

CAUSE NO. 2023-10986

ABDULLATIF, OSAMA

vs.

CHOUDHRI, ALI

§  
§  
§  
§  
§

IN THE DISTRICT COURT OF

HARRIS COUNTY, TEXAS

189th JUDICIAL DISTRICT

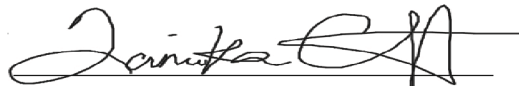
**ORDER ON MOTION TO RECUSE AND  
TO REFER TO PRESIDING JUDGE**

Came on to be considered a motion filed pursuant to Texas Rule of Civil Procedure 18a. It is  
ORDERED:

I have read the Motion to Recuse filed in the above numbered cause of action and  
recuse myself voluntarily.

I have read the Motion to Recuse filed in the above numbered cause of action and  
decline to recuse myself voluntarily. By this order I hereby refer this case to the  
Presiding Judge of the Eleventh Administrative Judicial Region for assignment of a  
judge to hear the motion.

Signed August 28, 2023.



TAMIKA CRAFT-DEMMING  
Judge, 189th District Court

Unofficial Copy Office of Marilyn Burgess District Clerk

**FILED**

Marilyn Burgess  
District Clerk

SEP - 5 2023

Time: \_\_\_\_\_  
Harris County, Texas  
By \_\_\_\_\_  
Deputy

No. 2023-10986

OSAMA ABDULLATIF ETAL

VS

ALI CHOUDHRI, ET AL

§  
§  
§  
§  
§  
§

IN THE DISTRICT COURT

HARRIS COUNTY, TEXAS

189<sup>TH</sup> JUDICIAL DISTRICT

P-2

Recay

**ORDER DENYING MOTION TO RECUSE**

The Court considered the Motion to Recuse filed by **Ali Choudhri** in the above captioned case. Pursuant to Rule 18a, the motion was referred to the undersigned Presiding Judge of the Eleventh Administrative Judicial Region of Texas by the Honorable **Tamika Craft**, who declined to recuse voluntarily.

The court has reviewed the motion and has concluded that it does not state legally sufficient grounds for disqualification or recusal. Recusal is not appropriate when relief can be found in the appellate process.

The motion does not comply for the following reason(s) and therefore no hearing is necessary.

The motion **is not timely**. Rule 18a(b) clearly states:

A motion to recuse:

(A) must be filed as soon as practicable after the movant knows of the ground stated in the motion; and

(B) must not be filed after the tenth day before the date set for trial or other hearing unless, before that day, the movant neither knew nor reasonably should have known:

(i) that the judge whose recusal is sought would preside at the trial or hearing; or

(ii) that the ground stated in the motion existed.

**RECORDER'S MEMORANDUM**  
This instrument is of poor quality  
at the time of imaging.

The motion complains of the lawsuit some of Mr. Choudri's attorneys are involved in. However, that lawsuit was filed in December of 2022 and this instant case was filed in February of 2023 making the motion untimely.

In addition, the Court finds that the motion complains mainly of the trial judge's rulings and actions in the case. A party's remedy for unfair rulings is to assign error regarding the adverse rulings. See *Grider v. Boston Co.*, 773 S.W.2d 338, 346 (Tex. App.-Dallas 1989, writ denied). The Rule unambiguously indicates that a motion to recuse "must not be based solely on the judge's rulings in the case." See TEX. R. CIV. P. 18a(a)(3).

Therefore:

The Court ORDERS the motion DENIED without hearing.

Date signed: September 5, 2023



Judge Presiding

CAUSE NO.: 2023-10986

OSAMA ABDULLATIF, Individually and  
ABDULLATIF & COMPANY, LLC,  
*Plaintiffs,*

v.

ALI CHOUDHRI,  
9201 MEMORIAL LLC,  
2727 KIRBY 26L LLC,  
MEMORIAL GLEN COVE LLC,  
MEMORIAL PARK LLC, and  
VGRP HOLDINGS LLC  
*Defendants.*

§  
§  
§  
§  
§  
§  
§  
§  
§  
§  
§  
§

IN THE DISTRICT COURT

HARRIS COUNTY, TEXAS

189<sup>TH</sup> JUDICIAL DISTRICT

**DEFENDANT, ALI CHOUDHRI'S, MOTION FOR RECUSAL**

Defendant, Ali Choudhri ("**Choudhri**"), files this his Motion for Recusal and in support thereof would show the court as follows:

**SUMMARY**

1. Plaintiffs commenced this proceeding against the Defendants on February 20, 2023, and the case was assigned to Judge Tamika Craft-Demming ("**Judge Craft**").

