

CAUSE NO. 98-765432

Bruce Ways
PLAINTIFF

§ IN THE JUSTICE COURT

§

§

v.

§

PRECINCT 3

§

Bewitching Bark Salon, LLC
DEFENDANT

§

New Judge COUNTY, TEXAS

PETITION: SMALL CLAIMS CASE

I. DEFENDANT(S) ADDRESS:

8675309 Main St.
New Judges, TX 75103

II. COMPLAINT: Plaintiff files this suit against Defendant based upon the following facts:

Bewitching Bark Salon was supposed to do a classy continental cut on my dog Fluffy. They cut her wrong so I paid for nothing! I had to book another appointment w/a late booking fee. Fluffy obviously lost best in show in the Best In Show Dog Contest. She only lost because of this wrong cut, and she suffered severre emotional distress because of it.

III. RELIEF: Plaintiff seeks:

damages in the amount of \$ 6,300.00
 return of personal property as described as follows (be specific): _____

_____, which has a value of \$ _____.

Additionally, Plaintiff seeks the following:

emotional damages for Fluffy

IV. SERVICE OF CITATION: Service is requested on Defendant(s) by:

- Personal service at home or work,
- Registered mail, or
- Certified mail return receipt requested.

If required, Plaintiff requests alternative service as allowed by the Texas Rules of Civil Procedure. Other addresses where Defendant(s) may be served are: _____

- V. **ONGOING INTEREST:** Plaintiff does or does not seek ongoing interest. If so: The effective interest rate claimed is _____%; this interest rate is based upon contract statute and began accruing on _____; the dollar amount of interest claimed as of _____ is \$ _____.

VI. **JURY REQUEST**

I request a jury trial. (*The fee is \$22 and must be paid at least 14 days before trial unless you file a Statement of Inability to Afford Payment of Court Costs in compliance with Rule 502.3.*)

I do not request a jury at this time.

- VII. **SERVICE BY EMAIL** (*Normally, documents in this case are sent by mail. If it is easier for you, you can choose to get some of the documents sent by email. If you choose to get documents by email, you must have an email account where you can receive, open, and view large attachments, and it is important that you check this email account every day. Even if you receive some documents by email, you will still receive some documents about the case by mail or personal service, so you must not ignore any documents from the court or other parties received by mail or personal service.*)

Yes, I would like to receive documents related to this case by email at this email address: notbatman85@yahoo.com

No, I do not want to receive any documents by email.

VIII. **REMOTE PARTICIPATION**

Hearing by Phone Call: (*When a hearing happens by phone call, you will be able to talk to and hear the judge, Plaintiff, or any witnesses, but you will not be able to see them. Copies of any evidence to be used must be exchanged by the parties and sent to the judge before the hearing.*)

Yes, I am able to have any hearings in this case, except a jury trial, by phone call with the judge and Plaintiff and understand that I must have a phone to use on the date and time of the hearing.

No, I am not able to have hearings by phone call.

Hearing by Video Conference: (*When a hearing happens by video conference, you can hear, see, and talk to the judge, Plaintiff, and any witnesses. You will be able to see any evidence*

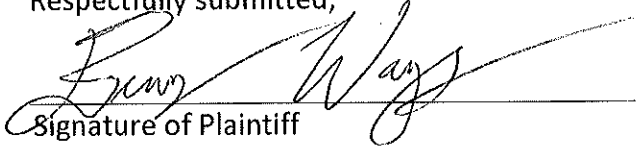
presented during the hearing. You will need to have a computer, a smartphone, or tablet that has a camera feature. You will also need access to the internet to be able to have a video conference.)

Yes, I am able to have any hearings in this case, except a jury trial, by video conference. I understand that I am responsible for having the equipment and internet access needed to participate in a video conference on the date and time of the hearing.

No, I am not able to have hearings by video conference.

NOTE: Your responses in this section do not guarantee that hearings will be held remotely, but rather they help the court know how you are able to participate.

