be reasonable and proportionate to the actual harm suffered by the plaintiff. Excessive punitive damages violate both state law and constitutional due process protections, which aim to prevent grossly disproportionate punishments.

Applicable Standards for Remittitur

3. The U.S. Supreme Court has established guideposts for determining whether punitive damages are excessive in *BMW of North America, Inc. v. Gore*, 517 U.S. 559 (1996), which Alabama courts have adopted. These guideposts include:

- a. The degree of reprehensibility of the defendant's conduct;
- b. The ratio of punitive damages to actual harm suffered by the plaintiff; and
- c. A comparison of the punitive damages awarded to civil or criminal penalties that could be imposed for similar misconduct.

The Punitive Damages Award is Excessive

4. a. Reprehensibility of Defendant's Conduct: While the Defendant recognizes the jury's finding of liability, the conduct in question does not rise to the highest levels of reprehensibility that would justify such a significant punitive award.

b. Ratio of Punitive to Compensatory Damages: Alabama courts have often considered ratios exceeding 3:1 to be suspect. Here, the punitive award of \$1.3 million far exceeds this guideline, resulting in a ratio of 7.8:1, which the Defendant contends is excessive and unsupported by the facts of this case.

c. Comparison to Statutory Penalties: The punitive damages awarded by the jury greatly exceed any potential civil or criminal penalties for comparable conduct under Alabama law, further highlighting the award's excessiveness.

5. For the foregoing reasons, the Defendant respectfully requests that this Court grant a remittitur to reduce the punitive damages award to an amount proportionate to the actual damages awarded, consistent with Alabama law and constitutional due process requirements.

WHEREFORE PRESUMES CONSIDERED, the Defendant respectfully requests that this Court reduce the punitive damages award to an amount within a reasonable and constitutionally permissible range, and for such other and further relief as the Court deems just and proper.

Respectfully submitted,

/s/ Tim Allen

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Counsel for Defendant

CERTIFICATE OF SERVICE

I hereby certify that I have served a true and correct copy of the above and foregoing document upon all counsel and pro se parties via electronic filing, hand delivery or United States Mail, postage prepaid and properly affixed, on this day.

/s/ Tim Allen

ELECTRONICALLY FILED

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64-CV-2022-900190.00

CIRCUIT COURT OF

WALKER COUNTY, ALABAMA

SUSAN ODOM, CLERK

APPENDIX J

**STATE OF ALABAMA
IN THE CIRCUIT COURT OF WALKER COUNTY
14TH JUDICIAL CIRCUIT**

CASE NO.: 64-CV-2022-900190

**CHARLES RANDALL WATTS and
CHARLES RANDALL WATTS AS
EXECUTOR OF THE ESTATE OF
SONYA YVONNE WATTS, deceased,
Plaintiffs,**

V.

**MARK E. WILSON, ROBERT T.
WILSON, JR., and WILSON &
WILSON ATTORNEYS &
COUNSELORS, P.C.,**

Defendants.

**OFFICIAL TRANSCRIPT
Proceedings held December 10, 2024 before Circuit
Judge Gregory M. Williams
Court Reporter: Alana Blalock, CCR
Official Court Reporter ACCR #473, Exp. 9/30/2025**

A P P E A R A N C E S

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P R O C E E D I N G S

THE COURT: Now, Charles Watts versus Mark Wilson, a slough of motions. Y'all come on up.

All right. Mr. Allen, they are your motions. Where is your client?

MR. TIMOTHY ALLEN: I don't know, Your Honor.

THE COURT: Okay. I was just curious. He hasn't shown up for anything, so.

MR. TIMOTHY ALLEN: I understand, Your Honor. I'm sorry. I don't have an answer for him.

THE COURT: No. It's not -- hey, Tim, we can't make excuses for our clients.

MR. TIMOTHY ALLEN: Your Honor, the first one I'd like to address would be our motion for a new trial under Rule 59. Our argument here I think was made in a similar argument in a motion in limine.

As you know, my client has gone through a number of attorneys throughout this process. I was brought on literally the day before this thing was set for trial in September. I did ask for a continuance; the Court granted us a continuance.

