

Small Claims Petition

NO. 198100313719

Deer Park Paint & Body

§ In the Justice Court of Harris County, Texas

Plaintiff(s)

§ Precinct 8 Place 1

vs.

§ Judge Holly Williamson

State Farm Mutual Automobile Insurance Company

§ 7330 Spencer Hwy

Defendant(s)

§ Pasadena, TX 77505

Plaintiff: Deer Park Paint & Body

Describe the legal nature of the plaintiff (e.g., individual, sole proprietorship, partnership, corporation)

Corporation

Defendant: State Farm Mutual Automobile Insurance Company

Address: One State Farm Plaza

City: Bloomington

State: IL

Zip: 61710

Date of Birth (if applicable):

Describe the legal nature of the defendant (e.g., individual, sole proprietorship, partnership, corporation)

Corporation

*Defendant may be served by serving CORPORATION SERVICE COMPANY

(state the name of the defendant if defendant is an individual, or state the name and title of the person who is authorized to receive service of process for the defendant if defendant is a partnership, limited partnership, corporation, or limited liability company), who may be served at 211 E 7TH ST STE 620, AUSTIN, TX 78701

(state the address for service of process).

The defendant's usual place of business or residence, or other place where defendant can probably be found is Same as above

Cause of Action

(State the cause of action in plain and concise language, sufficient to give fair notice of the claim and to provide enough information to enable the defendant to prepare a defense. You may include information showing venue is proper in the Justice of the Peace Precinct in which you are filing. If you are seeking personal property, you must describe the property and state the value of the property.)

Tortious interference with a contract to repair a vehicle on the following claims, 53- [redacted], 53- [redacted]

53- [redacted] 53- [redacted] 53- [redacted]

Relief Requested (Describe the relief you are requesting, itemizing the amount of damages you are seeking.)

Payment of all reasonable and necessary charges on above claims to put vehicles back into pre-accident condition in the amount of \$10,000.00

Respectfully submitted,

Larry Cernosek

Signature of Plaintiff or Plaintiff's Attorney of Record

Printed Name: Larry Cernosek

State Bar No.

Address: 4527 Red Bluff Rd, Pasadena, TX 77503

Telephone: 281-930-0233

Fax Number: 281-930-9904

E-Mail Address: LCWRECKER@COMCAST.NET

Plaintiff consents to the e-mail service of the answer and any other motions or pleadings to this e-mail address.


JUSTICE COURT CIVIL CASE INFORMATION SHEET (4/13)

CAUSE NUMBER (FOR CLERK USE ONLY): _____

STYLED Deer Park Paint & Body v. State Farm Mutual Automobile Insurance Company

(e.g., John Smith v. All American Insurance Co; In re Mary Ann Jones; In the Matter of the Estate of George Jackson)

A civil case information sheet must be completed and submitted when an original petition is filed to initiate a new suit. The information should be the best available at the time of filing. This sheet, required by Rule of Civil Procedure 502, is intended to collect information that will be used for statistical purposes only. It neither replaces nor supplements the filings or service of pleading or other documents as required by law or rule. The sheet does not constitute a discovery request, response, or supplementation, and it is not admissible at trial.

