

Case No. 1243091

Discover Bank

Plaintiff

In the County Court at Law No. Xv.
LIZEHT GOMEZ

Defendant(s)

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§
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of

HARRIS County Texas

1/17/2025 6:33 PM
Teneshia Hudspeth
County Clerk
Harris County**PLAINTIFF'S ORIGINAL PETITION****A. Discovery Control Plan**

1. Plaintiff intends to conduct discovery under Level 1 pursuant to Tex. R. Civ. P. § 190.1 and affirmatively pleads that it seeks monetary relief of \$250,000 or less.

B. Parties

2. The address for Plaintiff, Discover Bank, is 6500 New Albany Road E., New Albany, OH 43054.
3. Defendant, LIZEHT GOMEZ may be served with process at **1515 Anvil Dr, Houston TX 77090-2113**, or at such other place as the Defendant may be found.

C. Jurisdiction

4. Plaintiff seeks only monetary relief of \$250,000 or less excluding, interest, statutory or punitive damages and penalties, and attorneys fees and costs.
5. Plaintiff asserts that the above-named court has jurisdiction over the subject matter of this case and the person(s) of Defendant(s) and that the damages sought are within the jurisdictional limits of the court.

D. Venue

6. Venue of this action is proper in the county named above because Defendant(s) is/are individual(s) believed to be residing in said county at the time of commencement of suit.

E. Facts

7. On or about May 10, 2022, Defendant(s) opened a credit account with Discover Bank in the Defendant's(s') name under its account number ending in *****7004. Defendant(s) used the account and thereby became obligated to pay for the balance owed on the credit account. Plaintiff's records indicate Defendant's(s') last payment on the account prior to charge-off occurred on or about February 18, 2024. Defendant(s) defaulted on the obligation to make monthly payments on the credit account, and the account was subsequently canceled. The credit account was subsequently closed due to nonpayment and/or charged off to profit and loss on or about September 30, 2024. The balance remaining on the credit account is presently due and payable in full.
8. After allowing for all just and lawful offsets, credits, and payments on the credit account, the total balance due to Plaintiff by Defendant(s) on the Account is \$8,437.30.
9. The Plaintiff has made demand upon the Defendant(s) for payment of the amount due and payable in full. The Defendant(s) have failed, neglected, and refused to pay the amount requested.
10. Plaintiff has performed all conditions precedent to the filing of this action or all such conditions precedent have been performed or have occurred.

F. Account Stated

11. Plaintiff is entitled to recover on an account stated claim because (1) transactions between the Plaintiff and Defendant(s) gave rise to the indebtedness, (2) there existed an agreement, express or implied, between the Plaintiff and Defendant(s) which established the amount due to Plaintiff, and (3) the Defendant(s) promised to pay the Plaintiff on the indebtedness.

G. Damages

12. Plaintiff seeks damages on its liquidated claim in the amount of at least \$8,437.30, which is within the jurisdictional limits of this court.

H. Conditions Precedent

13. All conditions precedent to Plaintiff's claim for relief have been performed or have occurred.

I. Miscellany

14. The undersigned attorneys hereby give notice that they and Plaintiff are attempting to collect a debt and any information obtained will be used for that purpose. Plaintiff's attorneys are debt collectors.

J. Prayer

15. For these reasons, Plaintiff asks that the court issue citation for Defendant to appear and answer, and that Plaintiff be awarded a judgment against Defendant for the following:

- a. Actual damages in the amount of \$8,437.30.
- b. Post-judgment interest.
- b. All other relief to which Plaintiff is entitled.

Respectfully submitted;
RAUSCH STURM LLP
ATTORNEYS IN THE PRACTICE OF DEBT COLLECTION

By:

ATTORNEY CONTACT INFO:

Megan Hale
Phone: (945) 910-5206
E-mail: MHale@rauschsturm.com



MEGANHALE, SBN24087654

15660 N. Dallas Parkway, Suite 350
Dallas TX 75248
Toll Free - (833) 917-4025 TTY: 711 Fax - Dallas (877) 492-5185
E-mail: LawfirmTX@rauschsturm.com
ATTORNEY FOR PLAINTIFF
5144514

To the Defendant Pursuant to Rule 21, Texas Rules of Civil Procedure: Every pleading, plea, motion, or application to the court for an order, whether in the form of a motion, plea, or other form of request, unless presented during a hearing or trial, must be filed with the clerk of the court in writing, must state the grounds therefor, must set forth the relief or order sought, and at the same time a true copy must be served on all other parties, and must be noted on the docket.

5144514

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rsieh courts on behalf of Megan Hale
Bar No. 24087654
rsiehcourts@abclegal.com
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Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
RSIEH Texas		lawfirmtx@rauschsturm.com	1/17/2025 6:33:39 PM	NOT SENT
ABC Legal Dallas		rsiehcourts@abclegal.com	1/17/2025 6:33:39 PM	NOT SENT