

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

JEANIE HICKS
Plaintiff,

v.

CENLAR FSB,
Defendants.

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CIVIL ACTION NO. 4:20-cv-1661

**DEFENDANT’S MOTION TO STAY PRETRIAL ORDER
DEADLINE, DOCKET CALL AND TRIAL DATE**

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES, Defendant Cenlar, FSB (“Defendant”), its successors in interest or assigns, and files this Motion to Stay Pretrial Order Deadline, Docket Call and Trial Date per the court’s Amended Scheduling Order signed February 18, 2021. [Doc. 16]. In support thereof, Defendant would respectfully show the Court:

1. On March 2, 2020, Plaintiff Jeanie Hicks (“Plaintiff”) sued Defendant to stop foreclosure alleging violations of violations of the Texas Property Code, Texas Business & Commerce Code and Texas Finance Code. Plaintiff also seeks a declaratory judgment and injunctive relief. Defendant filed its answer and affirmative defenses in the State Court proceeding on May 12, 2020 prior to removing the case to this Court. Defendant filed its counterclaim seeking an order allowing foreclosure on June 16, 2020 [Doc. 6].

2. Plaintiff did not appear at the Court ordered status conference held on July 16, 2021. [Doc. 24].

3. Defendant filed its Motion for Summary Judgment and Brief in Support on July 28, 2021 [Doc. 25]. Plaintiff has not yet filed a response to Defendant’s summary judgment motion.

4. The current scheduling order signed February 18, 2021 [Doc. 16] sets forth a deadline to file a joint pretrial order on October 4, 2021, a docket call on October 8, 2021, and a trial at 9:00 a.m. on October 11, 2021.

5. Defendant requests the Court stay the joint pretrial order deadline, docket call and bench trial pending a ruling on Defendant's Motion for Summary Judgment.

6. This request for continuance is not for delay only, but so that justice may be done.

WHEREFORE, PREMISES CONSIDERED Defendant requests that this Court stay the joint pretrial order deadline set for October 4, 2021, the docket call set for October 8, 2021, and bench trial set October 11, 2021 until such time as the Court has an opportunity to review and rule on Defendant's Motion for Summary Judgment.

Respectfully submitted,

By: /s/ Crystal G. Gibson
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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

Pursuant to Texas Rules of Civil Procedure, I certify that a true and correct copy of the foregoing has been sent on this the 21st day of September, 2021 to all parties of record the method indicated below.

VIA E-SERVICE: JHICKS4403@GMAIL.COM

Jeanie Hicks
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/s/Crystal G. Gibson

Crystal G. Gibson