

**CAUSE NO. 2023-34281**

<b>JAMIE PHELAN</b>	§	<b>IN THE DISTRICT COURT</b>
<b>Plaintiff</b>	§	
<b>v.</b>	§	
	§	<b>11<sup>TH</sup> JUDICIAL DISTRICT</b>
<b>KING PEAK, LLC, its assignees</b>	§	
<b>and successors</b>	§	
<b>Defendant</b>	§	<b>OF HARRIS COUNTY, TEXAS</b>

**MOTION TO CONSOLIDATE**

**SYNOPSIS OF MOTION**

*Pro Se* Plaintiff Jamie Phelan has filed two lawsuits against the Defendant King Peak, LLC, both of which are pending before this Court. The two lawsuits effectively assert the same causes of action. Defendant requests this Court to consolidate the two lawsuits under the cause number of the first filed lawsuit.

**BACKGROUND**

On June 2, 2023, Plaintiff filed suit against the Defendant seeking to enjoin a pending foreclosure of real property under cause number 2023-34281. On September 1, 2023, the Plaintiff filed a second lawsuit under cause number 2023-59075. The second action has already been transferred to this court. Both lawsuits sought to enjoin Defendant from foreclosing on the exact same real property and asserted the same causes of action.

Plaintiff, who is *pro se*, has stated that she thought she had to file the second lawsuit to obtain a temporary restraining order enjoining Defendant from foreclosing upon real property owned by Plaintiff. On Tuesday, September 5, 2023, Plaintiff twice unsuccessfully attempted to obtain said TRO from both the Ancillary Court in the second filed lawsuit, and from this Court under this cause number.

## REQUESTED RELIEF

In the interest of judicial economy for both the Court and the Parties, and in the interest of reducing legal fees and costs which the Defendant would otherwise incur in defending the same causes of action in two different lawsuits both pending before this Court, Defendant requests the Court consolidate both causes of action under the first filed lawsuit's cause number. Defendant further requests such other and further relief necessary to effectuate the intent of this motion, and otherwise as Defendant may be justly entitled.

Respectfully submitted,

/S/ Glen Nordt  
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Attorney for Plaintiff

## CERTIFICATE OF CONFERENCE

I certify that in a phone conversation and during a subsequent in-person conversation, Plaintiff has told the undersigned counsel verbally that she did agreed to the relief requested in this motion, but to date has not responded to my emails asking her to confirm in writing that the relief requested herein was agreed to, opposed or unopposed, or if she would be willing to sign an Agreed Order granting the relief requested herein.

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing pleading, Notice of Hearing and a proposed Order was served upon the pro se Plaintiff in accordance with the Texas Rules of Civil Procedure on the 25<sup>th</sup> day of September 2023.

/S/ Glen Nordt  
Glen Nordt

### Automated Certificate of eService

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#### Case Contacts

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