

NO. 202269025

ELIZABETH OLSEN, and
ERIC OLSEN,

Plaintiffs,

v.

DUCKTAPE VENTURES, LLC; and
THE MODERN BUNGALOW CO., LLC

Defendants.

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IN THE DISTRICT COURT

234th JUDICIAL DISTRICT

HARRIS COUNTY, TEXAS

**PLAINTIFFS ELIZABETH OLSEN AND
ERIC OLSEN'S MOTION FOR DEFAULT JUDGMENT ON
LIABILITY AGAINST DEFENDANT THE MODERN BUNGALOW CO., LLC**

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COME, Elizabeth Olsen and Eric Olsen ("Plaintiffs") and file their *Motion for Default Judgment on Liability Against Defendant The Modern Bungalow Co., LLC*, and would show the Court the following:

PROCEDURAL BACKGROUND

1. Plaintiffs filed their *Original Petition* on October 21, 2022.
2. Defendant The Modern Bungalow Co., LLC's ("Defendant") Registered Agent could not be found at Defendant's registered office with reasonable diligence.
3. Plaintiffs filed their *First Amended Petition* against Defendant on November 9, 2022.
4. Defendant was served through the Secretary of State on November 21, 2022.
5. Defendant's answer was due on December 12, 2022.
6. Defendant has failed to answer the lawsuit to date.

7. The Secretary of State forwarded the citation and *Plaintiff's First Amended Petition* to Defendant via Certified Mail, Return Receipt Requested, on December 27, 2022.

8. A Return of Service was filed for Defendant on January 23, 2023. The Return of Service has been on file with the Court for more than 10 days. A copy of the Return of Service is attached hereto as Exhibit A.

9. Defendant's last known mailing address is 4545 Mt. Vernon, Houston, Texas 77006. A copy of the Certificate of Last Known Address is attached hereto as Exhibit B.

10. As a corporate entity, Defendant is not in military service.

ARGUMENT & AUTHORITIES

11. The Court should render a default judgment against Defendant The Modern Bungalow, Co., LLC on liability because Defendant was properly served and did not file an answer or any other pleading constituting an answer within the prescribed time period. *See* Tex. R. Civ. P. 239. Therefore, all factual allegations in the petition are deemed admitted. *Paradigm Oil, Inc. v. Retamco Oper., Inc.*, 372 S.W.3d 177, 183 (Tex. 2012).

LIABILITY

12. Because Defendant has defaulted, liability is established.

13. Plaintiffs request that the Court enter a default judgment on liability against Defendant The Modern Bungalow, Co., LLC in conformity with this Motion.

RELIEF REQUESTED

WHEREFORE, PREMISES CONSIDERED, Plaintiffs pray that the Court grant them default judgment on liability against Defendant The Modern Bungalow, Co., LLC. Plaintiffs further request all other relief to which they are justly entitled, including general relief.

Respectfully submitted,

LAW OFFICES OF BRAD JACKSON
3701 Turtle Creek Boulevard
Suite 12G
Dallas, Texas 75219
Telephone No. 214/526-7800
Telefax No. 214/526-1955

/s/ Patrick Fang

Brad Jackson
State Bar Card No. 10496460
brad@bradjackson.com
Cheryl L. Mann, Of Counsel
State Bar Card No. 00794220
cheryl@bradjackson.com
Patrick S. Fang
State Bar Card No. 24109853
patrick@bradjackson.com

ATTORNEYS FOR PLAINTIFFS

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Mackenzie Keith on behalf of Patrick Fang

Bar No. 24109853

mackenzie@bradjackson.com

Envelope ID: 73785335

Filing Code Description: Motion (No Fee)

Filing Description: Plaintiffs Elizabeth Olsen and Eric Olsen's Motion for Default Judgment on Liability Against Defendant The Modern Bungalow Co., LLC