We were set again for three weeks later, October 7th, which was 21 days from the original trial date. And while we appreciate that continuance -- and I certainly did the best I could, given the length of this trial, the number of documents that were filed in the previous two years before I was involved, there was no possible way for me to fully prepare for this trial. And I feel that based on the lack of time to prepare, regardless of what the rationale was for it, that we are entitled to a new trial.

THE COURT: Any response from --

MR. JUDSON ALLEN: Yes, sir, Your Honor. Judd Allen for Plaintiff. It's not the attorney that should be put out, because he didn't get the time; it's the client. And he had notice after notice after notice after continuance after continuance after continuance. And the fact that he couldn't keep an attorney shouldn't prejudice the Plaintiffs. And there's some argument about not being able to do discovery, and there was some discovery deadlines in the pretrial order -- but we, in court, if you remember, during one of those --

that motion to continue offered we could put our clients up for deposition. And no motions were filed to do anything -- do any discovery to excuse the Plaintiff -- or Mr. Bob Wilson from -- or his firm from maybe getting a -- setting aside the scheduling order or giving him some discovery, so that wasn't asked for. But he definitely, without even asking for, we would have made our clients available. And I think that was even said at a hearing or a status conference on this matter.

And so the case -- it wasn't like the case was a six-month old case. It was two years I believe or more. Do you remember, Doug, how old was case was?

THE COURT: Two years. Look,

MR. JUDSON ALLEN: So that's --

THE COURT: I think that everybody bent over backward, Tim, to try to help Mr. Wilson.

MR. TIMOTHY ALLEN: Yes, sir.

THE COURT: I mean, I gave him multiple opportunities through his attorney to respond properly to a motion for summary judgment; that response was never made. I did continue the trial several times.

He hired you at the last minute, and I can't speculate why, but I couldn't serve our community and help -- and let these folks -- have the Watts have their day in court with Mr. Wilson having shown a propensity for when it came down to it when the trial was set, he was probably going to fire you and ask for another continuance.

MR. TIMOTHY ALLEN: Yes, sir.

THE COURT: And that just wouldn't be fair to you, wouldn't have been fair to anybody. So, no, I'm going to deny that.

Now, what is this dispositive motion and motion for remitter? What are these about?

MR. TIMOTHY ALLEN: Your Honor, the motion for remitter is about the amount of punitive damages relative to --

THE COURT: Oh, yeah.

MR. TIMOTHY ALLEN: -- the compensatory damages. In this case, the compensatory damages that were awarded were 167,000. They --

THE COURT: That's all right.

MR. TIMOTHY ALLEN: I have no idea what's going on with this new phone of mine.

Anyway, the compensatory damages were 167,000. The jury awarded 1.3 million in punitive damages, which is a ratio that comes out to about 7.8 to 1. Under Alabama law, punitive damages must be reasonable and proportionate to the actual harm suffered by the Plaintiff. That excess of punitive damages violate both state law and constitutional due process protections, that the U.S. Supreme Court has established guideposts for determining whether punitive damages are excessive in *BMW North America versus Gore*, 517 U.S. 559, a 1996 case the Alabama Courts have adopted. The guidepost include the degree of reprehensibility of a Defendant's conduct, the ratio of punitive damages to actual harm

suffered by the Plaintiff and a comparison of the Plaintiff -- of the punitive damages awarded to civil or criminal penalties that could be imposed for similar misconduct.

Your Honor, as it was testified to in court by some of the parties that I questioned and highlighted in my closing argument, we know the purpose for punitive damages is to punish, is to make sure that a cause of action or a series of actions are not repeated or to deter them. Mr. Wilson has lost his law license. He will not be able to be put into a situation where he can manipulate someone from a guardianship or estate or papers that he has drawn up --

MR. JUDSON ALLEN: Judge, I do -- I will object to the point that these are facts that are not in evidence. For the record, at least I would ask you not to consider them since there was no testimony to that.

