

DC-24-04805

CAUSE NO. _____

GUERIN WOODGATE AND § IN THE DISTRICT COURT
ANTHONY GUTHRIE §
§ 68th
VS. §
§ _____ JUDICIAL DISTRICT
§
FIX HOLD & FLIP §
CONSTRUCTION, LLC, ALAN §
GABRIEL ANTILLON, AND JAMES §
E. WILEY, JR and WILEY §
BROTHERS GENERAL
CONTRACTORS, INC OF DALLAS COUNTY, TEXAS

PLAINTIFFS' ORIGINAL PETITION

Plaintiffs Guerin Woodgate and Anthony Guthrie, file this Plaintiffs' Original Petition complaining of Defendants Fix Hold & Flip Construction, LLC, Alan Gabriel Antillon, Wiley Brothers General Contractors, Inc. and James E. Wiley, Jr., and for cause of action would show the Court the following:

Discovery Control Plan

1. As provided in Rule 190, Texas Rules of Civil Procedure, Plaintiffs intend to conduct discovery under Level 2.

Plaintiffs

2. Plaintiff, Guerin Woodgate, is an individual whose address is 1312 Travis Circle S. Irving, TX 75038. The last three digits of Plaintiff's driver's license number are 106. The last three digits of Plaintiff's Social Security number are 603. Plaintiff Woodgate may be served through his counsel of record, Joseph LaFleur, Winborne LaFleur PC, 216 W. Franklin St. Waxahachie, TX 75165.

3. Plaintiff, Anthony Guthrie, is an individual whose address is 1312 Travis Circle S. Irving, TX 75038. The last three digits of Plaintiff's driver's license number are 256. The last three digits of Plaintiff's Social Security number are 561. Plaintiff Guthrie may be served through his counsel of record, Joseph LaFleur, Winborne LaFleur PC, 216 W. Franklin St. Waxahachie, TX 75165.

Defendants

4. Defendant, Fix Hold & Flip Construction, LLC, is a limited liability company. It can be served with process by serving Gabriel Antillon, its registered agent, by personal delivery at the registered office located at 2231 Madera Street, Dallas, Texas 75206.

5. This Court has jurisdiction over Fix Hold & Flip Construction, LLC because said Defendant is a resident of Texas.

6. Defendant, Alan Gabriel Antillon, a.k.a. Gabriel Antillon is an individual who may be served with process at Defendant's residence by personal delivery at 3039 Nowitzki Way #4002, Dallas, TX 75219. On information and belief, Gabriel Antillon is also known as Alan Gabriel Antillon.

7. This Court has jurisdiction over Alan Gabriel Antillon because said Defendant is a resident of Texas.

8. Defendant, James E. Wiley, Jr., is an individual who may be served with process at Defendant's place of business by personal delivery at 2803 Virgo Lane, Dallas, Texas 75229.

9. This Court has jurisdiction over James E. Wiley, Jr. because said Defendant is a resident of Texas.

10. Defendant, Wiley Brothers General Contractors, Inc. is a Texas Domestic Corporation and may be served through its registered agent, James E. Wiley at the office of its registered agent 9990 Monroe Dr. Dallas, TX 75220.

11. This Court has jurisdiction over Wiley Brothers General Contractors, Inc. because it is a Texas resident.

Venue

12. Venue is proper in this county in that the events giving rise to this cause of action occurred within Dallas County.

Jurisdiction

13. The damages sought in this suit are within the jurisdictional limits of the Court. As required by Rule 47, Texas Rules of Civil Procedure, Plaintiffs state that Plaintiffs seek monetary relief over \$250,000 but not more than \$1,000,000.

Notice of Claim

14. Plaintiffs delivered written notice of this claim to Fix Hold & Flip Construction, LLC on February 8, 2024, advising Fix Hold & Flip Construction, LLC in reasonable detail of the specific complaint made the subject of this action and the amount and nature of the damages and expenses sought.

15. Plaintiffs delivered written notice of this claim to Alan Gabriel Antillon on February 8, 2024, advising Alan Gabriel Antillon in reasonable detail of the

specific complaint made the subject of this action and the amount and nature of the damages and expenses sought. The letter also warned Defendants Antillon and FHFC that Plaintiffs would sue under the Texas Deceptive Trade Practices Act.

16. Plaintiffs contacted Defendant, James E. Wiley, Jr. on March 11, 2024, demanding that property Defendant James E. Wiley possessed which belonged to plaintiffs be returned. Wiley refused to cooperate in the return of Plaintiffs' property.

Facts-As to Defendants FHFC and Antillon

17. On 10/11/2023, Guerin Woodgate, Anthony Guthrie, Fix Hold & Flip Construction, LLC ("FHFC"), and Gabriel Antillon, FHFC's sole member and agent, agreed that FHFC would perform a comprehensive renovation of a rental home which included such items as replacing the roof, leveling the foundation, replacing the supply and sewer plumbing, replacing the electrical system, installing a new kitchen, installing new flooring, and many other cosmetic items to prepare the home for rent. The agreement is memorialized in an invoice prepared by FHFC's principal and formed the basis of a contract. A copy of said agreement is marked P-1 and incorporated herein for all purposes.

18. The heart of the agreement was a detailed document which detailed the work to be done. The price set was \$156,828.75. Plaintiffs paid \$116,004.06 down with a balance of \$40,824.69 to be paid as progress payments. Defendants proposed additional work to Plaintiffs and Plaintiffs agreed to some of the additional work, however, discussed below, Defendants fraudulently induced Plaintiffs to agree to

additional work to repair problems that Defendants themselves intentionally caused.

19. Defendants Fix Hold & Flip, LLC and Alan Gabriel Antillon, abandoned the work and failed to complete the work for which they were paid. This abandonment damaged the Plaintiffs who lost the benefit of the bargain and had to pay to repair damages intentionally caused by Plaintiffs.

20. Additionally, Antillon removed valuable building materials, including drywall, lighting, air conditioning units etc. from the rental property and stored them at 2970 Blystone Lane, #108, Dallas Texas. This address is an address for a building owned or leased by James Wiley and/or Wiley Brothers General Contractors, Inc. Despite requests from Plaintiff Woodgate to both Antillon and Wiley, Wiley refused to return the building materials and equipment from the Blystone Lane location to Plaintiffs. Discussed below, Wiley first said the building was empty and that Antillon had opportunity to remove the materials. Antillon stated he was locked out of the building.

21. Antillon and FHFC promoted themselves as “a Dallas Fort Worth Roofing, restoration & Construction company that has provided DFW with quality residential and commercial repairs and replacements since 2008.” *See* www.fixholdflip.com. According to the filings at the Texas Secretary of State’s office, the reality is that FHFC did not come into existence until 2020, and Antillon formed the LLC on May 7, 2020, while the Covid-19 pandemic ravaged the globe.

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