Status as of 3/20/2023 8:01 AM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
CHERYL LMANN		cheryl@bradjackson.com	3/17/2023 5:34:35 PM	SENT
CHERYL LMANN		cheryl@bradjackson.com	3/17/2023 5:34:35 PM	SENT
BRAD JACKSON		brad@bradjackson.com	3/17/2023 5:34:35 PM	SENT
BRAD JACKSON		brad@bradjackson.com	3/17/2023 5:34:35 PM	SENT
Patrick Fang		patrick@bradjackson.com	3/17/2023 5:34:35 PM	SENT
Patrick Fang		patrick@bradjackson.com	3/17/2023 5:34:35 PM	SENT
Lisa Crook		lisa@bradjackson.com	3/17/2023 5:34:35 PM	SENT
Lisa Crook		lisa@bradjackson.com	3/17/2023 5:34:35 PM	SENT
Mackenzie Keith		mackenzie@bradjackson.com	3/17/2023 5:34:35 PM	SENT

Exhibit A

The State of Texas

Service of Process
P.O. Box 12079
Austin, Texas 78711-2079



Phone: 512-463-5560
Fax: 512-463-0873
Dial 7-1-1 For Relay Services
www.sos.texas.gov

Secretary of State

January 12, 2023

Patrick S. Fang
Law Offices Of Brad Jackson
3701 Turtle Creek Boulevard
Suite 12G
Dallas, TX 75219

2023-345445

**Include reference number
in all correspondence**

RE: Elizabeth Olsen vs Ducktape Ventures, LLC
234th Judicial District Court Of Harris County, Texas
Cause No. 202269025

Dear Sir/Madam

Please find enclosed your Certificate(s) of Service for the case styled above.

If this office may be of further assistance to you, please do not hesitate to contact us.

Sincerely,

Service of Process
Government Filings
512-463-1662



The State of Texas
Secretary of State

2023-345445-1

I, the undersigned, as Deputy Secretary of State of the State of Texas, DO HEREBY CERTIFY that according to the records of this office, a copy of the Citation and Plaintiff's First Amended Petition in the cause styled:

Elizabeth Olsen vs Ducktape Ventures, LLC
234th Judicial District Court Of Harris County, Texas
Cause No: 202269025

was received by this office on November 21, 2022, and that a copy was forwarded on December 27, 2022, by CERTIFIED MAIL, return receipt requested to:

The Modern Bungalow Co., LLC
4545 Mt. Vernon
Houston, TX 77006

The PROCESS was returned to this office on January 12, 2023, Bearing The Notation Return To Sender, Not Deliverable As Addressed, Unable To Forward..

Date issued: January 12, 2023



A handwritten signature in black ink, appearing to read "Jose A. Esparza".

Jose A. Esparza
Deputy Secretary of State
GF/ed

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Lisa Crook on behalf of Patrick Fang
Bar No. 24109853
lisa@bradjackson.com
Envelope ID: 72028053
Status as of 1/23/2023 11:14 AM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Lisa Crook		lisa@bradjackson.com	1/23/2023 10:07:40 AM	SENT
CHERYL LMANN		cheryl@bradjackson.com	1/23/2023 10:07:40 AM	SENT
BRAD JACKSON		brad@bradjackson.com	1/23/2023 10:07:40 AM	SENT
Patrick Fang		patrick@bradjackson.com	1/23/2023 10:07:40 AM	SENT

Exhibit B

NO. 202269025

ELIZABETH OLSEN, and
ERIC OLSEN,

Plaintiffs,

v.

DUCKTAPE VENTURES, LLC; and
THE MODERN BUNGALOW CO., LLC

Defendants.

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IN THE DISTRICT COURT

234th JUDICIAL DISTRICT

HARRIS COUNTY, TEXAS

CERTIFICATE OF LAST KNOWN ADDRESS

Plaintiffs Elizabeth Olsen and Eric Olsen certify that the last known mailing address of Defendant The Modern Bungalow Co., LLC is 4545 Mt. Vernon, Houston, Texas 77006.

Respectfully submitted,

LAW OFFICES OF BRAD JACKSON
3701 Turtle Creek Boulevard
Suite 12G
Dallas, Texas 75219
Telephone No. 214/526-7800
Telefax No. 214/526-1955

/s/ Patrick Fang
Brad Jackson
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Cheryl L. Mann, Of Counsel
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Patrick S. Fang
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ATTORNEYS FOR PLAINTIFF