

No. 2021-2930-5

LESLIE MANN

Plaintiff,

v.

JOHN DOE 1-5 d/b/a US WEST

Defendants

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IN THE DISTRICT COURT

414th JUDICIAL DISTRICT

McLENNAN COUNTY, TEXAS

FILED
2022 JAN 25 PM 3:02
JOHN R. GIBSON
CLERK
McLENNAN CO., TEXAS

DEFAULT JUDGMENT

On this date, came on to be heard the above-entitled and numbered cause wherein Leslie Mann is the Plaintiff, and the Defendants are:

- a. James Anthony Novella;
- b. Glenda Elizabeth Nemis Novella
- c. Ezequiel Coss, Jr.
- d. Armor Asset, LLC.

The John Doe defendants have been non-suited.

The Court finds that it has jurisdiction over each defendant under the Texas Long Arm statute because each committed torts within the State of Texas that damaged Plaintiff.

The Plaintiff appeared by his attorney and announced ready for trial. Defendants although having been duly and legally cited to appear and answer, failed to appear and answer, and wholly made default.

Citation was properly served on each defendant according to law and returned to the clerk after a proper lapse of time where they each remained on file for the time required by law. The Texas Secretary of State certificates of service which prove that the Secretary of State forwarded the petition and citations in compliance with their duty were also filed after a proper lapse of time and were on file for the time required by law. These certificates prove service on Defendants was proper and complete.

The Court has read the pleadings and the papers on file and is of the opinion that the allegations of Plaintiff's petition have been admitted and that the cause of action is unliquidated. On good and sufficient evidence presented to the Court, finds that defendants are jointly and severally indebted to plaintiff in the sum of SIXTY THOUSAND DOLLARS of which THIRTY THOUSAND DOLLARS are for exemplary damages. This is for damages caused by non-identical acts from those of the John and Jane Doe 1-10, who are non-suited. The Court has considered the exemplary damages award of each defendant and determined based on the evidence that the amount should be the same for each defendant because their acts and resulting damage to Plaintiff are indistinguishable from each other.

The Court is further of the opinion based on good and sufficient evidence presented to the Court that Plaintiff should recover a reasonable attorney's fee, which the court finds to be THIRTEEN THOUSAND THREE HUNDRED SEVENTY DOLLARS (\$13,370.00)

THE COURT AWARDS costs of court of SEVEN HUNDRED FORTY-SIX DOLLARS (\$746.00).

THEREFORE, the total amount Defendants owe to Plaintiff including for attorney's fees already incurred, and costs of Court come to SEVENTY-FOUR THOUSAND ONE HUNDRED SIXTEEN DOLLARS (\$74,116.00).

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED that Plaintiff have and recover of and from the Defendant the sum SEVENTY-FOUR THOUSAND ONE HUNDRED SIXTEEN DOLLARS (\$74,116.00) with post judgment interest thereon at the rate of five percent (5%) per annum from the date of this judgment until paid in full, together with all costs of court in this behalf expended.

IT IS FURTHER ORDERED that Defendants and anyone acting in concert with Defendants are hereby enjoined from and are ORDERED, while collecting defaulted consumer credit accounts from a Texas resident in Texas, to permanently cease:

1. any contact of any kind or character - without limitation - with Plaintiff;
2. collecting debts in Texas in violation of the Texas Finance Code Section 392;
3. misrepresenting the nature of the services rendered by defendants;
4. collecting this account;
5. selling, assigning or otherwise transferring this account to any person or entity;
6. representing to any person or entity that this is a debt owed by Plaintiff;

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7. James Anthony Novella is ORDERED to permanently cease collecting defaulted consumer credit accounts in Texas.

IT IS FURTHER ORDERED that the Clerk of this Court shall issue such writs and processes as may be necessary in the enforcement and collection of this judgment. This judgment disposes of all issues and all parties and is final and appealable. All relief not granted expressly herein is expressly denied.

SIGNED this 25 day of Jan., 2022

Jack M. Merand

Judge Presiding