

Kathryn Copeland
405 Crawford St. #2145
Fort Worth, Texas 76104
(817) 789-8498
K.M.Copeland@tcu.edu

August 18, 2025

To: The Bowery at Southside Management and Weinstein Properties Team
c/o Glynis L. Zavarelli; Wentz & Zavarelli, LLP, 3120 Sabre Drive, Suite 170,
Southlake, Texas 76092, gzavarelli@wandzlaw.com
Evan Simental; SERVPRO of North Fort Worth
Email: esimental@servpronorthfortworth.com

Re: **Supplemental DTPA Demand – Ongoing Retaliation, Trespass, Property
Damage, and Violations of Texas Law**; Apartment #2145, The Bowery at
Southside, Fort Worth, TX 76104

Dear Counsel and ServPro,

On **June 27, 2025**, I issued a formal demand under the Texas Deceptive Trade Practices Act (“DTPA”) regarding mold concealment, misrepresentation, and habitability violations at my leased unit, **405 Crawford St., Apt. 2145, Fort Worth, TX**. That demand remains unresolved.

Since that time, Defendants and their agents have escalated misconduct in ways that constitute new and independent violations of the DTPA, Texas Property Code, Texas Penal Code, Texas Occupations Code (TDLR Mold Assessment & Remediation rules), and federal civil rights laws (ADA/FHA).

Chronology of Violations Since June 27, 2025. (Non-exhaustive)

- **July 24, 2025** – ServPro confirmed in writing they would not enter without my consent. That email states, in part:

Moving forward, I will ensure all visits are properly planned and communicated in advance. Once work commences, daily notes will be provided to the management team.

Best,
Evan Simental
SERVPRO of North Fort Worth
Cell: (682) 717-7399
Office: (817) 232-3333
Email: esimental@servpronorthfortworth.com
Website: www.ServproNorthFortWorth.com

- **August 1, 2025** – I issued written instructions prohibiting entry or moving of my belongings.
- **August 6, 2025** – Landlord issued a **retaliatory Notice to Vacate** for alleged nonpayment despite uninhabitable conditions.
- **August 14, 2025** – I submitted another formal **ADA/FHA accommodation request**.
- **August 17, 2025** – I discovered my unit had been entered without consent. Belongings were moved and damaged, blinds left open, ants and mosquitoes throughout unit, and ServPro containment with logos was posted despite no TDLR-approved protocol. This was in violation of ServPro's own assurances, my spoliation letter, and state law.
 - I recorded contemporaneous video/audio documenting the discovery and my resulting anxiety attack.
 - I filed a police report and notified TDLR.

Violations

- **Criminal Trespass** (Tex. Penal Code §30.05).
- **Unauthorized Entry & Retaliation** (Tex. Prop. Code §§92.0081, 92.331).
- **Breach of Warranty of Habitability** (Tex. Prop. Code §92.056).
- **Mold Remediation Violations** (Tex. Occ. Code §1958; 16 TAC §78).
- **Conversion & Property Damage**.
- **False, Misleading, and Unconscionable Practices** under the **DTPA**.

- **Civil Rights Violations** (ADA/FHA retaliation and disability discrimination).
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Damages

As a result of this continuing and escalated misconduct, I have suffered:

- Property damage and contamination of belongings,
- Loss of use and relocation expenses,
- Severe emotional distress and exacerbation of medical conditions,
- Retaliation for exercising my legal rights,
- Ongoing costs of pursuing regulatory and legal remedies.

Pursuant to the DTPA, I am entitled to recover:

1. **Economic damages,**
 2. **Damages for mental anguish,**
 3. **Up to treble damages** for knowing/intentional violations, and
 4. **Attorney's fees and court costs.**
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Demand

Within **60 days of receipt**, provide:

1. Written assurances that unauthorized entry and retaliation will cease,
2. Full disclosure of ServPro's **liability insurer (carrier name, policy number, claims contact),**
3. Compensation for all damages identified, and
4. Confirmation of evidence preservation (all logs, photos, emails, communications, and work orders related to Unit 2145).

Failure to resolve these matters within the statutory period will result in suit against all responsible parties under the DTPA, Texas Property Code, and applicable federal law. This letter provides you with the opportunity to settle this matter within 60 days before I pursue all available legal remedies, including treble damages and attorney's fees under the DTPA.

Sincerely,

Kathryn Copeland
(817) 789-8498
k.m.copeland@tcu.edu