Respectfully submitted,


Signature of Plaintiff

n/a
Signature of Attorney, if any

Printed Name: Bruce Ways
Address: 123 Real Road
New Judger, TX 75163
Email: notbatman85@yahoo.com
Telephone: 111-111-1111
Fax: n/a

Printed Name: _____
Address: _____

Email: _____
Telephone: _____
Fax: _____
State Bar No.: _____

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Bewitching Bark Salon
DEFENDANT

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New Judge COUNTY, TEXAS

DEFENDANT'S ANSWER - SMALL CLAIMS

I. **GENERAL DENIAL, ADDITIONAL PLEAS, AND OTHER INFORMATION** (Under Texas law, the defendant to a lawsuit is only required to answer with a general denial. See Texas Rule of Civil Procedure 502.5 for all the answer requirements.)

My name is Wanda Maximum.

I generally deny the claims that Plaintiff has made in their Petition and demand that all claims be proven. (The Plaintiff is the person suing you.)

I understand that the above general denial is all that is required of a Defendant under Texas law, but I wish to provide additional information:

I dispute the claims in the petition for the following reasons (list):

Bruce is suing the wrong person. The groomer was an independent contractor. Also, he did not pay for his last appointment or any of his other scheduled appointments, so he actually owes me money.

I claim the following defenses (list):

wrong person sued.

Any additional information:

n/a

II. JURY REQUEST

I request a jury trial. (The fee is \$22 and must be paid at least 14 days before trial unless you file a Statement of Inability to Afford Payment of Court Costs in compliance with Texas Rule of Civil Procedure 502.3.)

I do not request a jury at this time.

III. SERVICE BY EMAIL (Normally, documents in this case are sent by mail. If it is easier for you, you can choose to get some of the documents sent by email. If you choose to get documents by email, you must have an email account where you can receive and look at large documents, and it is important that you check this email account every day. **Even if you receive some documents by email, you will still receive some documents about the case by mail or personal service, so you must not ignore any documents from the court or other parties received by mail or personal service.**)

Yes, I would like to receive documents related to this case by email at this email address:

bewitchingbarksalon007@hotmail.com

No, I do not want to receive any documents by email.

IV. REMOTE PARTICIPATION

Hearing by Phone Call: (When a hearing happens by phone call, you will be able to talk to and hear the judge, Plaintiff, or any witnesses, but you will not be able to see them. Copies of any evidence to be used must be exchanged by the parties and sent to the judge prior to the hearing.)

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Yes, I am able to have any hearings in this case, except a jury trial, by video conference. I understand that I am responsible for having the equipment and internet access needed to participate in a video conference on the date and time of the hearing.


No, I am not able to have hearings by video conference.

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V. RELIEF REQUESTED

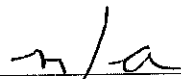
Defendant reserves the right to file an Amended Defendant's Answer with the court to plead other defenses after further investigation and discovery.

Defendant requests that the court enter judgment for Defendant, award Defendant's costs, and for such other and further relief to which Defendant may prove to be justly entitled.



Signature of Defendant

Respectfully submitted,



Signature of Attorney, if any

Printed Name: Wanda Maximum
Address: 8675309 Main St.
New Judges, TX 75103
Email: bewitchingharksalon@hotmail.com
Telephone: 222-222-2222
Fax: 222-222-2223

Printed Name: _____
Address: _____

Email: _____
Telephone: _____
Fax: _____
State Bar No.: _____

CERTIFICATE OF SERVICE

(This answer and any other pleadings or motions must be sent to the court and served on the other parties in the case by following Texas Rule of Civil Procedure 501.4.)

I hereby certify that a copy of this answer was served on Plaintiff on Jan. 14,
2022 pursuant to Texas Rule of Civil Procedure 501.4 by:

- Personal delivery
- Mail
- Fax
- Email (if both parties have agreed in writing and provided an email address)
- Another method approved by the court: _____

Wesley Markin
Signature

VOIR DIRE

A BENCH CARD FOR JUSTICES OF THE PEACE

Excuses

- The Court can excuse a party who they believe has a sufficient excuse.
- The Court cannot excuse a prospective juror for an economic reason without both parties being present and approving the release of that juror for that reason.

