

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

HALA INANNA WALDROP,
Plaintiff,

v.

**FREEDOM MORTGAGE
CORPORATION**
Defendants.

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Civil Action No.: 4:23-cv-02409

PLAINTIFF’S COUNSEL’S MOTION TO WITHDRAW

COMES NOW, counsel for Plaintiff and respectfully requests that counsel be allowed to withdraw as attorney of record in this regard and the deadlines in this matter be extended to allow Plaintiff to either represent herself and or find substitute counsel. In support, counsel would advise the court as follows:

1. Counsel had previously been negatively impacted by a previous personal illness which prohibited him from assisting Plaintiff, who also has been subjected to personal illnesses that she contracted while employed with Harris County.
2. Plaintiff’s counsel had been hospitalized a number of times while the root cause of the malady was being determined. Ultimately, Plaintiff’s counsel is no longer counsel for the Harris County Deputies Organization as he has re-taken a position as an assistant district attorney and is not able to maintain a separate private practice that would require him to actively be involved with private cases and or travel.
3. During counsel’s relocation, his computer equipment was not timely shipped, and counsel was unable to receive his electronic mail due to interim issues with passcodes and transfers of mail servers.

4. Counsel also understands that Plaintiff desires to maintain her case in a *pro se* capacity while seeking other counsel unless she chooses not to obtain new counsel.

5. Plaintiff will need time to resolve her representation issues and counsel would request that in the best interests of justice that she be allowed sufficient time to look for replacement counsel and or file amended pleadings to address new issues that have arisen.

6. During Plaintiff's deposition, Plaintiff disclosed that Defendant had been accepting her base monthly payments each month. According to the bankruptcy proceeding as understood by Plaintiff, Defendant was prohibited from foreclosure to put her and her minor child in a homeless status as long as the monthly payment had been made.

7. After the deposition, Defendant unilaterally without notice sent back the most recent payments and sent communication threatening to foreclose Plaintiff's homestead unless she paid all the disputed amounts of fees and expenses Defendant claimed was owed.

8. Based upon the testimony provided by Plaintiff, there are a number of new causes of action that should be joined in this matter. In addition, Defendant should not be able to bifurcate a foreclosure action as a separate action apart from Plaintiff's claims.

9. Counsel has also been made aware of the filing of a motion for summary judgment was filed by Defendant during the time counsel was moving and not receiving his electronic mail. Through no fault of Plaintiff, the response is currently just become due and Plaintiff should be afforded the opportunity to respond especially as the nature of a foreclosure should be made a part of this proceeding.

10. Counsel contemporaneously has sent an e-mail communication to Defendant's counsel asking whether or not Defendant would object to counsel's withdrawal and at the time of the filing Defendant's counsel would not have had time to respond.

11. The request to amend and or stay proceedings while Plaintiff has the opportunity to secure new counsel or decide to maintain her representation is made in good faith and not for dilatory purposes.

12. Counsel apologizes for the confusion and unintentional delay. Counsel had hoped for a more manageable transition, but such became unattainable due to issues beyond counsel's control especially as this relocation was outside the state of Texas.

WHEREFORE, premises considered, Counsel respectfully requests that he be allowed to withdraw, and that Plaintiff be afforded an opportunity to find new counsel and to respond to Defendant's motion and for such further relief as the Court finds just and equitable.

Respectfully Submitted,

/s/ David J. Batton

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Counsel for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on June 24, 2023, pursuant to the Federal Rules of Civil Procedure, a true and correct copy of the foregoing Plaintiff's Counsel Motion to Withdraw was electronically filed with the Clerk of the court using the CM/ECF system when will send notification to the following attorney(s) of record:

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Kathryn B. Davis
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/s/ David J. Batton

David J. Batton