

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

**DEUTSCHE BANK NATIONAL TRUST  
COMPANY, AS TRUSTEE FOR LONG  
BEACH MORTGAGE LOAN TRUST  
2004-1, ASSET-BACKED  
CERTIFICATES, SERIES 2004-1,**

**Plaintiff,**

**V.**

**MARK D. MCCONN AND  
SUSAN SACRA MCCONN,**

## Defendants.

**Civil Action No. 4:22-cv-00646**

**PLAINTIFF'S MOTION FOR CONTINUANCE OF INITIAL  
PRETRIAL AND SCHEDULING CONFERENCE**

COMES NOW Plaintiff Deutsche Bank National Trust Company, as Trustee for Long Beach Mortgage Loan Trust 2004-1, Asset-Backed Certificates, Series 2004-1 (“Plaintiff” or “Deutsche Bank”), and files this, its *Motion for Continuance of Initial Pretrial and Scheduling Conference* (“Motion”), and respectfully show as follows:

1. Plaintiff filed its Original Complaint (“Complaint”) in this action against Defendants Mark D. McConn and Susan Sacra McConn (“Defendants”) on March 1, 2022. [ECF Document No. 1]. The court issued summons on Defendants on March 3, 2022. [ECF Document No. 5].

2. Defendant Mark D. McConn was served with process on March 22, 2022 at 11419 Highgrove Drive, Houston, Texas 77007. [ECF Document No. 6]. The Return of Service as to Mark D. McConn was filed with the Court on April 4, 2022. *Id.*

3. Defendant Susan Sacra McConn was served with process on March 22, 2022 at 11419 Highgrove Drive, Houston, Texas 77007. [ECF Document No. 7]. The Return of Service as to Susan Sacra McConn was filed with the Court on April 4, 2022. *Id.*

4. This action is currently set for pre-trial conference on May 13, 2022. Pursuant to the Court's *Order for Conference* [ECF Document No. 4], the parties are to exchange initial disclosures and confer regarding a discovery plan prior to the pretrial conference.

### **RELIEF REQUESTED**

5. To date, Plaintiff has been unable to exchange initial disclosures and confer with Defendants as required by Fed. R. Civ. P. 26(f) and the Court's *Order for Conference*. Furthermore, Plaintiff would like the opportunity to discuss a potential resolution of this matter with Defendants prior to the initial scheduling conference. Accordingly, Plaintiff requests a thirty (30) day continuance from this Court of the current May 13, 2022, initial scheduling conference setting, to the next available date on or after June 13, 2022. Plaintiff further requests an extension of the deadline to exchange initial disclosures and confer with Defendant concerning the discovery needed to effectuate a brief, effective management plan.

6. A continuance of the initial scheduling conference setting in this matter would ensure that the parties will have adequate time to confer regarding the discovery necessary to litigate this case effectively and explore potential settlement of this matter. This request is not sought for delay, but so that justice may be done.

### **PRAYER**

WHEREFORE, PREMISES CONSIDERED, Plaintiff respectfully request that the Court grant this *Motion for Continuance of Initial Scheduling Conference*, that the Court enter an order continuing the current initial scheduling conference setting of May 13, 2022, to the first available

date on or after June 13, 2022, and that the Court extend the deadline to exchange initial disclosures and ascertain the discovery needed in accordance with the continued date of the initial scheduling conference. Plaintiff further requests that the Court grant it any other relief, whether at law or in equity, to which it is justly entitled.

Respectfully submitted,

By: /s/ Nicholas M. Frame  
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**ATTORNEYS FOR PLAINTIFF**

**CERTIFICATE OF CONFERENCE**

The undersigned certifies that no Defendant has filed an answer and/or otherwise appeared in this action. Therefore, a certificate of conference is not necessary.

/s/ Nicholas M. Frame  
**NICHOLAS M. FRAME**