

No. 14-14-00666-CV

IN THE COURT OF APPEALS
FOURTEENTH JUDICIAL DISTRICT
HOUSTON, TEXAS

FILED IN
14th COURT OF APPEALS
HOUSTON, TEXAS
11/19/2014 7:51:36 PM
CHRISTOPHER A. PRINE
Clerk

MARK THUESEN,

Appellant,

V.

AMERISURE INSURANCE COMPANY, SWAMPLOT INDUSTRIES LLC,
LAURENCE DAVID ALBERT AND BETH ANNE BRINDSON,

Appellees,

On Appeal from the 151st Judicial District Court, Harris County, Texas
Trial Court Cause Number 2012-49262

**APPELLANT'S MOTION FOR EXTENSION FOR TIME TO FILE BRIEF
AND COMPEL SUPPLEMENT TO CLERK'S RECORD**

TO THE HONORABLE FOURTEENTH COURT OF APPEALS:

1. On August 13, 2014, Appellant filed his Notice of Appeal in the trial court. Appellant requested the clerk's record in his Notice of Appeal. On August 17, 2014, Appellant file a supplemental notice specifically requesting the clerk's record by image numbers.

2. After the supplemental notice was filed, appellant and appellee continued to litigate the case, causing an additional 146 documents to be filed in the trial court. These relevant documents were omitted from the clerk's record that was filed on November 5, 2014.
3. On November 15, 2014, Appellant filed a second supplemental notice requesting these 146 omitted documents to be included in the clerk's record. (see attached Exhibit A).
4. Appellant's brief is currently due on November 25, 2014. Pursuant to Tex. R. App. P. 38.6(d) and 10.5(b)(1), Appellant respectfully requests a thirty-day extension of time to file his brief until after the clerk has filed the second supplemental notice that includes the 146 omitted documents added to the clerk's record.
5. Pursuant to Tex. R. App. P. 20.1(k), Appellant requests the second supplemental notice to the clerk's record without prepayment and to be allowed to proceed without advance payment of costs.
6. The trial court clerk's record must include these 146 omitted documents to decide the issues presented. Appellant cannot complete his brief without these 146 omitted documents.
7. Appellant contacted appellee's counsel for a response to this motion, however appellee's counsel did not respond to appellant.

8. No prior extensions have been requested or granted.

PRAYER

9. For these reasons, Appellant respectfully requests the Court to (1) GRANT his *Appellant's Motion for Extension for Time to File Brief and Compel Supplement to Clerk's Record*, and (2) GRANT Appellant a thirty-day extension to file his Appellant's brief after the clerk has filed the 146 omitted trial court documents as part of the clerk's record as identified in Exhibit A, and (3) order the Harris County District Clerk to file the 146 omitted documents as part of the clerk's record without payment of costs, and issue any other order or writ necessary to compel compliance, and (4) Appellant further requests any and all other relief to which he is entitled.

Respectfully submitted,

/s/ Mark Thuesen

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Pro se for Appellant

CERTIFICATE OF CONFERENCE

Appellant has conferred with Appellee's counsel regarding this motion, however Appellee did not respond.

/s/ Mark Thuesen

Mark Thuesen, *Pro se*

CERTIFICATE OF SERVICE

As required by Tex. R. App. P. 6.3 and 9.5(b)(1), (d), (e), I hereby certify that the foregoing document has been filed in the office of the Clerk of the First Court of Appeals and a true and correct copy of the same has been provided to counsel listed below by the electronic filing manager on this 19th day of November, 2014. As a courtesy, I also sent to the legal counsel listed below an electronic mail notification with Appellant's motion attached in a PDF format.

Attorneys for Appellee Swamplot Industries LLC, Albert and Brinsdon:

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/s/ Mark Thuesen

Mark Thuesen, *Pro se*

CAUSE NO. 2012-49262

MARK THUESEN § **IN DISTRICT COURT OF**
§
Plaintiff §
§
VS. §
§
AMERISURE INSURANCE COMPANY, and § **HARRIS COUNTY, TEXAS**
SWAMPLLOT INDUSTRIES LLC, and §
LAURENCE DAVID ALBERT, and §
BETH ANNE BRINDSON §
§
Defendants § **151st JUDICIAL DISTRICT**

PLAINTIFF THUESEN'S SECOND SUPPLEMENT TO NOTICE OF APPEAL
TO THE FOURTEENTH COURT OF APPEALS

COMES NOW, Plaintiff Mark Thuesen ("Thuesen") files this his Plaintiff Thuesen's Second Supplement to Notice of Appeal to the Fourteenth Court of Appeals in the above-referenced case. In support thereof, Plaintiff Thuesen would respectfully show unto the Court as follows:

A. Second Supplement to Notice of Appeal

1. Plaintiff Thuesen hereby gives this second supplement to his notice of appeal and requests that the following case number 2012-49262 with image numbers, titles and dates filed below, be included in the clerk's record, as required by Tex. R. App. P. 34.5(c)(1). The following relevant items were omitted from the clerk's record:

| Image No. | Title | Date |
|-----------|---|------------|
| 63014737 | Plaintiff Thuesen's Response to Defendant Swamplot Parties False Notice of Filing | 11/03/2014 |
| 63006830 | Notice of Filing | 10/31/2014 |
| 63006831 | Exhibit A | 10/31/2014 |
| 63006832 | Exhibit A-1 | 10/31/2014 |
| 63006833 | Exhibit A-2 | 10/31/2014 |
| 63006834 | Exhibit A-3 | 10/31/2014 |
| 63006835 | Exhibit A-4 | 10/31/2014 |

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|----------|---|------------|
| 63006836 | Exhibit B | 10/31/2014 |
| 63006837 | Exhibit C | 10/31/2014 |
| 62858389 | ORDER SIGNED DENYING BILL OF REVIEW, ORD SGN DENYING RECONSIDERATION, ORDER SGNED DENYING MOTION TO SET ASIDE ORDER | 10/21/2014 |
| 62853700 | Deputy Reporter Statement | 10/20/2014 |
| 62624842 | Plaintiff's Motion for Reconsideration, Motion to Vacate and Bill of Review | 10/05/2014 |
| 62624844 | Plaintiff Thuesen's Motion for Reconsideration and Motion to Vacate Certificate of Conference | 10/05/2014 |
| 62624845 | Notice of Submission of Plaintiff's Motion for Reconsideration, Motion to Vacate and Bill of Review | 10/05/2014 |
| 62624846 | Proposed Order on Plaintiff's Motion for Reconsideration, Motion to Vacate and Bill of Review | 10/05/2014 |
| 62624847 | Exhibit A | 10/05/2014 |
| 62624848 | Exhibit B | 10/05/2014 |
| 62624849 | Exhibit C | 10/05/2014 |
| 62624850 | Exhibit D | 10/05/2014 |
| 62624851 | Exhibit E | 10/05/2014 |
| 62624852 | Exhibit F | 10/05/2014 |
| 62624853 | Exhibit G | 10/05/2014 |
| 62624854 | Exhibit H | 10/05/2014 |
| 62624855 | Exhibit I | 10/05/2014 |
| 62624856 | Exhibit J | 10/05/2014 |
| 62598425 | ORDER SIGNED SETTING HEARING, ORDER MODIFYING AND AMENDING TEMPORARY ORDERS SIGNED | 10/02/2014 |
| 62573125 | ORDER SIGNED DENYING RECUSAL OF JUDGE | 10/01/2014 |
| 62680612 | Confirmation Information | 10/01/2014 |
| 62550777 | Second Administrative Judicial Region of Texas Assignment #26117 | 09/29/2014 |
| 62469687 | Fourteenth Court of Appeals Order | 09/24/2014 |
| 62472214 | ORDER SIGNED DENYING RECUSAL OF JUDGE | 09/24/2014 |
| 62484535 | Amended Notice of Hearing | 09/24/2014 |
| 62484536 | Exhibit A | 09/24/2014 |
| 62463561 | Plaintiff's Motion to Recuse Judge Engelhart | 09/23/2014 |
| 62463562 | Plaintiff's Motion to Recuse Judge Engelhart Authenticating Affidavit of Plaintiff Thuesen | 09/23/2014 |
| 62463563 | Plaintiff's Motion to Recuse Judge Engelhart Certificate of Conference | 09/23/2014 |
| 62463564 | Proposed Order on Plaintiff's Motion to Recuse Judge Engelhart | 09/23/2014 |
| 62463565 | Exhibit A | 09/23/2014 |
| 62463566 | Exhibit B | 09/23/2014 |
| 62463567 | Exhibit C | 09/23/2014 |
| 62463568 | Exhibit D | 09/23/2014 |
| 62463569 | Exhibit E | 09/23/2014 |
| 62463570 | Exhibit F | 09/23/2014 |
| 62463571 | Exhibit G | 09/23/2014 |