Things the Parties Can't Ask

- Repetitive questions
- Irrelevant or immaterial questions
- Commitment questions – A party can't try to make a potential juror commit to a verdict *based on facts* other than something that would prove they have a bias or prejudice. A party can ask a commitment question if it is simply asking if the jurors can follow the law without applying specific facts.

Examples:

Allowable: If I proved all of the elements of the offense beyond a reasonable doubt, could you convict? (follow the law)

Not Allowable: If I proved the Defendant refused a breath test, would you convict? (applying facts)

Peremptory Challenges/Strikes

Each side may strike three (3) people from the jury pool without telling the court a reason, as long as they are not challenged by the other side with a Batson Challenge.

Batson Challenge

When one side argues that the other side has used peremptory strikes to eliminate otherwise eligible jurors because of race, ethnicity, or sex.

Challenges/Strikes for Cause

- A request that a prospective juror should be struck, meaning removed or dismissed, because there is a specific reason to believe the person can't be fair, unbiased, or capable of serving as a juror.

Common Challenges for Cause

- Unfair bias for/against law enforcement
- Personal relationship with one of the parties that creates bias or prejudice
- Experience with the justice system that creates bias or prejudice
- Sovereign citizens - couldn't find anyone guilty
- Can't hear or see
- Witness in this case
- Related to a party within third degree consanguinity or affinity (Government Code Ch. 573)
- Can't consider full range of punishment

Swearing in the Jury

Criminal Trial

"You and each of you do solemnly swear that in the case of the State of Texas against the defendant, you will a true verdict render according to the law and the evidence, (so help you God)."

CCP Art. 35.22

Civil Trial

"You, and each of you, do solemnly swear that in all cases between parties which shall be to you submitted, you will a true verdict render, according to the law, as it may be given you in charge by the court, and to the evidence submitted to you under the rulings of the court, (so help you God)."

Rule 236



VOIR DIRE

A BENCH CARD FOR JUSTICES OF THE PEACE

What is “Voir Dire”?

Voir Dire is the process of eliminating jurors that Texas courts use to determine which prospective jurors will sit on the jury for a trial. In justice courts, juries are made up of 6 jurors. After the court has determined which jurors to excuse for qualifications, exemptions, and excuses, each party receives time to ask the remaining potential jurors questions related to their case to determine if the prospective jurors can be fair, unbiased, and capable of serving.

Swearing in the Venire

Criminal Trial

"You, and each of you, do solemnly swear that you will make true answers to such questions as may be propounded to you by the court, or under its directions, touching on your service and qualification as a juror, (so help you God)." *CCP Art. 35.02*

Civil Trial

"You, and each of you, do solemnly swear that you will true answers give to all questions propounded to you concerning your qualifications as a juror, (so help you God)." *Rule 226*

General Qualifications

- Is at least 18 years of age;
- Is a citizen of the United States;
- Is a resident of this state and of the county in which the person is to serve as a juror;
- Is qualified under the constitution and laws to vote in the county in which the person is to serve as a juror;
- Is of sound mind and good moral character;
- Is able to read and write;
- Has not served as a petit juror for six days during the preceding three months in the county court or during the preceding six months in the district court;
- Has not been convicted of misdemeanor theft or a felony; and
- Is not under indictment or other legal accusation for misdemeanor theft or a felony.

Gov't Code § 62.102, CCP Art. 35.12

Exemption from Jury Service

- Is over 75 years of age;
- Has legal custody of a child younger than 12 years of age and the person's service on the jury requires leaving the child without adequate supervision;
- Is a student of a public or private secondary school;
- Is a person enrolled and in actual attendance at an institution of higher education;
- Is an officer or an employee of the senate, the house of representatives, or any department, commission, board, office, or other agency in the legislative branch of the state government;
- Is summoned for service in a county with a population of at least 200,000, unless that county uses a jury plan under Government Code Section 62.011 and the period authorized under Section 62.011(b) exceeds two years, and the person has served as a petit juror in the county during the 24-month period preceding the date the person is to appear for jury service;
- Is the primary caretaker of a person who is unable to care for himself or herself;
- Is summoned for service in a county with a population of 250,000 and the person has served as a petit juror in the county during the three-year period preceding the date the person is to appear for jury service. This does not apply if the jury wheel in the county has been reconstituted after the date the person served as a petit juror;
- Is a member of the United States military forces serving on active duty and deployed to a location away from the person's home station and out of the county of residence.

