

98

2005-61452

NO. \_\_\_\_\_

ASSESSED
ENTERED _____
VERIFIED _____

THE MENDEL LAW FIRM, L.P.

§  
§  
§  
§  
§

IN THE DISTRICT COURT OF

V.

HARRIS COUNTY, TEXAS

DAWN R. BRADLEY

59 JUDICIAL DISTRICT

**Original Petition**

FILED  
 CHARLES BACARISSE  
 DISTRICT CLERK  
 HARRIS COUNTY, TEXAS  
 2005 SEP 27 AM 8:03  
 DEPUTY  
 OBC AREY

TO THE HONORABLE JUDGE OF SAID COURT:

Plaintiff, The Mendel Law Firm, L.P., files its original petition and in support thereof, would respectfully show the Court as follows:

**I. Discovery Control Plan – Level 3**

As required by TEX R. CIV. P. 190.1, petitioner alleges that discovery should be conducted under Level 3, as set forth under TEX R. CIV. P. 190.4.

**II. Parties**

2.01. Plaintiff, The Mendel Law Firm, L.P. (“MLF”), is a Texas limited partnership, with its principal place of business in Harris County, Texas. All pleas, pleadings, motions, discovery, and other instruments may be served on The Mendel Law Firm, L.P. at 1155 Dairy Ashford, Suite 104, Houston, TX 77079, tel: 281-759-3213, fax: 281-759-3214.

2.02. Defendant, Dawn R. Bradley (“Ms. Bradley”), is an individual who resides in Polk County, Texas. Service of citation on Ms. Bradley can be made at her home, which is 353 Harmon Street, Livingston, TX 77351, or such other place as she may be found in the State of Texas.

**III. Jurisdiction**

3.01. This case involves causes of action for breach of contract, quantum meruit, and fraud.

3.02. Jurisdiction is proper pursuant to Article 5, § 16 of the Texas Constitution, and the TEX. GOV'T CODE ANN. The amount in controversy exceeds the minimum jurisdictional limits of this Court.

#### **IV. Venue**

Venue is proper in Harris County as provided by TEX. CIV. PRAC. & REM. CODE ANN. § 15.002(a)(1), as plaintiff's causes of action arose in whole or in substantive part in Harris County, Texas.

#### **V. Facts**

5.01. In or about July 2004 through March 2005, MLF provided legal services to Ms. Bradley, the result of which included obtaining title to a lake house located at 353 Harmon Street, Livingston, TX 77351. The lake house was previously owned by Ms. Bradley's former husband, Richard Moore.

5.02. Ms. Bradley agreed to pay cash for the expenses incurred by MLF. Compensation for fees was to be handled differently. As a former employee of MLF, and someone who handled the billing for MLF, Ms. Bradley knew the expenses were just, true, and due.

5.03. Ms. Bradley failed to pay MLF for the expenses advanced, despite repeated promises that such expenses would be paid.

5.04. A demand for payment was made more than thirty (30) days before the filing of this suit, in compliance with TEX. CIV. PRAC. & REM. CODE ANN. § 38.001, *et. seq.* All conditions precedent have been performed or have occurred as required by TEX. R. CIV. P. 54.

## **VI. Breach of Contract**

6.01. Plaintiff incorporates by reference paragraphs 5.01-5.04 as though stated in full herein.

6.02. The parties had an agreement that MLF would provide services and that Ms. Bradley would pay for those services. MLF fully performed all conditions, covenants, and promises required under its contract with Ms. Bradley. There remains due and owing the sum of \$6,676.60, on which a proper demand was made.

6.03. Ms. Bradley refused to pay what is due under the parties' agreement. Such failure constitutes breach of contract, and which breach caused damage to MLF.

## **VII. Quantum Meruit**

7.01. Plaintiff incorporates by reference paragraphs 5.01-5.04 as though stated in full herein.

7.02. If, in the alternative, there is not a valid contract on which to maintain a breach of contract action, then MLF is entitled to recover under the doctrine of quantum meruit. MLF rendered valuable services, which Ms. Bradley knowingly accepted and used, and for which Ms. Bradley knew that MLF expected to be paid and was not. The reasonable value of the services provided and for which MLF has not been paid is \$6,676.60.

## **VIII. Fraud**

8.01. Plaintiff incorporates by reference paragraphs 5.01-5.04 as though stated in full herein.

8.02. Ms. Bradley promised and/or represented, among other things, that she would pay the balance due MLF. The foregoing representations, promises, and/or admissions by Ms. Bradley were false or the promises were made without the intent to perform the promises. Ms. Bradley knew the representations, promises, and/or admissions were false when made or made the representations, promises, and/or admissions in reckless disregard of whether or not they were true. The

representations, promises, and/or admissions were made to induce MLF to undertake and/or continue its representation of Ms. Bradley. MLF justifiably and reasonably relied on the representations, promises, and/or admissions and incurred damages proximately caused by such reliance.

8.03. Ms. Bradley's conduct constitutes fraud and was recklessly, willfully, wantonly, intentionally, maliciously, and knowingly done. Accordingly, MLF seeks exemplary damages as provided by law.

### **IX. Attorneys' Fees**

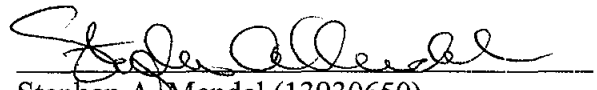
9.01. Plaintiff incorporates by reference paragraphs 5.01-8.03 as though stated in full herein.

