

Case No. _____

DISCOVER BANK
Plaintiff

In the County Court at Law No
of

v.
RUTH V RIVERA
Defendant(s)

HARRIS County Texas

1/15/2025 3:36 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 2500 Lake Park Blvd, Salt Lake City, UT 84120.
3. Defendant, RUTH V RIVERA may be served with process at **18 KERLOCH PT, SPRING TX 77379**, 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 April 10, 2023 DISCOVER BANK and Defendant entered into a Contract for the extension of credit bearing account number ending in *****8936 (Hereinafter referred to as "the Contract" and/or "the Account"). DISCOVER BANK performed its obligations under the Contract by extending credit to Defendant(s) and/or lending money to Defendant(s). Defendant(s) received and/or made use of the credit extended/money lent by DISCOVER BANK according to the agreed upon terms of the Contract.
8. Despite Defendant's(s') receipt and/or use of credit/funds from DISCOVER BANK, Defendant(s) did not make repayment as agreed. Defendant(s) made a last payment on the Account on or about June 16, 2024. Defendant(s) defaulted on the obligation to repay pursuant to the Contract. Defendant's(s') Account was closed due to nonpayment on or about October 31, 2024, and at the time the Account was closed, an unpaid balance remained owed. Defendant's(s') default constitutes breach of Contract.
9. Plaintiff is the legal and equitable owner of the debt owed under the contract and the proper party to bring this lawsuit.

10. 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 \$6,966.12.
11. 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.
12. Plaintiff has performed all conditions precedent to the filing of this action or all such conditions precedent have been performed or have occurred.

F. Damages

13. Plaintiff seeks damages on its liquidated claim in the amount of at least \$6,966.12, which is within the jurisdictional limits of this court.

G. Conditions Precedent

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

H. Miscellany

15. 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.

I. Prayer

16. 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 \$6,966.12.
 - b. All other relief to which Plaintiff is entitled.

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

By:

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5148506

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.

5148506

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rsieh courts on behalf of Samantha Gallivan

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Case Contacts

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