Gov't Code § 62.106



Bewitching Bark Salon

Grooming & Release Form

Owner's Name: Bruce Ways

Address: 123 Real Road

City: New Judges State: TX Zip: 75103

Home Phone: _____

Mobile Phone: 111-111-1111 Carrier: Sprint

Work Phone: _____

Email: notbatman85@yahoo.com

Emergency Phone: _____

Pet's Name: Fluffy Cleopatra

Pet's Breed: Standard Poodle

Pet's Color: Black

Weight: 55 Birth Date: 02-21-18

Check one:

Neutered male Spayed female

Unaltered male Unaltered female

*All animals over 8 months old must be neutered or spayed to board or daycare.

How did you hear about us? Internet search Website Drove by Advertisement
 Flyer/Coupon Facebook Friend/Family Other (explain): Poodle Club of America Referral

All pets must have written documentation from a licensed veterinarian of recent vaccinations. If your animal is not vaccinated at the time of drop-off, Bewitching Bark Salon can ensure your pet receives the proper veterinary care and vaccinations (a fee will be assessed for this service that must be paid in full upon pickup). *Please see vaccine requirements under Bewitching Bark Salon Policies.

Method of flea control: TriFexis Date the dosage was administered: 04-01-2020
*All animals must be on flea control or there will be a fee for Bewitching Bark Salon to provide/administer.

Method of heartworm control: Tri-Heart Plus Date the dosage was administered: 04-01-2020

Please describe any recent or ongoing medical or physical conditions and/or issues (including anxiety, seizures, special needs, etc):

Emergency contact (IF other than owner): Melvin Brooks Phone: 333-333-3333

Bewitching Bark Salon Policies:

- Vaccines:** Required vaccines for dogs are Rabies (At least every 36 months), DHLPP (Distemper, Hepatitis, Leptospirosis, Parainfluenza, Parvovirus - Every 12 months) and Bordetella (Intra-nasal every 6 months OR injection every 12 months). Required vaccines for cats are Rabies (At least every 36 months), FVRCP (Feline Viral Rhinotracheitis, Calicivirus, Panleukopenia - Every 12 months) and FeLV - Feline Leukemia Virus (Every 12 months). In order to board your pet, you must show documentation from a licensed veterinarian that verifies all vaccinations are current. If any vaccinations are past due, your pet(s) must be vaccinated prior to the first visit for his/her protection, as well as for the protection of others. Fees for vaccines administered at this facility will be added to your bill. All puppies/kittens must have completed their first full set of vaccinations in order to stay.
- Parasites:** All pets must be free from external (e.g. fleas, ticks) and internal parasites (e.g. hookworms, roundworms). At our discretion, if internal or external parasites are found the cost of treatment will be added to your bill.

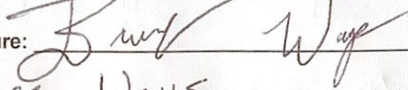
BY SUBMITTING THIS FORM:

You agree to hold Bewitching Bark Salon, its managers, officers, directors, agents, affiliates, and employees are harmless for conditions that arise during the grooming appointment.

You understand and agree that each groomer is an independent contractor, not an employee, and Bewitching Bark Salon is not liable for any of their actions, including the quality or cut of the grooming appointment. You release, indemnify and hold Bewitching Bark Salon, LLC harmless from any and all manner of damages, claims, losses, liabilities, costs or expenses, causes of action or suits, whatsoever in law or equity (including, without limitation, attorney's fees and related costs) arising out of or relating to products and services provided by the salon.

