

22-CV-1229

CAUSE NO. \_\_\_\_\_

TILE ROOFS OF TEXAS, INC.,

*Plaintiff,*

v.

APRIL DIDRIKSON

*Defendant.*

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IN THE DISTRICT COURT OF

GALVESTON COUNTY, TEXAS

Galveston County - 212th District Court

\_\_\_ JUDICIAL DISTRICT

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**PLAINTIFF'S ORIGINAL PETITION**

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Tile Roofs of Texas Inc. ("Plaintiff") files this Original Petition against Defendant April Didrikson, and would show as follows:

**I. FACTS**

1. April Didrikson is the owner of a house in Corrigan, Texas. Tile Roofs of Texas is a professional roofing services company. Robert Coreale is the President of Tile Roofs of Texas.

2. In April 2021, Coreale sent Didrikson a written proposal for roofing work on Didrikson's home in Corrigan. (**Exhibit A**) The proposal was not accepted at that time and expired.

3. In late 2021, Didrikson called Coreale about the proposal. Coreale revived the offer in the proposal and Didrikson accepted it—this was an enforceable contract.

4. Didrikson directed Tile Roofs of Texas to begin performing the work described in the proposal. Between January and April 2022, Tile Roofs of Texas substantially or completely performed the work under the contract.

5. Though the work has been completed, Didrikson has refused to pay the outstanding balance of \$32,600 for the completed work. This is a breach which has damaged Plaintiff.

**Status Conference Set For 10/6/2022**

6. Accordingly, Plaintiff files this lawsuit to recover the contract price for the materials and labor it provided, but which Defendant has not paid.

## **II. DISCOVERY CONTROL PLAN**

7. Plaintiff intends to conduct discovery under Level 1 of Texas Rule of Civil Procedure 190.

## **III. CLAIM FOR RELIEF**

8. Pursuant to Rule 47 of the Texas Rules of Civil Procedure, Plaintiff seeks monetary relief of \$250,000 or less.

## **IV. PARTIES**

9. Tile Roofs of Texas Inc. is a business entity incorporated in Texas with a primary address of 6614 Del Rio Street, Houston, Texas 77021.

10. April Didrikson is a natural person and resident of Texas. On belief, her primary residence is located at 500 Ferry Road, Apartment 313, Galveston, Texas 77550. Didrikson may be served at her residence, or wherever she may be found.

## **V. JURISDICTION AND VENUE**

11. This Court has subject-matter jurisdiction over the claims in this lawsuit because the amount in controversy is within the jurisdictional limits of this Court.

12. The Court has personal jurisdiction over Didrikson because she is a resident of Texas.

13. Venue is proper in Galveston County, Texas because it is the county of Defendant's residence at the time this claim accrued. TEX. CIV. PRAC. & REM. CODE § 15.002.

## **VI. CAUSES OF ACTION**

### **COUNT 1: BREACH OF CONTRACT**

14. Plaintiff incorporates all prior paragraphs as if fully set forth herein.

15. Didrikson and Plaintiff entered into a contract to perform the work described in the April 2021 proposal at the prices listed in that proposal.

16. Plaintiff performed under the contract by completing or substantially completing that work.

17. Defendant has breached by failing to pay Plaintiff for the work.

18. As a direct and proximate result of Defendant's breach, Plaintiff suffered injuries.

19. Accordingly, Plaintiff seeks damages, equitable relief, and attorneys' fees under Chapter 38 of the Texas Civil Practice and Remedies Code.

### **COUNT 2: QUANTUM MERUIT**

20. Plaintiff incorporates all prior paragraphs as if fully set forth herein.

21. Plaintiff provided valuable services and materials for the Defendant.

22. Defendant accepted those valuable services and materials.

23. Defendant has not fully compensated Plaintiff for the services and materials provided.

24. Defendant had reasonable notice that Plaintiff expected compensation for its services and materials.

25. As a direct and proximate result of Defendant's breach, Plaintiff suffered damages.

26. Accordingly, Plaintiff seeks damages, equitable relief, and attorneys' fees under Chapter 38 of the Texas Civil Practice and Remedies Code.

## **XI. DAMAGES AND ATTORNEY'S FEES**

27. Plaintiff seeks all actual damages, including damages for economic injury, exemplary damages, consequential damages, pre-judgment and post-judgment interest at the maximum rates allowed by law, court costs, and their reasonable and necessary attorney fees. Plaintiff seeks monetary relief of over \$32,000 at this time.

28. Plaintiff seeks its reasonable attorneys' fees, expenses, and costs incurred by this action and any appeals of this action, as authorized by Section 38.001 of the Texas Civil Practice and Remedies Code, and any other applicable statute, and the common law of this state.

29. Plaintiff seeks such other and further relief, general or special, at law or in equity, to which Plaintiff may show itself to be justly entitled.

## **XII. RULE 193.7 NOTICE**

30. Pursuant to Rule 193.7 of the Texas Rules of Civil Procedure, Plaintiff hereby gives notice to Defendants that Plaintiff intends to use all documents exchanged and produced between the parties during the trial on this matter.

## **XIII. JURY DEMAND**

31. Plaintiff demands a jury trial on all issues so triable. The appropriate fee has been tendered concurrently with the filing of this Petition.

## **XIV. CONDITIONS PRECEDENT**

32. All conditions precedent to Plaintiff's claims for relief, if any, have been satisfied or excused.

## **XV. REQUEST FOR DISCLOSURE**

33. Plaintiff requests the disclosure within 50 days of service of the original petition, of all information and materials required under Texas Rule of Civil Procedure 194.2.

**XVI. PRAYER**

Plaintiff respectfully requests the Court to issue a citation for Defendants to appear and answer, and that Plaintiff be awarded a judgment against Defendants and recover as follows:

- a. Actual damages;
- b. Consequential damages;
- c. Prejudgment Interest as provided by law;
- d. Attorneys' fees and expenses;
- e. Post-judgment interest as provided by law;
- f. Costs of suit; and
- g. Such other and further relief to which Plaintiff may be justly entitled.

Dated: July 6, 2022

Respectfully submitted,

**AHMAD, ZAVITSANOS & MENSING, P.C.**

*/s/ P. Kevin Leyendecker*

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**COUNSEL FOR PLAINTIFF  
TILE ROOFS OF TEXAS, INC.**

# Tile Roof of Texas, Inc.

PROPOSAL

April 26th 2021

**SUBMITTED TO:** April Didrikson  
**ATTN:**

**PROJECT:** 511 S. Home

Roofing and Sheet  
Metal

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**Slate Roof system: All new roof system**

Remove existing deteriorated roof and underlayment  
Install new layer of Grace Ice and Water shield.  
Install Slate roof using Canadian slate tiles.  
Install all new ½ CDX decking

**Labor and material**

**\$ 76,420.00**

**Facia:** Remove 425 feet of fascia, reinstall wood fascia.

**Labor and material**

**\$ 12,750.00**

**Dormers:** Remove existing metal dormer roof tops.  
Install one layer of High Temp Grace ice and water shield.  
Fabricate and install **(5)** custom metal roof tops.

**Labor and materials**

**\$ 6,000.00**

**Gutters:** Remove existing gutters and downspouts.  
Fabricate and install 520' of gutters and downspouts.

**Copper**

**\$18,720.00**

**Please Note: This estimate does not include any rotted wood, fascia, decking or any carpentry work.**

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**ACCEPTED BY:**

This proposal is valid for sixty days from the above date.

Respectfully Submitted,  
Robert P. Coreale

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[www.tilerooftexas.com](http://www.tilerooftexas.com)

