

Intervenor-Plaintiff Joanna Burke (“**Burke**”) submit the following joint discovery plan and case management plan:

1. State when the parties conferred as required by Rule 26(f) and identify the counsel who conferred.

RESPONSE: Defendants and AVT Title Services conferred on April 16, 2024. Jeff Samuels did not confer with the Parties. Alexis del Rio attended for Defendants; Mark Cronenwett attended for AVT. Joanna Burke conferred with the parties only to request to be removed from this matter.

2. List the cases related to this one that are pending in any state or federal court with the case number and court.

RESPONSE: Joana Burke, a party to this case, has the following other related cases:

Joanna Burke v. Deutsche Bank National Trust Co., et al., Adversary No. 24-03056, Bankr. S.D. Tex.

Joanna Burke v. PHH Mortgage Corporation et al., No. 4:24-cv-00897, S.D. Tex.

Joanna Burke v. PHH Mortgage Corporation et al., Appeal No. 23-3593, 8th Cir.

In re Joanna Burke, Bankruptcy No. 24-35083, Bankr. S.D. Tex.

In re Joanna Burke, Bankruptcy No. 24-30885, Bankr. S.D. Tex.

3. Briefly describe what the case is about.

RESPONSE: Plaintiff seeks injunctive relief to prevent foreclosure of the real property commonly known as 14810 Winding Waters Drive, Cypress, Texas 77429. Defendant Power Default and AVT Title Services have submitted verified denials. PHH and Deutsche Bank have submitted general denials.

4. Specify the allegation of federal jurisdiction.

RESPONSE: Federal jurisdiction exists because of complete diversity and the amount in controversy exceeds \$75,000, excluding interest and costs.

5. Name the parties who disagree and the reasons.

RESPONSE: Defendant’s do not disagree.

6. List anticipated additional parties that should be included, when they can be added, and by whom they are wanted.

RESPONSE: None at this time.

7. List anticipated interventions.

RESPONSE: No other interventions are anticipated.

8. Describe class-action issues.

RESPONSE: None at this time.

9. State whether each party represents that it has made the initial disclosures required by Rule 26(a). If not, describe the arrangements that have been made to complete the disclosures.

RESPONSE: The parties agree to make initial disclosures pursuant to Rule 26(a) by April 30, 2024.

10. Describe the proposed agreed discovery plan, including:

A. Responses to all the matters raised in Rule 26(f).

RESPONSE:

1. Plaintiff and Defendants, Intervenor-Plaintiff and Intervenor Defendant will make their initial disclosures by April 30, 2024.
2. Either disk or paper format is acceptable for documents produced.
3. There is no known reason to change discovery limitations under these rules or by local rule at the present time. If such need arises in the future, the parties will address it.

B. When and to whom the plaintiff anticipates it may send interrogatories.

RESPONSE: Defendants are unaware of Plaintiff's intention to send interrogatories.

C. When and to whom the defendants anticipate it may send interrogatories.

RESPONSE: Defendants anticipate sending interrogatories to Plaintiff by 33 days prior to the close of the discovery period.

D. Of Whom and by when the plaintiff anticipates taking oral depositions.

RESPONSE: Defendant's are unaware of Plaintiff's intention of taking oral depositions.

E. Of Whom and by when the defendant anticipates taking oral depositions.

RESPONSE: Defendants do not anticipate taking depositions at this time. Should Defendant depose anyone in this matter they will do so prior to the discovery cut of period.

F. When the plaintiff (or the party with the burden of proof on an issue) will be able to designate experts and provide the reports required by Rule 26(a)(2)(B), and when the opposing party will be able to designate responsive experts and provide their reports.

RESPONSE: Plaintiff will designate experts and provide reports by June 3, 2024. Defendants will designate experts and provide reports by July 3, 2024.

- G. List expert depositions the plaintiff (or the party with the burden of proof on an issue) anticipates taking and their anticipated completion date. See Rule 26(a)(2)(B) (expert report).

RESPONSE:

- H. List expert depositions the opposing party anticipates taking and their anticipated completion date. See Rule 26(a)(2)(B) (expert report).

RESPONSE: None at this time.

11. If the parties are not agreed on a part of the discovery plan, describe the separate view and proposals of each party.

RESPONSE: None.

12. Specify the discovery beyond initial disclosures that has been undertaken to date.

RESPONSE: None.

13. State the date the planned discovery can reasonably be completed.

RESPONSE: April 1, 2025.

14. Describe the possibilities for a prompt settlement or resolution of the case that were discussed in your Rule 26(f) meeting.

