

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

LINDA BAUCUM and  
KENNETH BAUCUM,

Plaintiffs,

v.

JPMORGAN CHASE BANK,  
N.A.,

Defendant.

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Civil Action No. 4:24-cv-00953

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SETTLEMENT NOTICE AND AGREED MOTION TO ABATE

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Plaintiffs Linda Baucum and Kenneth Baucum (Plaintiffs) and defendant JPMorgan Chase Bank, N.A. (Chase) (together, the Parties) file their Settlement Notice and Agreed Motion to Abate, and would respectfully show as follows:

I.

Nature and Stage of the Proceeding

1. On March 4, 2024, Plaintiffs initiated this lawsuit in state court challenging a scheduled foreclosure sale of the property located at 11811 Miramar Shores Drive, Houston, Texas 77065 (the Property). Chase timely removed the suit to this court.

2. On March 18, 2024, the Court entered an Order for Conference and Disclosure of Interested Parties (the Order) setting an initial pretrial and scheduling

conference before United States Magistrate Judge Peter Bray by Zoom for 10:45 a.m. on May 16, 2024.

3. The Order requires the Parties to file a joint discovery/case management plan by May 6, 2024.

4. On April 5, 2024, Chase filed a motion to dismiss the complaint under Rule 12(b)(6).

5. Plaintiffs' deadline to file a response to the motion to dismiss or amend their complaint as a matter of course under Rule 15(a)(1)(B) is April 26, 2024.

## II.

### Settlement Notice and Agreed Motion to Abate

The Parties hereby provide notice that they are in the process of resolving all claims Plaintiffs asserted in this suit by agreement. The Parties are documenting their agreement and anticipate they will be able to file papers seeking a final judgment within sixty days.

The Parties file this notice to advise the Court of the settlement status and request that the Court abate this lawsuit for sixty days to allow the Parties time to paper their agreement and submit papers seeking a final judgment while minimizing additional litigation expenses.

A sixty-day abatement would stay all deadlines, including: (1) Plaintiffs' April 26, 2024 deadline to file a response to Chase's motion to dismiss; (2) Plaintiffs' April 26, 2024 deadline to amend the complaint as a matter of course under Rule

15(a)(1)(B); and (3) the Parties' May 6, 2024 deadline to file a joint discovery/case management plan and cancel the May 16, 2024 initial pretrial and scheduling conference.

If the Parties are unable to file papers seeking a final judgment within the sixty-day abatement period, any party may file a motion requesting the Court to set new deadlines for Plaintiffs to file a response to Chase's motion to dismiss or amend the complaint as a matter of course and for the Parties to file a joint discovery/case management plan and schedule a new initial pretrial and scheduling conference.

Therefore, the Parties respectfully request that this Court abate this lawsuit for sixty days, stay all deadlines, and cancel the May 16, 2024 initial pretrial and scheduling conference.

### III. Conclusion

Wherefore, the Parties request that the Court abate this lawsuit for sixty days, stay all deadlines, cancel the May 16, 2024 initial pretrial and scheduling conference, and reset the existing deadlines and schedule a new initial pretrial and scheduling conference if and when the abatement is lifted.

Respectfully submitted,

/s/ R. Kendall Yow  
Wm. Lance Lewis, Attorney-in-Charge  
Texas Bar No. 12314560  
S.D. Bar No. 28635  
R. Kendall Yow  
Texas Bar No. 24066806  
S.D. Bar No. 1533937  
Quilling, Selander, Lownds,  
Winslett & Moser, P.C.  
2001 Bryan Street, Suite 1800  
Dallas, Texas 75201  
214-880-1833 Telephone  
214-871-2111 Facsimile  
llewis@qslwm.com  
kyow@qslwm.com

ATTORNEYS FOR DEFENDANT  
JPMORGAN CHASE BANK, N.A.

/s/ Erick DeLaRue  
Erick DeLaRue  
Texas Bar No. 24103505  
S.D. Bar No. 3087017  
Law Office of Erick DeLaRue, PLLC  
2800 Post Oak Boulevard, Suite 4100  
Houston, Texas 77056  
713-899-6727 Telephone  
erick.delarue@delaruelaw.com

ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

This is to certify that on April 24, 2024 a true and correct copy of the foregoing document was furnished to plaintiff in accordance with the Federal Rules of Civil Procedure.

Erick DeLaRue  
Law Office of Erick DeLaRue, PLLC  
2800 Post Oak Boulevard, Suite 4100  
Houston, Texas 77056

/s/ R. Kendall Yow  
R. Kendall Yow