2. Judge Tamika Craft is currently involved in highly contested elections fraud litigation with Erin Elizabeth Lunceford, filed in the 164<sup>th</sup> Judicial District Court in Harris County, Texas, and referenced by Cause No.: 2022-79328.

3. Erin Elizabeth Lunceford, Plaintiff in the elections fraud suit filed against Judge Craft, is represented by Andy Taylor, of Andy Taylor & Associates, P.C. ("**Taylor**").

4. Taylor is also counsel of record for Choudhri, and/or an entity in which Choudhri has an interest, in matters filed and/or pending in the following judicial district courts of Harris County:

- a. 333<sup>rd</sup> Judicial District Court, Case No.: 2012-27197

b. 333<sup>rd</sup> Judicial District Court, Case No.: 2012-27197-A

c. 189<sup>th</sup> Judicial District Court, Case No.: 2019-61734-A

5. Choudhri does not believe that Judge Craft can be impartial in this matter, under the circumstances, and she must recuse herself.

#### **T.R.C.P. 18: RECUSAL**

6. Texas Rules of Civil Procedure 18(a) and 18(b) provide grounds and procedures for recusal and disqualification of judges in civil cases.

7. Texas Rule of Civil Procedure 18a makes it clear that when a recusal motion is filed, prior to any further proceedings in the case, the judge shall either recuse herself or request the presiding judge of the administrative judicial district to assign a judge to hear such motion. Tex. R. C. Pr. 18a(f). When presented with a motion to recuse, therefore, a judge has two, and only two, options. The judge must either recuse herself or refer the motion to the presiding judge of the administrative judicial district; a judge does not have the option of doing nothing. See *Brosseau v. Ranzau*, 911 S.W. 2d 890, 892 (Tex. App. Beaumont 1995). See also, *In Re Rio Grande Valley Gas Co.*, 987 S.W. 2d 167, 178 (Tex. App. Corpus Christi 1999); and *Winfield v. Daggett*, 846 S.W. 2d 920, 922 (Tex. App. Houston 1993).

8. Rule 18(b) states that a judge shall recuse herself in any proceeding in which her impartiality might reasonably be questioned. “A judge ‘shall recuse himself in any proceeding in which . . . his impartiality might reasonably be questioned’ . . . The language is imperative and mandatory, not permissive or discretionary; the standard is objective, not subjective.” *Rogers v. Bradley*, 909 S.W. 2d 872, 873 (Tex. 1995).

9. The statutory language mandates recusal whenever impartiality “might reasonably be questioned.” Tex. R. C. P. 18b(b)(1). There is no requirement that partiality be demonstrated.

Rather, the “appearance” of partiality is sufficient to trigger recusal. See *Woodruff*, 51 S.W. 3d at 738. The “trial court’s duty [is] to determine whether the movant [has] provided facts sufficient to establish that a reasonable member of the public at large, knowing all the facts involved in the public domain concerning the judge’s conduct, would have a reasonable doubt that the judge is actually impartial.” *Richardson v. State*, 83 S.W. 3d 332, 358 (Tex. App. Corpus Christi 2002). See also, *Degarmo v. State*, 922 S.W. 2d 256, 267 (Tex. App. Houston 14 Dist. 1996) (determining that the issue is whether the movant has provided facts sufficient to establish that a reasonable person, knowing all the circumstances involved, would harbor doubts about the impartiality of the trial judge).

#### APPEARANCE OF PARTIALITY

10. On July 11, 2023, Plaintiffs filed an Emergency Motion to Compel Deposition of Ali Choudhri (“**Motion**”).

11. On July 12, 2023, without giving Choudhri an opportunity to respond, Judge Craft entered an Order granting Plaintiff’s Motion. Judge Craft also entered a blanket Order denying Choudhri’s objections to fifty of Plaintiffs’ Requests for Production.

12. Judge Craft denied Choudhri a chance to defend against the Motion. Judge Craft simultaneously ordered a deposition of Choudhri that was not limited in any way. Judge Craft subsequently entered another order requiring Choudhri to sit for a “comprehensive deposition” despite a pending motion under the Texas Citizen’s Participation Act that stayed all discovery in the matter.