You agree that this agreement covers the current relationship between Bewitching Bark Salon, LLC and yourself and that each subsequent visit by your animal(s), listed above, to Bewitching Bark Salon will serve to affirm the terms of this agreement and the truthfulness and accuracy of all statements you make in this agreement.

I HAVE READ THE ABOVE AND I AGREE TO ALL TERMS AND CONDITIONS

Owner/Agent Signature:  Date: 04-04-2020
Print name: Bruce Ways

November 2021 WANDA'S BOOKING

Sun	Mon	Tue	Wed	Thu	Fri	Sat
Groomer ↓	1 - No show - Fang - 10am	2 - Pup Tart - 10am	3 - Elie - 10am	4 - Salvador Degi - 10am	5	6
-Mamrie -	- Batman 3pm	- Dogzilla - 2pm	- Judy - 2pm	- Bruno - 2pm	closed ↓	
7	8 - Bones - 10am - Vera Fang - 2pm	9 - Beowolf - 10am	10 - Deisel - 10am - Harry Paw-tr - 2pm	11	12	13
Agatha -	?	?	?	- Jude Paw - 2pm		
14	15 - D.O.G. - 10am - Jessica - 1pm	16	17 - Fluffy - 10am <small>No show</small>	18 - Bacon - 10am - Stella - 1pm	19	20
Agatha -	?	?	?			
21	22 - Bear - 10am - Ella - 2pm	23	24	25	26	27
- Tim -						
28	29 - Humer - 11am - Santa Paws - 2pm	30 - Bark Twain - 10am				

December 2021 WANDA'S BOOKING

Sun	Mon	Tue	Wed	Thu	Fri	Sat
Groomer ↓			1 - Fang - 10am	2 - Dogzilla - 10am	3	4
- Grace -			- Elio - 2pm	- Bongs - 2pm	- Dumbiedog - 1pm	
5	6 - Pup Tart - 10am	7 - Raja - 10am	8 - Harry Paw - ter - 10am	9 - Stella - 11am	10 - Beewoof - 10am	11
- Agatha -	- Doc - 2pm	- Harkness - 2pm	- Santa Paws - 3pm	- D.O.G. - 3pm	- Suzy - 2pm	
12	13 - Bacon - 10am	14 - Jude Paw - 10am	15 - Fluffy - 10am	16 - Homer - 11am	17 - Urkel - 10am	18
- Marnie -	- Bean - 2pm	- Ella - 2pm	- Groucho Barks 3pm	- Jessica - 2pm	- Kanye Westie - 2pm	
19	20	21	22	23	24	25
26	27	28	29	30	31	

From: Maximum, Wanda
Sent: Thursday, October 7th, 8:27 AM
To: Ways, Bruce
Subject: RE: Fluffy's Continental Cut

Hi Bruce,

I have Fluffy booked and ready to go on October 20th for her continental cut. Thanks!

-Wanda
Owner, Bewitching Bark Salon

From: Ways, Bruce <notbatman85@yahoo.com>
Sent: Friday, October 1st, 7:15 AM
To: Maximum, Wanda <bewitchingbarksalon007@hotmail.com>
Subject: Fluffy's Continental Cut

Dear Wanda,

Fluffy is getting ready for her upcoming turn in the Best in Show pageant so we need her to get the poodle continental clip like the photo from her last showing at a dog show. I'll be bringing her in on Wednesday for this month's cut. Thanks!



Thank you!