RESPONSE: The parties are engaging in informal settlement negotiations in an attempt to effectuate a prompt settlement and resolution.

15. Describe what each party has done or agreed to do to bring about a prompt resolution.

RESPONSE: At this time Defendants and AVT Title Services are still gathering information related to the matter to facilitate a resolution.

16. From the attorneys' discussion with the client, state the alternative dispute resolution techniques that are reasonably suitable, state when such a technique may be effectively used in this case.

RESPONSE: The alternative dispute resolution techniques that are reasonably suitable to the parties include informal settlement negotiations and/or mediation.

17. Magistrate judges may now hear jury and nonjury trials. Indicate the parties' joint position on a trial before a magistrate judge.

RESPONSE: The parties do not consent to trial before a magistrate judge.

18. State whether a jury demand has been made and if it was made on time.

RESPONSE: A jury demand has been made.

19. Specify the number of hours it will take to present the evidence in this case.

RESPONSE: 4-8 hours.

20. List pending motions that could be ruled on at the initial pretrial and scheduling conference.

RESPONSE: (1) Motion to Dismiss Plaintiff Jeff Samuels' Claims by AVT Title Services, LLC filed on 12/26/2023; (2) Motion to Dismiss Intervenor-Plaintiff Joanna Burke's Claims by AVT Title Services, LLC filed on 12/26/2023; and (3) Motion to Remand by Jeff Samuels filed on 1/16/2024 and Response to Motion to Remand filed Defendants Deutsche Bank, PHH Mortgage and Power Default on 2/6/2024.

21. List other motions pending.

RESPONSE: None.

22. Indicate other matters peculiar to this case, including discovery, that deserve the special attention of the court at the conference.

RESPONSE: None.

23. Certify that all parties have filed Disclosure of Interested Parties as directed in the Order for Conference and Disclosure of Interested Parties, listing the date of filing for original and any amendments.

RESPONSE: Defendants have submitted their Disclosure of Interested Parties on April 16, 2024.

24. List the names, bar numbers, addresses, and telephone numbers of all counsel.

RESPONSE:

Mark D. Cronenwett
State Bar No. 00787303
Mackie Wolf Zientz & Mann,
P.C. 14160 N. Dallas Parkway, Suite 900
Dallas, Texas 75254
Telephone: 214-635-2670

Attorney for AVT Title Services

Emily Stroope
State Bar No. 24070692
Alexis Del Rio
State Bar No. 24120796
Baker, Donelson, Bearman,
Caldwell & Berkowitz, P.C.
5956 Sherry Lane, 20th Floor
Dallas, Texas 75225
Telephone: (713) 650-9700
Facsimile: (713) 650-9701
estroope@bakerdonelson.com
adelrio@bakerdonelson.com

***Attorney for Defendants PHH Mortgage Corporation,
Power Default Services, Inc., and Deutsche Bank
National Trust Company, as Trustee for FFMLT
TRUST 2004-FF3, Mortgage Pass-Through
Certificates, Series 2004-FF3***

/s/

Jeff Samuels, Pro Se Plaintiff

Date

/s/

Attorney for Defendants PHH
Mortgage Corporation, Power Default
Services, Inc., and Deutsche Bank
National Trust Company, as Trustee for
FFMLT TRUST 2004-FF3, Mortgage
Pass-Through Certificates, Series 2004-
FF3

Date

/s/

Attorney for Defendant AVT Title
Services

Date

/s/

Joanna Burke, Pro Se Intervenor

Date

CERTIFICATE OF SERVICE

I hereby certify that on April 16, 2024, a copy of the above and foregoing was filed electronically with the Clerk of Court. Notice of this filing has been forwarded to all parties, by and through their attorneys of record by operation of the Court's electronic filing system and/or via email.

*Via e-mail Jeff.uben@gmail.com
and CMRRR No. 7022 3330 0000 7770 1558*
Jeff Samuels
14810 Winding Waters Drive
Cypress, TX 77429

Pro Se Plaintiff

*Via e-mail joanna@2dobermans.com
and CMRRR No. 7022 3330 0000 7770 3897*
Joanna Burke
46 Kingwood Greens Dr
Kingwood, Texas 77339

Pro Se Intervenor

Via CM/ECF
Mark D. Cronenwett
Mackie Wolf Zientz & Mann, P.C.
14160 N. Dallas Parkway, Suite 900
Dallas, Texas 75254

*Attorneys For Defendant
AVT Title Services, LLC*

/s/ Alexis del Rio

Alexis del Rio