9.02. As a result of Ms. Bradley's conduct, MLF found it necessary to file this lawsuit. MLF seeks to be reimbursed its reasonable attorneys' fees as permitted by TEX. CIV. PRAC. & REM. CODE ANN. § 38.001.

### **X. Prayer**

Plaintiff requests that Ms. Bradley be cited to appear and answer and that on final hearing plaintiff receive its actual damages, exemplary damages, prejudgment and post-judgment interest as allowed by law, attorneys' fees, costs of court, and such other and further relief, general or special, legal or equitable, to which plaintiff may be entitled.

Respectfully submitted,



Stephen A. Mendel (13930650)

Bradley E. Featherston (24038892)

The Mendel Law Firm, L.P.

1155 Dairy Ashford, Suite 104

Houston, Texas 77079

Tel: 281-759-3213

Fax: 281-759-3214

Attorneys for the Plaintiffs

Unofficial Copy Office of Marilyn Burgess District Clerk



COUNTY AUDITOR'S FORM/9999A  
HARRIS COUNTY, TEXAS (REV. 10/99)

OFFICIAL RECEIPT

1 NO 134959

# CHARLES BACARISSE DISTRICT CLERK

ACTION: ADDITIONAL SERVICE      CASE: C-200561452      TRANS NO: 7446824      COURT: 55  
STYLE PLT: MENDEL LAW FIRM L P

DEF: BRADLEY, DAWN R

FEE	DESCRIPTION	QTY	AMOUNT	PAYMENT 1	CHECK	3068	
	121 CITATION WITH 1 COPY	1	8.00	PAYMENT 2			8.00

AMOUNT TENDERED: -----  
TOTAL AMOUNT: 8.00  
AMOUNT APPLIED: 8.00  
CHANGE: .00



RECEIVED MENDEL LAW FIRM L P  
OF 1155 DAIRY ASHFORD 104 (LFI11161)  
HOUSTON, TX 77079  
EIGHT DOLLARS AND 0/100\*\*\*\*\* DOLLARS  
PAYMENT DATE: 01/25/2006      FILE DATE: 09/27/2005

ASSESSED BY: WILLIAMS, SAMUEL JOHN  
VALIDATED 01/30/2006 BY: THOMPSON, MARY E



COUNTY AUDITOR'S FORM/99  
HARRIS COUNTY, TEXAS (REV. 0/99)

OFFICIAL RECEIPT

2 NO 245080

# CHARLES BACARISSE DISTRICT CLERK

ACTION: BREACH OF CONTRACT  
STYLE PLT: MENDEL LAW FIRM L P

CASE: C-200561452

TRANS NO: 7341296

COURT: 55

DEF: BRADLEY, DAWN R

FEE DESCRIPTION	QTY	AMOUNT	PAYMENT 1	CHECK	2707	
100 FILING NEW CASE	1	50.00	PAYMENT 2			160.00
195 SECURITY SERVICE FEE	1	5.00				160.00
198 DC RECORDS PRESERVAT	1	5.00	AMOUNT TENDERED:			160.00
199 RECORD PRESERVATION	1	5.00	TOTAL AMOUNT:			160.00
450 JUDICIAL FILING FEE	1	40.00	AMOUNT APPLIED:			
452 LEGAL SRVC FEE-CIVIL	1	10.00				.00
475 LAW LIBRARY	1	15.00	CHANGE:			
525 STENO FEE	1	15.00	RECEIVED MENDEL, STEPHEN A.			(13930650)
601 DISPUTE RESOLUTION F	1	10.00	OF 1155 DAIRY ASHFD#104			
775 APPELLATE JUDICIAL F	1	5.00	HOUSTON, TX 77079-3007			

ONE HUNDRED SIXTY DOLLARS AND 0/100\*\*\*\*\* DOLLARS  
PAYMENT DATE: 09/27/2005 FILE DATE: 09/27/2005

ASSESSED BY: PEREZ, ANITA  
VALIDATED 09/27/2005 BY: CARLTON, SHARON JANE

FILE COPY

**THE MENDEL LAW FIRM, L.P.**

Attorneys & Counselors

1155 Dairy Ashford, Suite 104  
Houston, Texas 77079

E-Mail Address:  
[Steve@mendelgamnell.com](mailto:Steve@mendelgamnell.com)

Tel: 281-759-3213  
Fax: 281-759-3214

VIA HAND DELIVERY

May 26, 2004

Re: C.A. No. \_\_\_\_\_ *The Mendel Law Firm, L.P. v. Dawn R. Bradley*; In the \_\_\_\_\_ District Court of Harris County, Texas.

Mr. Charles Bacarisse  
District Clerk  
Harris County Courthouse  
301 Fannin  
Houston, TX 77002


Dear Mr. Bacarisse:

We forward for filing in the above referenced matter the following:

1. Civil Case Information Sheet;
2. Plaintiff Original Petition; and
3. Our firm's check to cover the cost of this matter.

Please acknowledge receipt and filing of these documents in your usual manner. Thank you for your customary courtesy. Please call me if you have any questions.

Very truly yours,

  
Stephen A. Mendel

2005-61452

DEPUTY

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HARRIS COUNTY, TEXAS  
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Unofficial Copy Office of Marilyn Burges, District Clerk