

See Temporary Restraining Order dated July 6, 2021. Plaintiff was initially represented by counsel, but that counsel withdrew. *See* Order dated September 9, 2021.

After the withdrawal of his counsel, Plaintiff, now a pro se party, has been unresponsive to Defendants' communications regarding settlement negotiations, including a payoff quote for Plaintiff's mortgage loan, and regarding the seeking of a continuance of the current trial setting. *See* Exhibit 1 hereto. In addition, Plaintiff has failed to respond to Defendant's written discovery requests, including requests for admission.

This case is currently set for trial on April 18, 2022. This is the first trial setting, and the first continuance sought by any party.

Plaintiff has not responded to Defendant's letter asking whether he opposes a continuance of the current trial setting.

II.

Defendants are preparing to file a Motion for Summary Judgment, seeking a take-nothing judgment on Plaintiff's claims. The Motion for Summary Judgment will be based on traditional and no-evidence grounds. In addition, the Motion for Summary Judgment will be based in part on deemed admissions, because of Plaintiff's failure to respond to Defendant's written discovery requests, including requests for admission.

Plaintiff has not sought discovery from Defendants.

Defendants respectfully request that the current trial setting be continued, and that the mediation deadline in the Order of Referral for Mediation signed October 25, 2021, also be continued.

III.

Defendants respectfully request that the current, and first, trial setting of this case be removed from the current April 18, 2022 trial docket and be continued for a period of at least one

hundred twenty (120) days, and that the mediation deadline in the Order of Referral for Mediation also be continued for a similar period.

This continuance is not sought for delay, but so that justice may be done.

IV.

Defendants respectfully request that the Court grant their Motion for Continuance. Defendants further request such other and further relief, both at law and in equity, to which they may be justly entitled.

Respectfully submitted,

/s/ Vincent J. Hess

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**ATTORNEYS FOR DEFENDANTS TRUSTEE
AND PHH**

CERTIFICATE OF CONFERENCE

The undersigned certifies that by letter dated February 11, 2022, pro se Plaintiff was asked whether he opposed a continuance of the April 18, 2022 trial setting. To date Plaintiff has not responded.

/s/ Vincent J. Hess

Attorney for Defendants Trustee and PHH

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was served upon pro se plaintiff *via the Court's electronic notice system; certified mail, return receipt requested; and/or email* pursuant to the Texas Rules of Civil Procedure on this 4th day of April, 2022:

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/s/ Vincent J. Hess

Attorney for Defendants Trustee and PHH