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| 62463572 | Exhibit H | 09/23/2014 |
| 62463573 | Exhibit I | 09/23/2014 |
| 62463574 | Exhibit J | 09/23/2014 |
| 62463575 | Exhibit K | 09/23/2014 |
| 62463576 | Exhibit L | 09/23/2014 |
| 62463577 | Exhibit M | 09/23/2014 |
| 62463578 | Exhibit N | 09/23/2014 |
| 62463579 | Exhibit O | 09/23/2014 |
| 62463580 | Exhibit P | 09/23/2014 |
| 62463581 | Exhibit Q | 09/23/2014 |
| 62463582 | Exhibit R | 09/23/2014 |
| 62463583 | Exhibit S | 09/23/2014 |
| 62502274 | Fourteenth court of appeals (Order) | 09/23/2014 |
| 62356005 | ORDER SIGNED GRANTING ENTRY OF TEMPORARY ORDERS | 09/16/2014 |
| 62356006 | ORDER SIGNED STRIKING PLEADING | 09/16/2014 |
| 62446542 | Confirmation Information | 09/16/2014 |
| 62272763 | ORDER SIGNED TO SUSTAIN CONTEST, ORDER SIGNED GRANTING MOTION TO RULE FOR COSTS, ORDER SIGNED DENYING PAUPER'S OATH (CASE ON APPEAL) | 09/09/2014 |
| 62295273 | Fax Cover Sheet | 09/09/2014 |
| 62272764 | PARTIAL DISMISSAL OTHER ORDER SIGNED | 09/08/2014 |
| 62508448 | Constable Return of Individual (Unexecuted) | 09/08/2014 |
| 62243771 | Oral Videotaped Deposition Beth Brinsdon September 4, 2013 Volume 1 of 1 | 09/07/2014 |
| 62243772 | Swamplot Document Production - 100671 | 09/07/2014 |
| 62243773 | Cover letter | 09/07/2014 |
| 62243774 | Oral Videotaped Deposition Laurence Albert September 3, 2013 Volume 1 of 1 | 09/07/2014 |
| 62243775 | Swamplot Document Production - 100147 | 09/07/2014 |
| 62238827 | Swamplot Parties' Brief Regarding Bad-Faith Actions of Mark Thuesen | 09/05/2014 |
| 62238829 | Authenticating Affidavit of Laurence Albert | 09/05/2014 |
| 62238830 | Exhibit A | 09/05/2014 |
| 62238831 | Exhibit B | 09/05/2014 |
| 62238832 | Exhibit C | 09/05/2014 |
| 62238833 | Exhibit D | 09/05/2014 |
| 62238834 | Exhibit E | 09/05/2014 |
| 62238835 | Exhibit F | 09/05/2014 |
| 62238837 | Exhibit G | 09/05/2014 |
| 62238838 | Exhibit H | 09/05/2014 |
| 62238839 | Exhibit I | 09/05/2014 |
| 62240841 | Continuation letter regarding Swamplot Parties' Brief Regarding Bad-Faith Actions of Mark Thuesen | 09/05/2014 |
| 62240843 | Exhibit J | 09/05/2014 |
| 62240845 | Exhibit K | 09/05/2014 |
| 62240846 | Exhibit L | 09/05/2014 |

