

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

ROBERT STRANGE,

Plaintiff,

v.

U.S. BANK TRUST COMPANY, N.A.,

Defendant.

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Civil Action No. 4:23-cv-00796

**JOINT STATUS REPORT AND UNOPPOSED
MOTION TO AMEND SCHEDULING ORDER**

Pursuant to the Court’s Order dated March 11, 2024 (Doc. 33), Plaintiff Robert Strange (“Plaintiff”) and Defendant U.S. Bank Trust Company, N.A. (“Defendant”) (jointly, the “Parties”) hereby file this Joint Status Report and Unopposed Motion to Amend Scheduling Order and state as follows:

1. Defendant’s Motion for Summary Judgment is currently ripe and fully briefed. It addresses all of Plaintiff’s claims except for Plaintiff’s new claim seeking declaratory judgment that Defendant’s underlying lien is no longer enforceable because of the expiration of the statute of limitations. (*See* Doc. 15).

2. Plaintiff’s Motion for Declaratory Judgment (Doc. 14) is moot as it was retracted and replaced with Plaintiff’s Motion for Partial Summary Judgment (Doc. 30). (*See* Doc. 29).

3. Plaintiff’s Motion for Partial Summary Judgment relates to his new claim for declaratory judgment, which was not part of Plaintiff’s live pleading at the time the motion was filed. Defendant previously requested a continuance to allow time to conduct discovery on the new claim should the Plaintiff be allowed to file his First Amended Complaint late. (*See* Doc. 31). As

Plaintiff was granted leave to file his First Amended Complaint, Defendant now requests that the Court enter the proposed Scheduling Order in the form attached hereto as Exhibit "A" in order to allow time for the Parties to conduct discovery on the new statute of limitations issue. Discovery was not previously conducted on this issue because the claim was not before the court during the discovery period. Anticipated discovery includes seeking information about the accrual of the underlying claim, tolling of that claim, and facts that relate to waiver or abandonment of acceleration.

4. The relief requested is not sought for delay, but so that justice may be done.

5. Plaintiff is unopposed to the continuance of the Court ruling on his Motion for Partial Summary Judgment and the Court entering the attached amended scheduling order.

Respectfully submitted,

/s/ Robert C. Vilt

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served on this the 29th day of March, 2024, via ECF on the following counsel of record pursuant to the Federal Rules of Civil Procedure:

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