

IN THE DISTRICT COURT, HARRIS COUNTY

189th Judicial District

Idea 247, Inc.)	OBJECTION TO
)	PLAINTIFF IDEA 247
Plaintiff)	INC.'s MOTION TO
)	STRIKE INTERVENTION
)	BY SUBMISSION AND
)	REQUEST FOR ORAL
)	HEARING
)	No. 2023-66239
Raymond Epps)	
)	
)	
Defendant)	
)	
)	
)	
)	

OBJECTION TO PLAINTIFF IDEA 247 INC's MOTION TO STRIKE INTERVENTION BY SUBMISSION AND REQUEST FOR ORAL HEARING

Intervenor Mark Stephen Burke, individually, files this objection to Idea 247 Inc.'s Motion to Strike and hearing by submission. Mark formally requests an oral hearing date and time by zoom from the court.

Objection to Motion by Submission

Idea has set this for submission. Mark objects and requests the motion to be set for an oral hearing.

Timeline of Facts

On Nov. 17, 2023, Idea submitted their Motion to Strike, violating rule 3.3.6 as there was no certificate of conference.

The court approved this non-compliant motion to be filed.

On Nov. 21, 2023, Mark emailed Jay, counsel for Idea and first advised the motion violates local rule 3.3.6 as there is no certificate of conference, and second, Mark objects to a motion by submission and asked that Jay arrange for an oral hearing. Mark further stated he assumed this would be acceptable, or Jay would have to resubmit Idea's *opposed* motion as Mark would seek to have the motion stricken for non-compliance.

On Nov. 22, Mark provided a courtesy follow-up requesting a

timely response.

On Nov. 27, Jay sent an email asking if Mark was opposed or unopposed to Idea's Motion to Strike and Mark replied by return, stating he was opposed (as he had already stated in his Nov. 21 email).

On Nov. 27, the docket shows Jay filing a stand-alone Certificate of Conference and not providing a Notice of Hearing by Zoom or recognizing Mark's email objections to a Motion by Submission.

Argument

Mark, relying upon Harris (Tex.) Civ. Dist. Ct. Loc. R. 3.3.6 (requiring a certificate of conference on all motions except summary judgments, default judgments, agreed judgments, motions for voluntary dismissal or non-suit, post-verdict motions and motions involving service of citation) did confer with Jay by emailing him on November 21st and again on the 22nd, expressing his opposition to Idea's motion to strike and the setting by submission. Jay's subsequent actions and recent

filing of the certificate of conference but not amending the submission to a hearing as requested is clearly unbecoming of an officer of the court.

Request for Hearing

Mark formally objects to the motion by submission and requests an oral hearing. He respectfully asks the court to provide a date, time and zoom link due to the court's busy schedule and limited oral hearing dates.

RESPECTFULLY submitted this 4th day of December, 2023.



Mark Burke
State of Texas / Pro Se

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing
OBJECTION TO PLAINTIFF IDEA 247 INC's MOTION TO STRIKE
INTERVENTION BY SUBMISSION AND REQUEST FOR ORAL HEARING has
been forwarded to Plaintiff and Plaintiff's counsel by electronic filing
notification and/or electronic mail and/or facsimile and/or certified mail,
return receipt requested, this the 4th day of December, 2023.



Mark Burke, Pro se
Harris County, State of Texas