<p>1. Contact information for person completing case information sheet:</p> <p>Name: <u>Larry Cernosek</u> Telephone: <u>281-930-0233</u></p> <p>Address: <u>4527 Red Bluff Rd</u> Fax: <u>281-930-9904</u></p> <p>City/State/Zip: <u>Pasadena, TX 77503</u> State Bar No: _____</p> <p>Email: <u>LCWRECKER@COMCAST.NET</u></p> <p>Signature: </p>	<p>2. Names of parties in case:</p> <p>Plaintiff(s): <u>Deer Park Paint & Body</u></p> <p>Defendant(s): <u>State Farm Mutual Automobile Insurance Company</u></p> <p>[Attach additional page as necessary to list all parties]</p>				
<p>3. Indicate case type, or identify the most important issue in the case (select only 1):</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 5px;"> <input type="checkbox"/> Debt Claim: A debt claim case is a lawsuit brought to recover a debt by an assignee of a claim, a debt collector or collection agency, a financial institution, or a person or entity primarily engaged in the business of lending money at interest. The claim can be for no more than \$10,000, excluding statutory interest and court costs but including attorney fees, if any. </td> <td style="width: 50%; padding: 5px;"> <input type="checkbox"/> Eviction: An eviction case is a lawsuit brought to recover possession of real property, often by a landlord against a tenant. A claim for rent may be joined with an eviction case if the amount of rent due and unpaid is not more than \$10,000, excluding statutory interest and court costs but including attorney fees, if any. </td> </tr> <tr> <td style="width: 50%; padding: 5px;"> <input type="checkbox"/> Repair and Remedy: A repair and remedy case is a lawsuit filed by a residential tenant under Chapter 92, Subchapter B of the Texas Property Code to enforce the landlord's duty to repair or remedy a condition materially affecting the physical health or safety of an ordinary tenant. The relief sought can be for no more than \$10,000, excluding statutory interest and court costs but including attorney fees, if any. </td> <td style="width: 50%; padding: 5px;"> <input checked="" type="checkbox"/> Small Claims: A small claims case is a lawsuit brought for the recovery of money damages, civil penalties, personal property, or other relief allowed by law. The claim can be for no more than \$10,000, excluding statutory interest and court costs but including attorney fees, if any. </td> </tr> </table>		<input type="checkbox"/> Debt Claim: A debt claim case is a lawsuit brought to recover a debt by an assignee of a claim, a debt collector or collection agency, a financial institution, or a person or entity primarily engaged in the business of lending money at interest. The claim can be for no more than \$10,000, excluding statutory interest and court costs but including attorney fees, if any.	<input type="checkbox"/> Eviction: An eviction case is a lawsuit brought to recover possession of real property, often by a landlord against a tenant. A claim for rent may be joined with an eviction case if the amount of rent due and unpaid is not more than \$10,000, excluding statutory interest and court costs but including attorney fees, if any.	<input type="checkbox"/> Repair and Remedy: A repair and remedy case is a lawsuit filed by a residential tenant under Chapter 92, Subchapter B of the Texas Property Code to enforce the landlord's duty to repair or remedy a condition materially affecting the physical health or safety of an ordinary tenant. The relief sought can be for no more than \$10,000, excluding statutory interest and court costs but including attorney fees, if any.	<input checked="" type="checkbox"/> Small Claims: A small claims case is a lawsuit brought for the recovery of money damages, civil penalties, personal property, or other relief allowed by law. The claim can be for no more than \$10,000, excluding statutory interest and court costs but including attorney fees, if any.
<input type="checkbox"/> Debt Claim: A debt claim case is a lawsuit brought to recover a debt by an assignee of a claim, a debt collector or collection agency, a financial institution, or a person or entity primarily engaged in the business of lending money at interest. The claim can be for no more than \$10,000, excluding statutory interest and court costs but including attorney fees, if any.	<input type="checkbox"/> Eviction: An eviction case is a lawsuit brought to recover possession of real property, often by a landlord against a tenant. A claim for rent may be joined with an eviction case if the amount of rent due and unpaid is not more than \$10,000, excluding statutory interest and court costs but including attorney fees, if any.				
<input type="checkbox"/> Repair and Remedy: A repair and remedy case is a lawsuit filed by a residential tenant under Chapter 92, Subchapter B of the Texas Property Code to enforce the landlord's duty to repair or remedy a condition materially affecting the physical health or safety of an ordinary tenant. The relief sought can be for no more than \$10,000, excluding statutory interest and court costs but including attorney fees, if any.	<input checked="" type="checkbox"/> Small Claims: A small claims case is a lawsuit brought for the recovery of money damages, civil penalties, personal property, or other relief allowed by law. The claim can be for no more than \$10,000, excluding statutory interest and court costs but including attorney fees, if any.				

Instruction: A plaintiff requesting a default judgment must provide to the Clerk in writing the last known mailing address of the defendant. This notice must be filed at or before the time the default judgment is signed. The clerk must immediately mail written notice of the default judgment to the defendant at the address provided. **Rule 503.1**

NO. _____

<u>Deer Park Paint & Body</u>	§	IN THE JUSTICE COURT OF
_____	§	HARRIS COUNTY, TEXAS
PLAINTIFF(S)	§	PRECINCT <u>8</u> PLACE <u>1</u>
VS.	§	<u>Judge Holly Williamson</u>
<u>State Farm Mutual Automobile</u>	§	<u>7330 Spencer Hwy</u>
<u>Insurance Company</u>	§	<u>Pasadena, TX 77505</u>
DEFENDANT(S)	§	

NOTICE OF DEFENDANT'S LAST KNOWN MAILING ADDRESS

The undersigned certifies that the last known mailing address of the defendant against whom a default judgment is taken in this case is:

Defendant's name: State Farm Mutual Automobile Insurance Company

Defendant's last known mailing address:

One State Farm Plaza, Bloomington, IL 61710

Submitted on 8-2-19



(Signature of Plaintiff or Plaintiff's Attorney of Record)