THE COURT: Yeah. That's the problem you have, Tim. We legally do not know whether he lost his law license. Now, we know --

MR. JUDSON ALLEN: Well, I believe that's true. But whether or not he can get it again or whether or not he or the other things, because I know Mr. Mark Wilson testified that Bob told him he lost his license, which we know that to be true, but whether or not he can get it again, work again or be put in that -- put somebody else in that position is not in evidence.

THE COURT: Yeah. And the punishment is directly related to what he did to these folks. He took their money, and he took it under false pretenses. And the jury decided we're going to punish this person. I don't find that it be excessive at all. So, I mean, and it --

again, Tim, you're doing as good a job as you can, but if he would have come in and at least defended himself and give me some basis for saying, yeah, you know, this is the reason why I did it and I was trying to help other folks and this that and the other, you'd have a basis for some of this.

MR. TIMOTHY ALLEN: Yes, sir.

THE COURT: But without him defending, he's just -- he's thumbed his nose at everybody.

MR. TIMOTHY ALLEN: Yes, sir.

THE COURT: And it's just -- it's disheartening to the legal community because it reflects on y'all.

MR. TIMOTHY ALLEN: Yes, sir.

THE COURT: All right. What is -- and then the motion about him not coming to trial because he said he was doing hurricane relief, well, that's -- that's not in evidence. I mean, there's no way anybody could testify to that.

MR. TIMOTHY ALLEN: Yes, sir. My last motion was just to renew as I'm required to do my motion for the judgment as a matter of law.

THE COURT: Yeah.

MR. TIMOTHY ALLEN: I know we've talked about the Legal Services Liability Act and whether or not Mr. Wilson was acting as an attorney throughout this process, but in the complaint filed by the Plaintiff in Paragraph 22 they allege that Robert T. Wilson, Jr., and Wilson & Wilson had a duty as attorneys to act ethically and reasonably. So they alleged in their

complaint that they believed this was -- he was acting as an attorney at some point in this situation, and that the money was allegedly converted via negligence and wantonness and was deposited into the attorney trust account of Wilson & Wilson. Now, if, in fact, we go by their assertions in the complaint, then this should have been filed as a complaint under the Legal Services Act, because that is the sole remedy for a person to file against -- for a cause of action against a legal services provider in the courts of Alabama, that they failed to file that as a cause of action in this matter. And that because they failed to file it as a proper cause of action in this matter that that basically renders the complaint void as a matter of law, because this is the exclusive remedy.

THE COURT: Didn't I deny this already at trial?

MR. TIMOTHY ALLEN: We -- at pretrial I believe, yes, sir, Your Honor.

THE COURT: Uh-huh.

MR. TIMOTHY ALLEN: But I bring it up now because after trial, obviously, the Court has been presented with other things.

THE COURT: So post-trial, I'll deny it again.

MR. TIMOTHY ALLEN: Yes, sir.

THE COURT: All right. That will give you whatever step you need to take next.

MR. TIMOTHY ALLEN: Yes, sir. And we've already discussed punitive damages, which is the second half of that.

THE COURT: Now, Mark Wilson filed a charging order. What is this about?

MR. CENTENO: Yes, sir; yes, sir. We filed a motion for charging order. Basically, Judge, there is a LLC that Mr. Wilson owns an interest in. And in order for us to attach that interest in the LLC under the statute, the LLC statute, we need a charging order. The purpose of which would be if there was ever a distribution that came from the LLC, the only way for us to get that distribution is by way of a charging order. It's basically a garnishment, but it's an order of the Court.

THE COURT: All right. So if you'll e-mail April something, I'll take a look at it.

MR. CENTENO: All right.

THE COURT: Have y'all filed anything in probate?

MR. JUDSON ALLEN: Yes, sir, we have. Judge, for the record, in case this case is appealed, I would like to respond to the punitive damages. The punitive damages it's not -- it wasn't just 167,000 in compensatory, it was 167,000 and then 200,000 mental anguish. Judge, mental anguish is not a punitive damage. So the punitive damages was 800,000, so that is a 2.2 --

THE COURT: That's well within the range of what it can be.

