

Small Claims Petition

Case No. _____

§ In the Small Claims Court of

Plaintiff

§ Harris County, Texas

vs. VISION SYSTEMS, LTD CO. DBA KOOLPRINT, M.
IHTESHAM KHOKHAR, DIRECTOR & REG. AGENT

§

§

§ Precinct 1, Place 1

Defendant

THE STATE OF TEXAS

COUNTY OF HARRIS:

Plaintiff: _____

Address: _____

City: _____ State: _____ Zip: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Home Phone Number: _____ Work Phone Number: _____

being duly sworn, on oath, deposes and says that:

Defendant: VISION SYSTEMS, LTD CO. DBA KOOLPRINT, M. IHTESHAM KHOKHAR DIRECTOR & REGISTERED AGENT

Address: 6750 WEST LOOP FWY S, SUITES 140 & 690

City: BELLAIRE State: TX Zip: 77401

Home Phone Number: _____ Work Phone Number: 713-668-6221

Driver's License Number: _____ State: _____ Date of Birth: _____

Other: _____

is justly indebted to Plaintiff in the amount of \$ _____ for *(describe the nature of the claim, including all pertinent dates; attach additional page if necessary)*.

FAILURE TO DELIVER PRODUCTS ORDERED OR REFUND PAYMENTS MADE. SEE ATTACHED STATEMENT

and there are no counterclaims existing in favor of the Defendant and against the Plaintiff, except: *(describe any claim the Defendant is making against the plaintiff)* NONE

Respectfully submitted,

Signature of Plaintiff

SUBSCRIBED and SWORN TO BEFORE ME on _____.

Clerk of the Court

Justice of the Peace, Precinct _____, Place _____

***Service of Process:** No judgment may be rendered against a defendant unless the defendant has been properly served with process. Defendants may be natural persons, individuals, or persons doing business in the form of sole proprietorships, or partnerships, or corporations. Any individual doing business under an assumed name, or any business operating in the form of a partnership or corporation, may sue or be sued in the business name, but service of process must be properly accomplished. Service of process directed to individuals is effected by delivery directly to the person. Service of process on business entities is more difficult and must be accomplished by service on an agent or person authorized to accept service.

For example, if a defendant is a partnership, the citation may be directed to one member of the partnership, and service effected on that one member authorizes a judgment against the partnership and the partner actually served. If the defendant is a corporation, citation may be served by serving the corporation's president or any vice-president, or the corporation's registered agent. If the corporation's registered agent cannot be found at the corporation's registered office, then service of process may be made on the Secretary of State.

To determine the exact legal nature of a business entity, the plaintiff may look at the Assumed Name Records maintained by the County Clerk, or contact the Corporation Division of the Office of the Secretary of State, or the Office of the State Comptroller.

CONCEPT PRODUCTS, LLC, PLAINTIFF
VS.
VISION SYSTEMS LTD. CO DBA KOOLPRINT, DEFENDANT

STATEMENT OF FACTS:

1. On Monday, July 23, 2007, Chad Collins, Operating Partner of CONCEPT PRODUCTS, LLC (“We”) ordered the design and printing of 5,000 table tent cards with glossy lamination (“The Products”). The order was slated as “Urgent” which was defined by KOOLPRINT to mean that The Products would ship on the 4th business day after final approval of the artwork via “2-day” shipping method.
2. Cost of the order was \$1,300, which would be discounted to \$1,235 if payment was made by wire transfer to speed the process. Payment was made via wire transfer by ARVEST Bank in the amount of \$1,235 per Chad Collins request.
3. Artwork was approved by Chad Collins via email to KOOLPRINT Support on Monday, July 23, 2007 @ 9:42 PM. We expected delivery of The Products no later than Friday, August 3, 2007
4. On Monday, August 6, 2007, The Products had not been delivered to us. Chad Collins sent an email to KOOLPRINT’S Shipping Department as directed by the KOOLPRINT website to those parties requesting status for their order.
5. On Saturday August 11, 2007, Chad Collins received an email from the Shipping email account at KOOLPRINT. It stated that KOOLPRINT apologizes for the delays and that The Products would ship on Friday, August 17 using an “expedited” shipping method. It also stated that an amount of our payment paid to get “Urgent” delivery would be refunded (this amount was \$200).
6. On Monday, August 20, 2007 we received a partial quantity (roughly qty 500 or 10% of the ordered number) of the tent cards we ordered. The tent cards did not have the glossy lamination.
7. On Tuesday August 21, 2007, we were informed via email from Shipping at KOOLPRINT that the remainder of the order will have glossy lamination and will ship within the “next couple days.” We will also be compensated \$250 for the error.
8. On Tuesday, August 28, 2007, the remainder of The Products had still not been delivered to us. Chad Collins received an email from the Shipping email account at KOOLPRINT that stated the remainder of the order would be “shipped this week for sure.”
9. On Thursday, September 13, 2007 the remainder of The Products had still not been delivered to us. Chad Collins talked to Nick at KOOLPRINT via telephone who said the remainder of our order was in “final processing” and would be ready to ship in “3 to 4 days.”

10. On Wednesday, September 19, 2007 the remainder of The Products had still not been delivered to us. Chad Collins received an email from the Shipping email account at KOOLPRINT that stated the remainder of the order would ship “on Monday or Tuesday of next week.”
11. On Thursday, September 27 the remainder of The Products had still not been delivered to us. KOOLPRINT was not returning calls or emails we sent. Chad Collins sent an email to the Shipping and Support email accounts at KOOLPRINT. In it he stated that failure to contact him that day would result in a complaint being filed with the Better Business Bureau. He also stated that failure to resolve the issue would result in us contacting the Attorney General and filing a claim for our loss.
12. On Friday, September 28, we had not been contacted by KOOLPRINT as requested. Chad Collins filed a complaint with the Houston Better Business Bureau.
13. On Tuesday, October 2, 2007, Chad Collins received an email from Nick at KOOLPRINT that stated the remainder of our order would be shipped on October 6th.
14. Beginning October 4, 2007, all communication from KOOLPRINT stopped. We continued to call and ask Customer Support to have someone contact us with information about our order. We also left multiple messages on an answering machine at a different phone number we were provided. We also continued to send email messages requesting status.
15. On Friday, October 11, 2007, a letter was sent to KOOLPRINT via Certified mail, Return Receipt Requested informing them that their failure to deliver The Products or contact us to resolve the problems would result in CONCEPT PRODUCTS filing a claim against them. This letter was delivered at 11:44 AM on Monday, October 15, 2007.

Respectfully submitted,

_____, PLANTIFF

SUBSCRIBED and SWORN TO BEFORE ME on _____