

CAUSE NO. 2018-07344

DEUTSCHE BANK NATIONAL TRUST	§	IN THE DISTRICT COURT OF
COMPANY AS TRUSTEE IN TRUST	§	
FOR REGISTERED HOLDERS OF LONG	§	
BEACH MORTGAGE LOAN TRUST	§	
2003-2, BY AND THROUGH ITS SERVICER	§	
SELECT PORTFOLIO SERVICING, INC.	§	HARRIS COUNTY, T E X A S
Plaintiff,	§	
	§	
v.	§	
	§	
AFTON JANE IZEN	§	
Defendant.	§	333RD JUDICIAL DISTRICT

**PLAINTIFF'S ANSWER TO DAVID GROSE'S FIRST AMENDED  
PETITION IN INTERVENTION**

Plaintiff/Intervenor Defendants, Deutsche Bank National Trust Company, as Trustee for Registered Holders of Long Beach Mortgage Loan Trust 2003-2 (“**Trustee**”) and Select Portfolio Servicing, Inc. (“**SPS**”) (collectively “**Intervenor Defendants**”) file this Answer to Intervenor, David Grose’s (“**Intervenor Plaintiff**”) Petitions in Intervention, and would respectfully show unto the Court as follows:

**I.**

**GENERAL DENIAL**

Intervenor Defendants hereby deny generally and specifically each and every, all and singular, the material allegations as contained in Intervenor Plaintiff’s Petitions in Intervention, and any future amendments thereto, and demands strict proof thereof by a preponderance of the evidence.

**II.**

**AFFIRMATIVE DEFENSES**

Intervenor Defendants, still urging and relying on the matters alleged above, further allege

the following affirmative defenses:

- a) Intervenor Plaintiff has failed to satisfy conditions precedent to recovery.
- b) Intervenor Plaintiff's claims are barred in whole or in part by a lack of standing;
- c) Intervenor Plaintiff's claims are barred in whole or in part because Intervenor Defendants owed no duty to Intervenor Plaintiff;
- d) Intervenor Defendants plead the statute of limitations;
- e) Intervenor Plaintiff's claims are barred in whole or in part because he has suffered no damages as a result of any act or omission by Intervenor Defendant;
- f) Intervenor Defendants plead a failure of consideration for any contract claim and a failure of consideration for Intervenor Plaintiff's acquisition of the subject property;
- g) Intervenor Plaintiff's claims are barred in whole or in part by a failure to satisfy all conditions precedent;
- h) Intervenor Defendants plead that this action is subject to the proportionate responsibility provisions of Chapter 33 of the Texas Civil Practices and Remedies Code and/or the contribution provisions of Chapter 32 of the Texas Civil Practices and Remedies Code. Intervenor Defendants would show that the incidents and damages complained of by Intervenor Plaintiff were caused in whole or in part by the negligence, carelessness, acts and omissions of third parties and/or defendants over whom Intervenor Defendants had no control, and that said negligence, carelessness, acts and omissions were the sole cause, or alternatively, a proximate cause, or alternatively a superseding cause of the occurrences in question. Therefore, Intervenor Defendants request that the Court reduce any judgment, if any judgment is assessed against Intervenor Defendants, by the degree of such negligence, carelessness, acts and omissions of third parties, or any other party;
- i) Intervenor Defendants plead res judicata and collateral estoppel; and
- j) Intervenor Defendants plead that Intervenor Plaintiff failed to mitigate his alleged damages.

- k) Intervenor Defendants plead bankruptcy tolling, common law tolling, equitable tolling, abandonment of any alleged acceleration of the subject loan obligations, and all tolling of the statute of limitations available at law or in equity, including but not limited to tolling under §16.063 of the Texas Civil Practice and Remedies Code.

#### IV.

#### **PRAYER**

WHEREFORE, Intervenor Defendants pray that the Court enter judgment that:

1. Intervenor Plaintiff takes nothing against Intervenor Defendants by this suit;
2. Intervenor Defendants recover their costs incurred herein; and Intervenor Defendant recover such other and further relief to which they may be entitled at law or in equity.

Respectfully submitted,

HIRSCH & WESTHEIMER, P.C.

By: /s/ Michael F. Hord Jr.

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**ATTORNEYS FOR INTERVENOR  
DEFENDANTS**

**CERTIFICATE OF SERVICE**

I hereby certify that on this 10th day of June, 2025, a true and correct copy of the foregoing Answer was forwarded as follows:

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**Via E-File**

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/s/ Michael F. Hord Jr.  
Michael F. Hord Jr.

Unofficial Copy Office of Marilyn Burgess District Clerk

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Erick Escamilla on behalf of Michael Hord

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Filing Description: Plaintiff's Answer to David Grose's First Amended Petition in Intervention

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