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

DHI HOLDINGS, LP,

Plaintiff,

V.

BEUTSCHE BANK NATIONAL TRUST

COMPANY, AS TRUSTEE FOR MORGAN

STANLEY ABS CAPITAL I INC. TRUST 2006HE3, MORTGAGE PASS-THROUGH

CERTIFICATES, SERIES 2006-HE3;

SPECIALIZED LOAN SERVICING LLC

Defendants.

DEFENDANTS' MOTION TO DISMISS PLAINTIFF'S COMPLAINT WITHOUT PREJUDICE

Pursuant to the Memorandum Opinion and Order entered by this Court on July 30, 2024 (ECF No. 21), and the provisions of Texas Business Organizations Code § 153.309, the Defendants hereby move the Court to dismiss the above-captioned case without prejudice.

On July 30, 2024, this Court entered an order staying the proceedings for 90 days, directing the Plaintiff, DHI Holdings, LP, to cure its defect by reinstating its right to transact business in Texas. (ECF No. 21) A true and correct copy of this order is attached hereto as **Exhibit A**. The Court explicitly conditioned the continuation of this case on Plaintiff's compliance with this requirement within the stipulated timeframe of 90 days.

As of the date of this motion, which is beyond 90 days from the entry of the order, Plaintiff has failed to demonstrate that it has cured the defect of capacity to sue, as required by the Court's order and under Texas Business Organizations Code § 153.309. A true and correct copy of the Texas Secretary of State entity report is attached hereto as **Exhibit B**.

Therefore, under the terms of the Court's order, this action is subject to dismissal.

Defendants respectfully request that this Court dismiss the present action without prejudice due to Plaintiff's failure to cure the defect in capacity as ordered by this Court.

Dated: October 30, 2024 Respectfully submitted,

/s/ Jared D. Vann
Jared Vann
Texas Bar No. 24125715
Federal ID. 3727006
Jvann@duanemorris.com
1300 Post Oak Blvd., Suite 1500
Houston, TX 77056-3166

Tel.: (713) 402-3900 Fax: (713) 402-3901

ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing document has been served upon all counsel of record via ECF and electronic mail on this the 30th day of October, 2024.

/s/ Jared D. Vann
Jared Vann

EXHIBIT B





Franchise Tax Account Status

As of: 10/29/2024 15:41:42

This summary page is designed to satisfy standard business needs. If you need to reinstate or terminate a business with the Texas Secretary of State, you must

obtain a certificate specific to that purpose.

DHI HOLDINGS, LP	
Texas Taxpayer Number	32060392738
Mailing Address	211 N LOIS AVE TAMPA, FL 33609-2232
Right to Transact Business in Texas	FORFEITED File missing reports, information reports and/or payments
State of Formation	DE
SOS Registration Status (SOS status updated each business day)	Not Registered
Effective SOS Registration Date	Not Registered
Texas SOS File Number	Not Registered
Registered Agent Name	UNITED STATES CORPORATION AGENTS, INC.
Registered Office Street Address	10601 CLARENCE DR. SUITE 250 FRISCO, TX 75033