

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION**

**U.S. BANK, NATIONAL ASSOCIATION, §
AS TRUSTEE FOR ASSET BACKED §
SECURITIES CORPORATION HOME §
EQUITY TRUST, SERIES 2005-HE2, §
ASSET BACKED PASS-THROUGH §
CERTIFICATES, SERIES 2005-HE2, §**

Plaintiff,

v.

Civil Action No. 1:22-cv-00152

SHEILA A. LABOVE.

Defendant.

**PLAINTIFF’S VERIFIED PETITION IN SUPPORT OF
RESPONSE TO SHOW CAUSE ORDER**

Plaintiff U.S. Bank, National Association, as Trustee for Asset Backed Securities Corporation Home Equity Trust, Series 2005-HE2, Asset Backed Pass-Through Certificates, Series 2005-HE2 (“Plaintiff” or “U.S. Bank”) files this *Verified Motion to Retain* asking the Court to retain this matter on the active docket while the parties continue their attempts to amicably resolve this dispute. In support thereof, Plaintiff respectfully shows the Court:

1. Plaintiff filed its Original Complaint against Defendant Sheila A. LaBove on April 13, 2022. (ECF Document No. 1).
2. Defendant Sheila A. LaBove was served with a copy of the Original Complaint on May 2, 2022, at 2377 Ashley Street, Beaumont, Texas 77702. (See ECF Document No. 4).
3. On August 22, 2022, the Court issued the *Notice of Impeding Dismissal*, which stated this matter is set for dismissal for want of prosecution on September 23, 2022. (ECF Document No. 5).

4. The parties have engaged in significant settlement discussions and a resolution may be imminent.

5. Plaintiff desires, if possible, to resolve this matter amicably through a settlement with Defendant, or in the alternative, by filing a dispositive motion. Plaintiff therefore asks the Court to retain this case for thirty days to allow Plaintiff to complete the ongoing settlement discussions. This Motion is not made for the purpose of delay, but rather so that justice may be done.

PRAYER

For these reasons, Plaintiff respectfully requests that the Court retain the case on the active docket and for further relief to which it may be entitled.

Respectfully submitted,

By: /s/ Nicholas M. Frame

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ATTORNEYS FOR PLAINTIFF

VERIFICATION OF NICHOLAS M. FRAME

Pursuant to 28 U.S.C. Section 1746, I declare under penalty of perjury that the following statements are true and correct:

1. “My name is Nicholas M. Frame. I am over the age of 21 years and am fully competent to make this Verification. I have personal knowledge of all the facts stated herein, and all statements of fact contained herein are true and correct.

2. I am an attorney for Mackie Wolf Zientz & Mann, P.C. (“MWZM”), attorneys for U.S. Bank, National Association, as Trustee for Asset Backed Securities Corporation Home Equity Trust, Series 2005-HE2, Asset Backed Pass-Through Certificates, Series 2005-HE2 (“Plaintiff”) in the above referenced suit.

3. I have read the foregoing *Verified Petition in Support of Response to Show Cause Order* and the averments contained therein are within my personal knowledge and are true and correct.

FURTHER DECLARANT SAYETH NOT.

“My name is Nicholas M. Frame; my date of birth is November 26, 1987; and my address is 14160 N. Dallas Parkway, Suite 900, Dallas, Texas 75254 U.S.A. I declare under penalty of perjury that the foregoing is true and correct.”

Executed in Harris County, State of Texas, on September 21, 2022.



NICHOLAS M. FRAME