MR. JUDSON ALLEN: Yes, sir. And for furthermore, I had called a witness -- because at trial it may not -- it may have been too prejudicial to determine -- because the reprehensibility of Mr. Wilson's acts, but the rule on punitive damages, especially in a motion

like this, allows other instances of misconduct to -- so it can even further the -- even provide more evidence of the reprehensibility of Mr. Wilson's conduct along with -- that's the Number 1 issue, the ratio was that we just talked about.

And there -- the other issue civil or criminal penalties for comparable misconduct, there was no evidence of any civil or criminal, so that doesn't get there.

So I would like to call my one witness for about a minute.

THE COURT: For what?

MR. JUDSON ALLEN: To put on the evidence of her -- of the other reprehensible conduct of other acts.

THE COURT: I don't need that. The jury's already decided. You can't put any more evidence in.

MR. JUDSON ALLEN: Okay.

THE COURT: Yeah. The jury has made their decision. It's well within BMW.

MR. JUDSON ALLEN: Yes, it is. I was just going to -
- I had her prepared to come --

THE COURT: She can't testify without a -- I mean, that should have been the case in chief.

MR. JUDSON ALLEN: Well, it -- you -- it was denied in case in chief, but there -- when there's a post-judgment motion on the reasonableness of punitive damages, that evidence is allowed, and that's why I have brought her today.

THE COURT: I'm not comfortable with that.

MR. JUDSON ALLEN: Okay.

THE COURT: The jury made their decision, and we'll go from there. If Mr. Wilson decides to appeal, he's fine for it.

MR. JUDSON ALLEN: Okay. I'll make a proffer that Lee McDonald is here to testify that Mr. Wilson -- she hired Mr. Wilson to obtain money through a quadro in a federal court filing, that Mr. Wilson told her to leave the money with her because she was getting a divorce.

THE COURT: Then why didn't she bring a lawsuit against him?

MR. JUDSON ALLEN: She has tried.

THE COURT: That's a totally different case, isn't it?

MR. JUDSON ALLEN: It happened at the same time.

THE COURT: Yeah, but it's a totally different case. I'm not going to hear any more about Mr. Wilson's shenanigans. I'm curious as to why the State hasn't brought charges against him.

MR. JUDSON ALLEN: That's one of the questions I had, which makes the other point, not on the civil or criminal penalties for misconduct not at issue because there's no evidence of it.

THE COURT: Yeah.

MR. JUDSON ALLEN: Okay.

THE COURT: He -- like I said, we had a jury trial, the jury came back with their decision.

Let's move on from there. All right. Good luck to you.

MR. JUDSON ALLEN: Thank you.

MR. TIM ALLEN: Thank you, Your Honor. (End of the proceedings.)

CERTIFICATE OF COMPLETION OF
TRANSCRIPT ON APPEAL

IN THE SUPREME COURT OF ALABAMA
Appeal No. SC-2025-0032

ROBERT T. WILSON, JR., and,
WILSON & WILSON ATTORNEYS
AND COUNSELORS, P.C.

Appellants,

V.

MARK E. WILSON, CHARLES
RANDALL WATTS, INDIVIDUALLY,
CHARLES RANDALL WATTS, as
EXECUTOR OF THE ESTATE OF
SONYA YVONNE WATTS, DECEASED

Appellees.

I, Alana Blalock, a duly licensed court reporter in the State of Alabama, as evidenced by my license number and expiration date at the bottom of this certificate, hereby certify that, as required by the Alabama Rules of Appellate Procedure, have this date completed and electronically filed with the Clerk of the Trial Court a true and correct transcript of the evidence and matters designated by the parties as required by the Rules of Appellate Procedure. All pages are numbered serially in the upper right corner of the page, prefaced by an index, and ending with the number appearing at the top of this certificate.

I certify a copy of this certificate has been sent this date via U.S. Mail to the Clerk of the Supreme Court

of Alabama, and a copy emailed to the counsel for each of the parties, along with the Index.

Dated this the 16th day of June, 2025.

Alana Blalock, CCR
ACCR #473, Exp. 9/30/2025