Printed Name: Larry Cernosek

Address: 4527 Red Bluff Rd

Pasadena, TX 77503

Telephone: 281-930-0233

Fax: 281-930-9904

E-Mail: LCWRECKER@COMCAST.NET

Instructions: The Servicemembers Civil Relief Act applies to a civil proceeding in the Justice Courts. Before entering a default judgment against an individual defendant, the plaintiff must file with the court an affidavit stating whether or not the defendant is in the military service, showing necessary facts to support the affidavit, or stating that the plaintiff is unable to determine whether or not the defendant is in military service, if that is the case. The requirement for an affidavit may be satisfied by a written, signed document declared to be true under penalty of perjury. If it appears that the defendant is in military service, the court may not enter a judgment until after the court appoints an attorney to represent the defendant. If the court is unable to determine if the defendant is in military service, the court may require plaintiff to file a bond in an amount approved by the court.

A person who makes or uses an affidavit under this Act knowing it to be false, may be fined or imprisoned or both. 50 U.S.C. App. 501 et seq. To obtain certificates of service or non-service under the Servicemembers' Civil Relief Act, you may access the public website: <https://www.dmdc.osd.mil/appi/scru/scraHome.do>. This website will provide the current active military status of an individual.

Military Status Affidavit

Case No. _____ § In the Justice Court of
Deer Park Paint & Body § Harris County, Texas
Plaintiff §
vs. §
State Farm Mutual Automobile Insurance Company § Precinct 8, Place 1
Defendant §

BEFORE ME, on this day personally appeared, Larry Cernosek,
who, under penalty of perjury, stated that the following facts are true:

I am the Plaintiff attorney of record for the Plaintiff in this proceeding.

_____, Defendant, is **not** in military service.

_____, Defendant, is in military service.

I know this because They are a corporation

I am unable to determine whether or not the Defendant is in military service.

Signed on 8-2-19

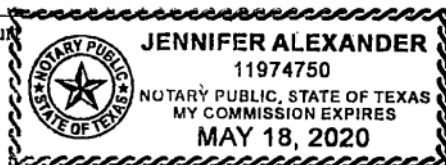
Larry Cernosek
Signature
Printed Name: Larry Cernosek
Address: 4527 Red Bluff Rd
Pasadena, TX 77503
Telephone: 281-930-0233
Fax: 281-930-9904
E-Mail Address: LCWRECKER@COMCAST.NET

THE STATE OF TEXAS §

COUNTY OF HARRIS §

SWORN TO AND SUBSCRIBED BEFORE ME on August 2, 2019

Clerk of the Court



NOTARY PUBLIC, State of Texas

State Farm 53 [REDACTED]

Adm \$225.00

Detail \$225.00

Sheet Metal 34.0 x 14.00 \$476.00

Refinish 37.0 x 14.00 \$449.40

Paint & Materials 28.1 x 17.00 \$477.70 + TAX 39.41 \$517.11

Add Denite & Buff Painted Area 8.0 sq \$480.00

P + M 8.0 x \$50.00 400.00 + TAX 33.00 433.00

53 [REDACTED] \$2805.51

Adm \$225.00

Detail \$225.00

Sheet metal 21.9 x 14.00 \$306.60

Refinish 9.8 x 14.00 \$137.20

Denite & Finesse additional 1.0 \$60.00

Paint Materials additional \$50.00

Paint Materials 8.8 x 17.00 \$149.60 + TAX 17.34 \$166.94

\$1165.74

\$9319.22

State Form 53- [redacted]

Adm \$225.00

Detail \$225.00

Sheet Metal ⁻³ 12.0 x 14.00 \$168.00

Refinish ^{Denib + Buff} 5.6 + 1.0 6.6 x 14.00 \$92.40

P4M 6.6 x 50.00 \$330.00 - 153.60 = \$176.40 + 14.55 TX

Tow to alignment shop \$130.00 \$1031.35

53- [redacted]

Adm \$225.00

Only paid 225.00 of Tow Invoice \$211.60 due

Car Rental \$1300.00 due

Detail \$225.00 due

Sheet Metal -141.00

Denib & Buff ^{Painted Area} 2.0 Ref \$120.00

Mech/Elec \$711.50

Paint & Materials \$380.00 \$179.20 = \$200.80 + TAX 16.57

\$2869.47

53- [redacted]

Detail \$225.00

Administration \$225.00

Flex addative \$12.00 + TAX 299 = 12.99

Denib & Buff ^{Painted Area} 3.5 Ref \$210.00

Paint & Materials 625.00 - 292.00 = \$323.00 + TAX 27.06 ^{\$350.06}

Sheet Metal 22.9 x \$14.00 \$320.60

Refinish 9.0 x 14.00 \$126.00

Line 29 Frame Time 2.5 x 75.00 \$187.50 \$115.00 = \$7250

\$1547.15