

Cause Number: 2023-66239

IDEA 247, INC.

vs.

RAYMOND EPPS

IN THE DISTRICT COURT

HARRIS COUNTY, TEXAS

189th JUDICIAL DISTRICT

PLAINTIFF'S MOTION FOR  
INTERLOCUTORY DEFAULT JUDGMENT

Plaintiff Idea 247, Inc. files this motion for interlocutory default judgment against defendant Ray Epps.

1.

OVERVIEW

In this debt collection suit, defendant Raymond Epps guaranteed a loan provided to his company by plaintiff Idea 247. His company defaulted, and plaintiff filed this suit to enforce the guarantee made by defendant Epps.

Though served with citation, defendant Epps has failed to answer. Accordingly, Idea 247, Inc. seeks an interlocutory default judgment against defendant Epps regarding liability.

2.

FACTUAL BACKGROUND

On May 8, 2023, Quick Tube Systems, Inc. borrowed money from plaintiff pursuant to a Revolving Loan Agreement (the note). Defendant Epps, owner of Quick Tube, guaranteed the note. Quick Tube failed to timely make its note payments, so Idea 247 has sued defendant Epps on his guarantee.

3.

### DEFENDANT WAS SERVED WITH CITATION

This suit was filed on September 26, 2023. Defendant Epps was served with citation, along with a copy of Plaintiff's Original Petition, on October 9, 2023. *See* Exhibit 1. Accordingly, the deadline for defendant Epps to file his answer was no later than Monday, October 30, 2023.

4.

### DEFENDANT HAS FAILED TO APPEAR AND ANSWER

To date, defendant Epps has failed to appear and answer herein.

5.

### THE CITATION AND PROOF OF SERVICE

### HAVE BEEN ON FILE FOR MORE THAN TEN DAYS

The citation with proof of service was filed with this Court on October 9, 2023. *See* Exhibit 1. Therefore, in compliance with TEX. R. CIV. P. 107(h), the proof of service has "been on file with the clerk of the court ten days, exclusive of the day of filing and the day of judgment."

6.

### DEFAULT JUDGMENT

Plaintiff Idea 247, Inc. is entitled to a default judgment against defendant Epps. Pursuant to TEX. R. CIV. P. 239, "at any time after a defendant is required to answer, the plaintiff may in term time take judgment by default against such defendant if he has not previously filed an answer and provided that the return of service shall have been on file

with the clerk for the length of time required by Rule 107.”

7.

### DAMAGES

Plaintiff’s damages in this suit may or do include unliquidated damages. As a result, plaintiff Idea 247, Inc. requests an interlocutory default judgment as to liability, and it requests that, at a future date and time, the Court consider “evidence as to damages and render judgment therefor,” as provided by TEX. R. CIV. P. 243.

8.

### LAST KNOWN ADDRESS OF DEFENDANT

Pursuant to TEX. R. CIV. P. 239a, plaintiff Idea 247 certifies that the last known mailing address of defendant Epps is:

12519 Oak Park Drive  
Houston, Harris County, Texas 77070

Attached as Exhibit 2 is a Certificate of Last Known Address pertaining to defendant Epps.

9.

### NON-MILITARY DECLARATION

Attached hereto as Exhibit 3 is a declaration confirming that defendant Epps is not an active-duty service member.

10.

### CONCLUSION

Plaintiff is entitled to an interlocutory default judgment against defendant Epps for the reasons set forth above.

Wherefore, plaintiff Idea 247, Inc. requests the Court to enter an interlocutory default judgment for plaintiff on the issue of liability against defendant Raymond Epps, to consider the evidence of plaintiff's damages in the future in accordance with the Court's procedures, and, following that, to sign a final default judgment for plaintiff against defendant Epps for plaintiff's actual damages, together with prejudgment interest, post-judgment interest, attorney's fees, costs of Court, and such other further relief, at law and in equity, to which plaintiff may be justly entitled.

Respectfully submitted,

**BURFORD PERRY, LLP**

By: /s/Clyde J. "Jay" Jackson III

Clyde J. Jackson III

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ATTORNEY FOR PLAINTIFF

## CERTIFICATE OF CONFERENCE

I hereby certify that there currently exists no party in this suit other than plaintiff; thus, there is no opposition to this motion.

/s/ Clyde J. "Jay" Jackson III  
Clyde J. "Jay" Jackson III

## CERTIFICATE OF SERVICE

I hereby certify that as of this date, January 11, 2024, there is no party in this suit other than plaintiff; thus, there is no party upon whom this pleading should be served.

/s/ Clyde J. "Jay" Jackson III  
Clyde J. "Jay" Jackson III

Unofficial Copy Office of Marilyn Briggs 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.

Cynthia Vargas on behalf of Clyde James "Jay" Jackson III

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Envelope ID: 83342375

Filing Code Description: Motion (No Fee)

Filing Description: Plaintiff's Motion for Interlocutory Default Judgment

Status as of 1/11/2024 4:34 PM CST

#### Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
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Burford Perry Service		service@burfordperry.com	1/11/2024 4:20:13 PM	SENT

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