

IN THE UNITED STATES DISTRICT BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS

IN RE: Joanna Burke ) **No. 4:23-cv-04687**  
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**MOTION TO REINSTATE**

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE JEFFREY P. NORMAN AND ALL INTERESTED PARTIES:

On April 1, 2024, this court entered the following order;

“This matter is before the Court on the First Verified Motion to Abate Proceedings (ECF No. 23) filed by the debtor, pro se. This case was dismissed on April 1, 2024, due to the debtor’s failure to abide by the Court’s order requiring all bankruptcy statements schedules, and the credit counseling certificate to be filed by March 29, 2024 (ECF No. 17). ACCORDINGLY, IT IS ORDERED that the First Verified Motion to Abate Proceedings is denied as moot. Dated: 04/01/2024” – **Doc 25**.

This order discounted the Joanna Burke’s adversary proceeding, which this court denied existed. As background: Plaintiff filed an adversary petition (regarding violations of automatic stay) and posted it along with a Motion to Abate, which was date and time-stamped and docketed on March

29, 2024. The adversary complaint, however, was denied as received by the bankruptcy court, and they refused to docket it. This only appeared on the docket after the court was made aware on April 4 that Plaintiff had a date and time-stamped copy returned to her by the court.

Only then did this court add the Plaintiff's petition to the docket (backdating it to March 29, 2024, **Doc. 28**) and create an Adversary case; *Burke v. Deutsche Bank National Trust Company (24-03056)*, U.S. Bankruptcy Court, S.D. Texas. The district court case is currently being briefed by the parties related to the Plaintiff's Emergency Motion to Remand. Today, Plaintiff replied to the Response by PHH Hopkins in those proceedings, a copy of which is attached as EXHIBIT "Reply to PHH Hopkins (Remand)" and should be read in conjunction with this motion.

In light of ongoing related cases, Plaintiff avers this court's dismissal was both premature and erroneous and respectfully requests the court: (i) reinstate the case, and (ii) grants the relief requested in the motion to abate.

RESPECTFULLY submitted this 7<sup>th</sup> day of April, 2024.

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### **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document was served on April 7, 2024 as stated below on the following:

**VIA U.S. Mail:**

Nathan Ochsner  
Clerk of Court  
P. O. Box 61010  
Houston, TX 77208

Case Manager to Judge Jeffrey P. Norman  
Bob Casey United States Courthouse  
515 Rusk, Room 403  
Houston, Texas 77002

Tiffany D Castro  
Office of Chapter 13 Trustee  
9821 Katy Freeway

Ste 590  
Houston, TX 77024  
713-722-1200

US Trustee  
Office of the US Trustee  
515 Rusk Ave  
Ste 3516  
Houston, TX 77002  
713-718-4650

**VIA EMAIL**

Deutsche Bank National Trust Company  
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Kathryn N. Dahlin SBOT#24053165  
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