Bruce Ways

Fluffy before being groomed



Fluffy after being groomed



Example of Fluffy with a continental cut at her last dog show



REWARDING FANCY DOGS SINSE 19828

BEST IN SHOW DOG SHOW
123 PUPPY LANE
NEW
TX
75103

.....
CASHIER #
CUSTOMER #

.....
PURCHASE #

FLUFFY ENTRANCE FEE \$1000.00

+% TAX \$0.00

.....
TOTAL: \$1000.00

PAYMENT METHOD: CREDIT CARD
TRANSACTION # 123456789- 002
DATE: 09/04/2021 12 : 45 : 43 PM

RECEIPT

DATE 10-29-21 No. _____

RECEIVED FROM Bruce Ways \$ 800.00

Eight hundred dollars _____ DOLLARS

FOR RENT

FOR Fluffy's cut + late booking fee

ACCOUNT	1234
PAYMENT	800 00
BAL. DUE	0 00

CASH
 CHECK
 MONEY ORDER
 CREDIT CARD

FROM TenderHeart

TO Grooming

BY Bill Tender

A-2701
T-46800/46802

CAUSE NO. _____

_____	§	IN THE JUSTICE COURT
PLAINTIFF	§	
	§	
v.	§	PRECINCT _____
	§	
_____	§	
DEFENDANT	§	_____ COUNTY, TEXAS

JURY VERDICT (GENERAL)

We, the jury, impaneled in the above case, find as follows:

On Plaintiff's claim for _____:

- We find in favor of Plaintiff and against Defendant and award Plaintiff the following damages: \$ _____; or
- We find in favor of Defendant and against Plaintiff.

On Plaintiff's claim for _____:

- We find in favor of Plaintiff and against Defendant and award Plaintiff the following damages: \$ _____; or
- We find in favor of Defendant and against Plaintiff.

Our verdict is:

- Unanimous (*as signified by the signature of the foreperson below*)
- Not Unanimous; however five of six jurors agree on the verdict, as signified by our signatures below:

Foreperson

CAUSE NO. _____

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PLAINTIFF	§	
	§	
v.	§	PRECINCT _____
	§	
_____	§	
DEFENDANT	§	_____ COUNTY, TEXAS

JUDGMENT FOR DEFENDANT (JURY TRIAL)

On _____, 20 _____, this case was tried.

Plaintiff appeared in person by attorney: _____

Defendant appeared in person by attorney: _____

A jury of qualified citizens of the county was impaneled and sworn. The jury finds as a result of their verdict for Defendant.

It is therefore **ORDERED** that Plaintiff take nothing from this suit and that Defendant be awarded court costs of \$_____.

You may appeal this judgment by filing a bond, making a cash deposit, or filing a Statement of Inability to Afford Payment of Court Costs within 21 days after this judgment was signed. See Texas Rule of Civil Procedure 506.

Important Notice

If you are an individual (not a company), your money or property may be protected from being taken to pay this judgment. Find out more by visiting www.texaslawhelp.org/exempt-property.

El Aviso Importante

Si usted es una persona física (y no una compañía), su dinero o propiedad pudieran estar protegidos de ser embargados como pago de esta deuda decretada en juicio en contra suya. Obtenga mayor información visitando el sitio www.texaslawhelp.org/exempt-property.

ISSUED AND SIGNED on _____, 20_____.

JUSTICE OF THE PEACE, PRECINCT _____
_____ COUNTY, TEXAS

CAUSE NO. _____

_____	§	IN THE JUSTICE COURT
PLAINTIFF	§	
	§	
v.	§	PRECINCT _____
	§	
_____	§	
DEFENDANT	§	_____ COUNTY, TEXAS

JUDGMENT FOR PLAINTIFF (JURY TRIAL)

On _____, 20 _____, this case was tried.

Plaintiff appeared in person by attorney: _____

Defendant appeared in person by attorney: _____

A jury of qualified citizens of the county was impaneled and sworn. The jury finds as a result of their verdict for Plaintiff and assesses damages in the sum of \$ _____. It is therefore **ORDERED** that Plaintiff recover of Defendant with interest at the rate of _____% compounded annually the amount listed above plus:

attorney's fees of \$ _____,

court costs of \$ _____.

You may appeal this judgment by filing a bond, making a cash deposit, or filing a Statement of Inability to Afford Payment of Court Costs within 21 days after this judgment was signed. See Texas Rule of Civil Procedure 506.

Important Notice

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ISSUED AND SIGNED on _____, 20 _____.

JUSTICE OF THE PEACE, PRECINCT _____
_____ COUNTY, TEXAS