

TAB 40



NO. 412,249-401

ESTATE OF	§	IN PROBATE COURT
NELVA E. BRUNSTING,	§	NUMBER FOUR (4) OF
DECEASED	§	HARRIS COUNTY, TEXAS

CARL HENRY BRUNSTING, Et Al	§
V.	§
ANITA KAY BRUNSTING, Et Al	§

**Plaintiff Carl Brunsting’s & Defendant/Co-Trustees’
Motion to Sever**

Plaintiff, Carl Brunsting, and Defendant/Co-Trustees, Anita Brunsting and Amy Brunsting (collectively the “Severing Parties”), file this motion to sever their respective claims against each other from the above-entitled and numbered cause (the “401 Case”), and would respectfully show the Court as follows:

1. Given the totality of the litigious nature of Candace Curtis, the Severing Parties see no prospect of settlement regarding their respective claims against each other without a severance from the 401 Case.
2. A severance would promote judicial economy. More specifically, this case is set for a two-week trial starting April 4, 2022. The Severing Parties believe the 401 Case could probably be tried in one week, especially given the fact that Curtis has no evidence to refute the Defendant/Co-Trustees pending motion for summary judgment against Curtis.
3. In the event the Severing Parties are unable to settle their respective claims against each other, then Severing Parties will seek an agreed docket control order for the severed case.

The Severing Parties request that the Court sever the claims of Plaintiff, Carl Brunsting, against Defendant/Co-Trustees, Anita Brunsting and Amy Brunsting, and those of the Defendant/Co-Trustees against Plaintiff, Carl Brunsting, into a separate cause number, and grant the Severing Parties such other and further relief to which they may be entitled.



Candace L. Curtis



Respectfully submitted,

// s // Stephen A. Mendel

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&

Respectfully submitted,

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Attorney for Amy Brunsting

Certificate of Conference

Notice of intent to file this motion was provided on December 21, 2021, to Candace L. Curtis and Carole Brunsting. Plaintiff Carl Brunsting agrees with the filing of this motion and the relief sought. Candace L. Curtis and Carole Brunsting are presumed to oppose the relief sought, since they did not join in the filing of this motion.

// s // Stephen A. Mendel

Stephen A. Mendel



Janice Matthews



Certificate of Service

I certify that a true and correct copy of the foregoing instrument was served on the following:

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Pro Se

via eService, email, telefax, or first-class mail, on this January 6, 2022.

// s // Stephen A. Mendel

Stephen A. Mendel





I, Teneshia Hudspeth, County Clerk of Harris County, Texas certify that these pages are a true and correct copy of the original record filed and recorded in my office, electronically or hard copy, as it appears on this date.

Witness my official hand and seal of office
This April 18, 2022

Teneshia Hudspeth, County Clerk
Harris County, Texas

Confidential information may have been redacted from the document in compliance with the Public Information Act.

