

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

ROBERT STRANGE

v.

U.S. BANK TRUST COMPANY, N.A.

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Civil Action No. 4:23-cv-00796

MOTION TO ABATE DEFENDANT’S MOTION FOR SUMMARY JUDGMENT

TO THE HONORABLE JUDGE ANDREW S. HANEN:

Robert Strange hereby files his Motion to Abate Defendant’s Motion for Summary Judgment and shows the Court as follows:

1. Plaintiff filed his Motion for Declaratory Judgment on July 18, 2023 - this motion is outcome determinative of this matter.
2. Defendant filed its Motion for Summary Judgment on August 03, 2023.
3. Plaintiff filed his Motion for Leave to Amend Complaint on August 14, 2023 as well as his First Amended Complaint. Plaintiff is of the opinion that Defendant’s Motion for Summary Judgment is moot once the Court grants his Motion for Leave thereby allowing his First Amended Complaint to be filed.
4. Out of an abundance of caution, Plaintiff files this Motion to Abate to help ensure that judicial resources are not wasted since his Motion for Declaratory Judgment is outcome determinative and should be ruled on first based on the due order of pleadings.

PRAYER

Robert Strange respectfully prays that the Court grant his motion and abate Defendant’s Motion for Summary Judgment pending the Court’s ruling on Plaintiff’s Motion for Declaratory Judgment and grant him such other and further relief as the Court deems appropriate.

Respectfully submitted,

VILT LAW, P.C.

By: /s/ Robert C. Vilt
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ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was forwarded to all parties of record pursuant to the Federal Rules of Civil Procedure on August 14, 2023.

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