

Lawsuit Petition for Retaliation

This form petition can be used to file suit in justice court requesting: a civil penalty of one month's rent plus \$500, actual damages, court costs, and reasonable attorney's fees, and moving costs (if you were forced to move). Justice court has a jurisdictional limit of \$20,000 and is sometimes more friendly to landlords because they file evictions in their courts all the time. But, it is easier to represent yourself in justice court, cheaper to file the suit and you get to trial much quicker than in other courts. The form comes with instructions, but see Sue Your Landlord to learn how to file the lawsuit and try the case in justice court.

Once the form is printed fill in these blanks in the form:

1. The first blank at the top of the form is the **Case Number**. When you file the case, the court clerk will assign a number to the case and write that number at the top. You do not need to fill that blank in prior to filing the case.
2. On the right side at the top is the court information. Put the **County, Precinct, and Place** where you are filing suit (e.g., Precinct 1, Place 2, Dallas County, Texas).

Each county often has more than one JP court, so the county is divided into two or more precincts. The easiest way to find out your precinct is to call one of them and tell them the address of the property you are leasing. The court clerk will then tell you which precinct the property is in. For precincts with large populations, more than one JP court is assigned to a precinct. In these precincts, each JP court is assigned a different "Place number." You are allowed to file the case in any "Place" in your precinct. So if there is more than one JP court in your precinct, pick the court that is easy to get to or the one that is friendliest to tenants.

3. Since you are bringing the suit first, **you are the Plaintiff**. Put your name in the blank for Plaintiff on the left side, and again in the Parties section of the form petition.
4. The **landlord is the Defendant**. This is probably not the manager of the property. It is best to **sue the owner of the property**. You have a right to know the name and address of the owner of the property. See Who owns the property? for details on obtaining this information. Often a business entity owns the property (like a corporation, or a limited partnership). If the owner is a business entity, list the entity as the Defendant in the suit and put the name in the blank for Defendant at the top and in the Parties section of the form petition.
5. Fill in the **address of the Defendant** in the Parties section of the form petition. This is the address at which a constable will serve the Defendant with court papers. Try to get the correct address and completely list it. The easier it is for the constable to serve the court papers, the faster your case will be heard. You are entitled to know the address of the owner of the property. As we stated above, it is best to sue the owner of the property.
6. Mark on the petition **the action you took that caused the landlord to get mad and retaliate, and then mark on the petition the retaliatory action that landlord took**.
7. Sign your name at the bottom. Print your name, complete address and phone number below your signature.
8. Read over the form and make sure it has been filled out completely.
9. **Make two copies** of the signed form and take them, with the original to the justice court for filing (3 total). The court will keep the original, keep one copy to serve on the Defendant and return one to you with a file stamp for your records. For more information on proceeding with the case, see Sue Your Landlord.

NO. _____
(filled in by court)

_____,) IN THE JUSTICE COURT
PLAINTIFF (Your Name),)
vs.)
) PRECINCT ____, PLACE ____
)
_____,)
DEFENDANT (Landlord).) _____ COUNTY, TEXAS

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF THE COURT:

Plaintiff files this original petition in the above-styled and numbered cause, and in support, shows the Court as follows:

I. DISCOVERY

- 1. Plaintiff intends to conduct discovery under Level 1.

II. PARTIES

- 2. _____, Plaintiff, is a resident of the county of this Court, within Texas.
- 3. _____, Defendant, may be served at the following address:

_____.

III. JURISDICTION AND VENUE

- 4. The amount in controversy is within the jurisdictional limits of this Court, and venue is proper as the cause of action arose in the county of this Court within Texas.

IV. FACTS

- 5. Plaintiff leased premises from Defendant.
- 6. Defendant retaliated against Plaintiff in violation of Section 92.331 of the Texas Property Code when Plaintiff (mark all that apply):

exercised or attempted to exercise a right granted by the lease or law;

gave Defendant a notice to repair

established, attempted to establish, or participated in a tenant organization; and/or

- complained to a governmental entity, nonprofit or civic agency.
7. Defendant retaliated by (mark all that apply):
- filing an eviction proceeding;
 - depriving Plaintiff of the use of the premises;
 - decreasing services to Plaintiff;
 - increasing Plaintiff's rent;
 - terminating Plaintiff's lease; and/or
 - materially interfered with Plaintiff's rights under the lease.

V. CAUSES OF ACTION

8. Defendant is liable to Plaintiff for improperly retaliating against Plaintiff based one or more grounds. Pursuant to Section 92.333 Texas Property Code, Plaintiff requests the following relief for EACH violation noted above:
- a. civil penalties of one month's rent plus \$500,
 - b. actual damages,
 - c. actual expenses,
 - d. and court costs from Defendant.

VI. REQUEST FOR RELIEF

Plaintiff requests this Court grant the following relief:

- a. civil penalties as requested herein;
- b. actual damages and actual expenses;
- c. court costs; and
- d. any other relief to which Plaintiff is entitled.

Respectfully submitted,

(Your Signature)

(Your Printed Name)

(Your Address)

(Your City, State, Zip)

(Your Phone Number)

(Your Email)