13. Judge Craft’s decisions in this matter that are contrary to the Texas law came during her ongoing elections fraud lawsuit brought by Taylor on behalf of Erin Elizabeth Lunceford.

Taylor is also counsel of record for Choudhri in several pending matters in the judicial district courts of Harris County.

14. Judge Craft has shown herself to not be impartial as to Choudhri, and Choudhri has no confidence that Judge Craft can be neutral and impartial as to Choudhri, or any of the named Defendants, in this case. A reasonable member of the public at large knowing the facts in the public domain would likewise have reasonable doubt as to Judge Craft's impartiality in this matter. See *Richardson*, 83 S.W. 3d at 358.

15. Texas courts have repeatedly underscored the compelling public policy interest – as distinct from any constitutional, statutory or common law grounds – in ensuring the appearance of an impartial judiciary. “The impartial standard has been adopted in order that the public, i.e., the person on the street, might have confidence in the judiciary and to protect judges from unjustified complaints about their being partial in their decision.” *Aguilar*, 855 S.W. 2d at 804-805 (Osborn, C.J., concurring). Public policy demands that a judge who tries a case act with absolute impartiality. It further demands that a judge appear to be impartial so that no doubts or suspicions exist as to the fairness or the integrity of the court. Judicial decisions rendered under circumstances that suggest bias, prejudice or favoritism undermine the integrity of the courts, breed skepticism and mistrust, and thwart the principles on which the judicial system is based.” *CNA Insurance Company v. Scheffey*, 828 S.W. 2d 785, 792 (Tex. App. Texarkana 1992).

16. One of the most fundamental components of a fair trial is a neutral and detached judge. See *Johnson v. Pumjani*, 56 S.W. 3d 670, 672 (Tex. App. Houston 2001). The *Pumjani* court went on to observe that the impartiality of a judge is not only a matter of constitutional law, but of public policy, as well.

17. Beyond the demand that a judge be impartial, however, is the requirement that a judge appear to be impartial so that no doubts or suspicions exist as to the fairness or integrity of the court. The judiciary must strive not only to give all parties a fair trial but also to maintain a high level of public trust and confidence. The legitimacy of the judicial process is based on the public's respect and on its confidence that the system settles controversies impartially and fairly. Judicial decisions rendered under circumstances that suggest bias, prejudice or favoritism undermine the integrity of the courts, breed skepticism and mistrust, and thwart the very principles on which the judicial system is based. The judiciary must be extremely diligent in avoiding any appearance of partiality and must hold itself to exacting standards lest it lose its legitimacy and suffer a loss of public confidence. *Sun Exploration and Prod. Co. v. Jackson*, 783 S.W. 2d 202, 206 (Tex. 1989).

FOR THESE REASONS, the Court or the presiding judge of the administrative judicial district must issue an Order disqualifying or recusing Judge Craft from further involvement in the case.

Respectfully Submitted:

/s/ James Q. Pope  
James Q. Pope  
TBN: 24048738  
The Pope Law Firm  
6161 Savoy Drive, Suite 1125  
Houston, Texas 77036  
Ph: 713-449-4481  
jamesp@thepopelawfirm.com





### Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

James Pope on behalf of James Pope  
Bar No. 24048738  
jamesp@thepopelawfirm.com  
Envelope ID: 78826288  
Filing Code Description: Motion (No Fee)  
Filing Description: Motion for Recusal  
Status as of 8/23/2023 11:09 AM CST

#### Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
James RWetwiska		jwetwiska@akingump.com	8/23/2023 11:02:05 AM	SENT
Nicholas Petree		npetree@akingump.com	8/23/2023 11:02:05 AM	SENT
David L. Clark	24036367	dclark@mccathernlaw.com	8/23/2023 11:02:05 AM	SENT
Rodney Lee Drinnon	24047841	rdrinnon@mccathernlaw.com	8/23/2023 11:02:05 AM	SENT
Brandi RWilliams		brwilliams@akingump.com	8/23/2023 11:02:05 AM	SENT
Simone Nunez		snunez@mccathernlaw.com	8/23/2023 11:02:05 AM	SENT
Danielle Chester		dchester@mccathernlaw.com	8/23/2023 11:02:05 AM	SENT
Haseeb Dada		hdada@mccathernlaw.com	8/23/2023 11:02:05 AM	SENT
Averyll Mauch		amauch@Mccathernlaw.com	8/23/2023 11:02:05 AM	SENT
James Pope		jamesp@thepopelawfirm.com	8/23/2023 11:02:05 AM	SENT
Cameron Roth		croth@akingump.com	8/23/2023 11:02:05 AM	SENT





