

CAUSE NO. _____

JEFF AND PAM STALLONES

PLAINTIFFS,

v.

JOSE O. RODRIGUEZ, MARIA F.
RODRIGUEZ AND
JOHN DOE TREE TRIMMING SERVICE

DEFENDANTS.

§
§
§
§
§
§
§
§
§
§

IN THE DISTRICT COURT OF

HARRIS COUNTY, TEXAS

JUDICIAL DISTRICT

PLAINTIFFS' ORIGINAL PETITION

Plaintiffs, Jeff Stallones and Pam Stallones (collectively the "Stallones") complain of Defendants, Jose O. Rodriguez, Maria F. Rodriguez (collectively the "Rodriguez") and John Doe Tree Trimming Service as follows:

Discovery Control Plan - Level Two (2)

1. Discovery should be conducted pursuant to Discovery Control Plan Level 2.

Rule 47 Claim for Relief

2. This is a cause of action brought for trespass and destruction of property. The damages sought are within the jurisdictional limits of this court. Pursuant to Tex. R. Civ. P. 47 Plaintiffs seek only monetary relief of \$250,000 or less, excluding interest, statutory or punitive damages and penalties, and attorney fees and costs.

3. Additionally, Plaintiffs seeks a judgment for all other relief to which the Plaintiffs deem themselves entitled.

Parties

4. Jeff Stallones is an individual residing in Harris County.
5. Pam Stallones is an individual residing in Harris County.

6. Jose O. Rodriguez is an individual residing in Harris County, Texas and may be served with process herein at 7519 Faldo, Spring, Texas 77389.

7. Maria F. Rodriguez is an individual residing in Harris County, Texas and may be served with process herein at 7519 Faldo, Spring, Texas 77389.

8. John Doe Tree Trimming Service's identity is unknown to Plaintiffs.

Venue

9. Venue is proper in Harris County pursuant to Tex. Civ. Prac. & Rem. Code §15.002 because Harris County is the county of Defendants' residence at the time the cause of action accrued.

Nature of the Case

10. This is a suit to recover amounts due and owing because of the damages that Defendants caused to Plaintiffs' property.

Facts

11. Plaintiffs live in their home located at 7510 Kalebs Pond Court, Spring, Texas 77389 (the "Home"). Plaintiffs also own the real property that abuts their Home immediately to the east located at 7506 Kalebs Pond Court, Spring, Texas 77389 (the "Property"). The Home includes a beautiful backyard with a pool, cabana and outdoor kitchen. The Stallones enjoy the use of the Home's backyard. The Stallones bought the Property, in part, because of its statuesque stand of old growth trees that provided a beautiful view and shade.

12. On or about April 2 and 3, 2024, Defendants, or the John Doe Tree Trimming Service at the Defendants direction, physically, intentionally, voluntarily and without permission, entered the Property and cut down old growth pine and oak trees that had lived on the Property for decades. This destruction has severely damaged the aesthetics and value of the Property.



STK

© 2008



erik



Cause of Action

A. Trespass

13. Plaintiffs re-allege the allegations set forth above.

14. Plaintiffs own the Property. The Defendants, or the John Doe Tree Trimming Service at the direction of the Defendants, physically, intentionally, voluntarily and without permission, entered the Property and cut down old growth pine and oak trees located on the Property. The Defendants trespass has caused injury to the Plaintiffs' right of possession.

15. Plaintiffs have suffered damages in excess of the minimum jurisdictional limits of this Court. Plaintiffs seek damages for cost of restoration and repair of the Property, loss of market value of the Property and the intrinsic value of the trees. Plaintiffs seek recovery of exemplary damages, interest and costs of court.

Conclusion

Accordingly, Plaintiffs requests that Jose O. Rodriguez and Maria F. Rodriguez be cited to appear and answer herein, and that after final trial, Plaintiffs be awarded judgment against Defendants as follows:

- a. Actual damages in an amount in excess of the jurisdictional limits of this court;
- b. Monetary relief of \$250,000 or less, excluding interest, statutory or punitive damages and penalties, and attorney fees and costs;
- c. Exemplary damages;
- d. Prejudgment interest at the highest rate allowed by law; and
- e. Post judgment interest.

Respectfully submitted,

/S/ Robert J. Kruckemeyer

Robert J. Kruckemeyer
State Bar No. 11735700
244 Malone Street
Houston, TX 77007
Telephone: (713) 600-7574
Facsimile: (713) 600-7579
bob@kruckemeyerlaw.com

ATTORNEYS FOR
JEFF STALLONES AND
PAM STALLONES

Unofficial Copy Office of Marilyn Burgess 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.

Robert Kruckemeyer on behalf of Robert Kruckemeyer
Bar No. 11735700
bob@kruckemeyerlaw.com
Envelope ID: 86436331
Filing Code Description: Petition
Filing Description: Petition
Status as of 4/9/2024 10:29 AM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Michael ThomasKruckemeyer		mike@kruckemeyerlaw.com	4/9/2024 9:54:52 AM	SENT
Robert JosephKruckemeyer		bob@kruckemeyerlaw.com	4/9/2024 9:54:52 AM	SENT

Unofficial Copy Office of Marilyn Burgess, District Clerk