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| 62240847 | Exhibit M | 09/05/2014 |
| 62240853 | Exhibit N | 09/05/2014 |
| 62240854 | Exhibit O | 09/05/2014 |
| 62240855 | Exhibit P | 09/05/2014 |
| 62240856 | Exhibit Q | 09/05/2014 |
| 62240857 | Exhibit R | 09/05/2014 |
| 62240864 | Exhibit S | 09/05/2014 |
| 62240865 | Exhibit T | 09/05/2014 |
| 62240867 | Exhibit U | 09/05/2014 |
| 62240868 | Exhibit V | 09/05/2014 |
| 62240870 | Exhibit W | 09/05/2014 |
| 62240875 | Exhibit X | 09/05/2014 |
| 62240876 | Exhibit Y | 09/05/2014 |
| 62240877 | Exhibit Z | 09/05/2014 |
| 62240878 | Exhibit AA | 09/05/2014 |
| 62240879 | Exhibit BB | 09/05/2014 |
| 62240880 | Exhibit CC | 09/05/2014 |
| 62240881 | Exhibit DD | 09/05/2014 |
| 62240882 | Exhibit EE | 09/05/2014 |
| 62240883 | Exhibit FF | 09/05/2014 |
| 62240885 | Exhibit GG | 09/05/2014 |
| 62240886 | Exhibit HH | 09/05/2014 |
| 62240887 | Exhibit II | 09/05/2014 |
| 62213210 | Constable Return of Individual (Unexecuted) | 09/04/2014 |
| 62208275 | ORD SGN DENYING RECONSIDERATION, ORDER SGNED DENYING MOTION TO SET ASIDE ORDER | 09/03/2014 |
| 62174116 | Plaintiff's Response To District Clerk's Contest Of Affidavit Of Indigence Texas Rule Of Appellate Procedure 20.1 And District Clerk's Motion For Extension Of Time For Hearing And District Clerk's Motion For Expedited Hearing | 09/02/2014 |
| 62174117 | Proposed Order | 09/02/2014 |
| 62190782 | Proposed Judgement and Order Sustaining Contest to Pauper's Oath | 09/02/2014 |
| 62135925 | Filing letter | 08/28/2014 |
| 62135926 | District Clerk's Contest of Affidavit of Indigence Texas Rule of Appellate Procedure 20.1 | 08/28/2014 |
| 62135927 | Proposed Judgment and Order Sustaining Contest to Pauper's Oath | 08/28/2014 |
| 62135929 | Certificate of Service | 08/28/2014 |
| 62135930 | Notice of Hearing | 08/28/2014 |
| 62135931 | Proposed Order to Pay Costs | 08/28/2014 |
| 62150628 | ORDER SIGNED SETTING HEARING | 08/28/2014 |
| 62295287 | Fax Cover Sheet | 08/28/2014 |
| 62129794 | Filing letter | 08/27/2014 |
| 62129795 | District Clerks Motion for Extension of Time for Hearing | 08/27/2014 |
| 62129796 | Certificate of Service | 08/27/2014 |
| 62129798 | District Clerk's Contest of Affidavit of Indigence Texas Rule of | 08/27/2014 |

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| | Appellate Procedure 20.1 | |
| 62129799 | Proposed Judgment and Order Sustaining Contest to Pauper's Oath | 08/27/2014 |
| 62129800 | Proposed Order for Extension of Time | 08/27/2014 |
| 62129802 | Notice of Hearing by Submission | 08/27/2014 |
| 62129804 | Proposed Order to Pay Costs | 08/27/2014 |
| 62131160 | Motion for Expedited Hearing | 08/27/2014 |
| 62131162 | Proposed Order for Expedited Hearing | 08/27/2014 |
| 62114042 | ORDER SIGNED AWARDING ATTORNEY FEES, ORDER SIGNED GRANTING MOTION TO RULE FOR COSTS | 08/26/2014 |
| 62086345 | Plaintiff Thuesen's Response to Swamplot Parties' Motion for Fees and Expenses Incurred in 2014 Claims | 08/25/2014 |
| 62086346 | Exhibit A | 08/25/2014 |
| 62086355 | Proposed Order on Swamplot Parties' Motion for Fees and Expenses Incurred in 2014 Claims | 08/25/2014 |
| 62074150 | Swamplot Parties Opposition to Mark Thuesens Motion for Reconsideration and Motion to Vacate | 08/22/2014 |
| 62074408 | Certificate of Conference | 08/22/2014 |
| 62047720 | Supplement to Plaintiff Thuesen's Motion for Reconsideration and Motion to Vacate | 08/20/2014 |
| 62029597 | Swamplot Parties' Opposition to Net Worth Statement of Mark Thuesen | 08/19/2014 |
| 62032116 | Plaintiff Thuesen's Motion for Reconsideration and Motion to Vacate | 08/19/2014 |
| 62032117 | Certificate of Conference | 08/19/2014 |
| 62032126 | Notice of Submission of Plaintiff Thuesen's Motion for Reconsideration and Motion to Vacate | 08/19/2014 |
| 62032127 | Proposed Order on Plaintiff Thuesen's Motion for Reconsideration and Motion to Vacate | 08/19/2014 |
| 62011921 | Plaintiff Thuesen's Supplemental Notice of Appeal to the Fourteenth Court of Appeals | 08/17/2014 |
| 62058052 | Court of Appeals Fourteenth District (letter to court reporter) | 08/15/2014 |

Respectfully submitted,

/s/ Mark Thuesen
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CERTIFICATE OF SERVICE

I certify that a true and correct copy of the above and foregoing instrument was served on the party listed below, pursuant to Tex. R. Civ. P. 21 and 21a (a) (1) via electronic filing manager and (2) via email, on this 15th day of November 2014.

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/s/ Mark Thuesen

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