# MCCATHERN

August 23, 2023

RODNEY L. DRINNON  
MANAGING PARTNER  
[rdrinnon@mccatherlaw.com](mailto:rdrinnon@mccatherlaw.com)

**Via email**

The Honorable Judge Tamika Craft  
c/o Deandra Mosley, Clerk of Court  
Ashley Lopez, Assistant Clerk of Court  
and Danielle Gutierrez, Court Coordinator  
189<sup>th</sup> Judicial District Court  
201 Caroline, 12<sup>th</sup> Floor  
Houston, Texas 77002  
[Deandra.mosley@hcdistrictclerk.com](mailto:Deandra.mosley@hcdistrictclerk.com)  
[Ashley.lopez@hcdistrictclerk.com](mailto:Ashley.lopez@hcdistrictclerk.com)  
[Danielle.gutierrez@justex.net](mailto:Danielle.gutierrez@justex.net)

Re: Cause No. 2023-10986, *Osama Abdullatif and Abdullatif & Company, LLC v. Ali Choudhri, et al.*, in the 189<sup>th</sup> Judicial District Court, Harris County, Texas (the "Lawsuit").

To the Honorable Judge Tamika Craft:

This morning we received notice that Defendant Ali Choudhri ("Choudhri") filed a Motion for Recusal in this Lawsuit. Pursuant to Tex. R. Civ. P. 18a, we understand that this matter must be referred to the regional presiding judge for further consideration.

Plaintiffs contend this is another tactic from Choudhri's well-worn "playbook" for litigation delay tactics. We are therefore filing a Proposed Order on the Motion for Recusal to help expedite the matter and allow Judge Susan Brown of the Eleventh Administrative Judicial Region of Texas to timely hear the motion and consider the evidence before the previously scheduled October 10, 2023 show cause hearing set by this Court on July 25, 2023.

Sincerely,



Rodney L. Drinnon

The Honorable Judge Tamika Craft  
189<sup>th</sup> Judicial District Court  
August 23, 2023  
Page 2

---

Encl.: Plaintiff's Proposed Order on Ali Choudhri's Motion for Recusal

cc: James Q. Pope  
Counsel for Defendants

*Via email:* [jamesp@thepopefirm.com](mailto:jamesp@thepopefirm.com)

Unofficial Copy Office of Marilyn Burgess District Clerk

### Automated Certificate of eService

This automated certificate of service was created by the e filing system. The filer served this document via email generated by the e filing system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Simone Nunez on behalf of Rodney Drinnon

Bar No. 24047841

snunez@mccathernlaw.com

Envelope ID: 78853767

Filing Code Description: Proposed Order

Filing Description: Proposed Order on Ali Choudhri's Motion for Recusal

Status as of 8/24/2023 8:42 AM CST

#### Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
James RWetwiska		jwetwiska@akingump.com	8/23/2023 4:51:37 PM	SENT
James Pope		jamesp@thepopelawfirm.com	8/23/2023 4:51:37 PM	SENT
Nicholas Petree		npetree@akingump.com	8/23/2023 4:51:37 PM	SENT
David L. Clark	24036367	dclark@mccathernlaw.com	8/23/2023 4:51:37 PM	SENT
Rodney Lee Drinnon	24047841	rdrinnon@mccathernlaw.com	8/23/2023 4:51:37 PM	SENT
Brandi RWilliams		brwilliams@akingump.com	8/23/2023 4:51:37 PM	SENT
Simone Nunez		snunez@mccathernlaw.com	8/23/2023 4:51:37 PM	SENT
Danielle Chester		dchester@mccathernlaw.com	8/23/2023 4:51:37 PM	SENT
Haseeb Dada		hdada@mccathernlaw.com	8/23/2023 4:51:37 PM	SENT
Averyll Mauch		amauch@Mccathernlaw.com	8/23/2023 4:51:37 PM	SENT
Cameron Roth		croth@akingump.com	8/23/2023 4:51:37 PM	SENT