

CAUSE NO. 2023-54171

HPFS, INC.	§	IN THE DISTRICT COURT OF
	§	
PLAINTIFF,	§	
	§	
v.	§	HARRIS COUNTY, TEXAS
	§	
SAP TRANSPORTATION, INC.,	§	
	§	
DEFENDANT.	§	281 ST JUDICIAL DISTRICT

MOTION FOR DEFAULT JUDGMENT

HPFS, Inc. (“HPFS”) moves for a default judgment against SAP Transportation, Inc. (“SAP”) as follows:

1. HPFS filed the Plaintiff’s Original Petition (“Petition”) seeking recovery of damages for breach of contract and attorney’s fees on August 17, 2023.
2. SAP was served with the Citation and Petition by Fort Bend County, Constable Precinct 3, Deputy Tonja Beard who served SAP’s registered agent Anuj Shah with citation and petition November 8, 2023. The Officer’s Return has been on file with the Harris County District Clerk since November 20, 2023. The Officer’s Return is attached hereto as Exhibit A.
3. In connection with this Motion for Default Judgment, HPFS has filed a Certificate of Last Known Address certifying that the last known address of SAP is: 11310 Sandhaven Drive, Richmond, Texas 77407.
4. SAP’s answer date was December 4, 2023, however, SAP has failed and refused to answer the lawsuit and has wholly made default.
5. Accordingly, a Default Judgment against SAP will be final.
6. The Petition informed SAP that HPFS claimed that SAP breached a services

agreement contract entered into between the parties. By SAP's, failure to answer, SAP has admitted the breach of the services agreement contract. As of December 11, 2023, SAP owes HPFS \$96,568.59 principal together with prejudgment interest in the amount of \$1,396.93 with interest accruing at the rate of \$15.87 per day pursuant to Tex. Finance Code § 302.002. These damages are supported by the Declaration of Azhar Khan attached hereto as Exhibit B.

7. HPFS further requests recovery of its reasonable and necessary attorney's fees. A reasonable attorneys' fee is \$5,000.00 through the granting of the default judgment; in the event an appeal to the Court of Appeals is made but is unsuccessful, reasonable attorney's fees would be an additional \$25,000.00; in the event an appeal is made to the Texas Supreme Court is made but is unsuccessful, reasonable attorney's fees would be an additional \$25,000.00; with all costs of court in its behalf expended. This request for attorney's fees is supported by the declaration of Robert J. Kruckemeyer attached hereto as Exhibit C.

8. HPFS also requests all writs and processes for the enforcement and collection of this judgment, or the costs of court may issue as necessary.

Accordingly, HPFS requests that the Court enter a default judgment against SAP and that the Court award to HPFS the amount of \$96,568.59 principal and \$1,396.93 interest through December 11, 2023 with interest accruing at the rate of \$15.87 per day through the date of judgment, attorneys' fees in the sum of \$5,000.00 through the granting of the default judgment; in the event an appeal to the Court of Appeals is made but is unsuccessful, reasonable attorney's fees would be an additional \$25,000.00; in the event an appeal is made to the Texas Supreme Court is made but is unsuccessful, reasonable attorney's fees would be an additional \$25,000.00, and such other and further relief to which HPFS may show itself justly entitled.

Respectfully submitted,

/S/ Robert J. Kruckemeyer

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ATTORNEYS FOR
HPFS, INC.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing *instrument* has been sent to SAP Transportation, Inc. by certified mail and regular United States Mail on this the 13th day of December, 2023.

/S/ Robert J. Kruckemeyer
Robert J. Kruckemeyer

Unofficial Copy Office of Marilyn Bures District Clerk

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.

Michael Kruckemeyer on behalf of Robert Kruckemeyer
Bar No. 11735700
mike@kruckemeyerlaw.com
Envelope ID: 82542099
Filing Code Description: No Fee Documents
Filing Description: Motion (No Fee)
Status as of 12/13/2023 3:17 PM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Michael ThomasKruckemeyer		mike@kruckemeyerlaw.com	12/13/2023 2:36:14 PM	SENT
Robert JosephKruckemeyer		bob@kruckemeyerlaw.com	12/13/2023 2:36:14 PM	SENT

Unofficial Copy Office of Marilyn Burgess District Clerk