

Appellate Docket Number: 14-14-00666-CV  
Appellate Case Style: Mark Thuesen  
Vs. Amerisure Insurance Company and Swamplot Industries LLC and Laurence David Albert and Beth Anne Brinson

Companion Case No.:

FILED IN  
14th COURT OF APPEALS  
HOUSTON, TEXAS

8/27/2014 12:43:51 PM  
CHRISTOPHER A. PRINE  
Clerk

Amended/corrected statement: DOCKETING STATEMENT (Civil)  
Appellate Court: 14th Court of Appeals  
(to be filed in the court of appeals upon perfection of appeal under TRAP 32)

**I. Appellant** **II. Appellant Attorney(s)**

Person  Organization (choose one)  
First Name: Mark  
Middle Name: L.  
Last Name: Thuesen  
Suffix:  
Pro Se:   
Address 1: P.O. Box 540365  
Address 2:  
City: Houston  
State: Texas Zip+4 77254  
Telephone: 585-300-5793 ext.  
Fax:  
Email: xtraderweb@hotmail.com

Lead Attorney  
First Name:  
Middle Name:  
Last Name:  
Suffix:  
Law Firm Name:  
Address 1:  
Address 2:  
City:  
State: Texas Zip+4:  
Telephone: ext.  
Fax:  
Email:  
SBN:

**III. Appellee** **IV. Appellee Attorney(s)**

Person  Organization (choose one)  
Organization Name: Swamplot Industries LLC  
First Name:  
Middle Name:  
Last Name:  
Suffix:  
Pro Se:

Lead Attorney  
First Name: James  
Middle Name: A.  
Last Name: Hemphill  
Suffix:  
Law Firm Name: Graves, Dougherty, Hearon & Moody, P.C.  
Address 1: 401 Congress Ave., Suite 2200  
Address 2:  
City: Austin  
State: Texas Zip+4: 78701  
Telephone: 512-480-5762 ext.  
Fax: 512-536-9907  
Email: jhemphill@gdhm.com  
SBN: 00787674

<b>III. Appellee</b>	<b>IV. Appellee Attorney(s)</b>
<input checked="" type="checkbox"/> Person <input type="checkbox"/> Organization (choose one)  First Name: Laurence Middle Name: David Last Name: Albert Suffix: Pro Se: <input type="radio"/>	<input type="checkbox"/> Lead Attorney First Name: James Middle Name: A. Last Name: Hemphill Suffix: Law Firm Name: Graves, Dougherty, Hearon & Moody, P.C. Address 1: 401 Congress Ave., Suite 2200 Address 2: City: Austin State: Texas   Zip+4: 78701 Telephone: 512-480-5762   ext. Fax: 512-536-9907 Email: hemphill@gdhm.com SBN: 00787674
<b>III. Appellee</b>	<b>IV. Appellee Attorney(s)</b>
<input checked="" type="checkbox"/> Person <input type="checkbox"/> Organization (choose one)  First Name: Beth Middle Name: Anne Last Name: Brinsdon Suffix: Pro Se: <input type="radio"/>	<input type="checkbox"/> Lead Attorney First Name: James Middle Name: A. Last Name: Hemphill Suffix: Law Firm Name: Graves, Dougherty, Hearon & Moody, P.C. Address 1: 401 Congress Ave., Suite 2200 Address 2: City: Austin State: Texas   Zip+4: 78701 Telephone: 512-480-5762   ext. Fax: 512-536-9907 Email: hemphill@gdhm.com SBN: 00787674

**V. Perfection Of Appeal And Jurisdiction**

Nature of Case (Subject matter or type of case):  Other

Date order or judgment signed:  July 28, 2014  Type of judgment:  Dismissal

Date notice of appeal filed in trial court:  August 13, 2014

If mailed to the trial court clerk, also give the date mailed:

Interlocutory appeal of appealable order:  Yes  No

If yes, please specify statutory or other basis on which interlocutory order is appealable (See TRAP 28):

Accelerated appeal (See TRAP 28):  Yes  No

If yes, please specify statutory or other basis on which appeal is accelerated:

Parental Termination or Child Protection? (See TRAP 28.4):  Yes  No

Permissive? (See TRAP 28.3):  Yes  No

If yes, please specify statutory or other basis for such status:

Agreed? (See TRAP 28.2):  Yes  No

If yes, please specify statutory or other basis for such status:

Appeal should receive precedence, preference, or priority under statute or rule:  Yes  No

If yes, please specify statutory or other basis for such status:

Does this case involve an amount under \$100,000?  Yes  No

Judgment or order disposes of all parties and issues:  Yes  No

Appeal from final judgment:  Yes  No

Does the appeal involve the constitutionality or the validity of a statute, rule, or ordinance?  Yes  No

**VI. Actions Extending Time To Perfect Appeal**

Motion for New Trial:  Yes  No If yes, date filed:

Motion to Modify Judgment:  Yes  No If yes, date filed:

Request for Findings of Fact and Conclusions of Law:  Yes  No If yes, date filed:

Motion to Reinstate:  Yes  No If yes, date filed:

Motion under TRCP 306a:  Yes  No If yes, date filed:

Other:  Yes  No

If other, please specify:

**VII. Indigency Of Party: (Attach file-stamped copy of affidavit, and extension motion if filed.)**

Affidavit filed in trial court:  Yes  No If yes, date filed:  August 13, 2014

Contest filed in trial court:  Yes  No If yes, date filed:  August 19, 2014

Date ruling on contest due:  August 29, 2014

Ruling on contest:  Sustained  Overruled Date of ruling:

**VIII. Bankruptcy**

Has any party to the court's judgment filed for protection in bankruptcy which might affect this appeal?  Yes  No

If yes, please attach a copy of the petition.

Date bankruptcy filed: November 13, 2013

Bankruptcy Case Number: 13-37041

**IX. Trial Court And Record**

Court: 151st District Court

Clerk's Record:

County: Harris

Trial Court Clerk:  District  County

Trial Court Docket Number (Cause No.): 2012-49262

Was clerk's record requested?  Yes  No

If yes, date requested: August 13, 2014

Trial Judge (who tried or disposed of case):

If no, date it will be requested:

First Name: Mike

Were payment arrangements made with clerk?

Middle Name:

Yes  No  Indigent

Last Name: Englehart

(Note: No request required under TRAP 34.5(a),(b))

Suffix:

Address 1: 201 Caroline Street, 11th Floor

Address 2 :

City: Houston

State: Texas Zip + 4: 77002

Telephone: 713-368-6222 ext.

Fax:

Email:

Reporter's or Recorder's Record:

Is there a reporter's record?  Yes  No

Was reporter's record requested?  Yes  No

Was there a reporter's record electronically recorded?  Yes  No

If yes, date requested:

If no, date it will be requested:

Were payment arrangements made with the court reporter/court recorder?  Yes  No  Indigent

- Court Reporter                       Court Recorder  
 Official                                       Substitute

First Name: [REDACTED]  
Middle Name: [REDACTED]  
Last Name: [REDACTED]  
Suffix: [REDACTED]  
Address 1: [REDACTED]  
Address 2: [REDACTED]  
City: [REDACTED]  
State: Texas                      Zip + 4: [REDACTED]  
Telephone: [REDACTED] ext. [REDACTED]  
Fax: [REDACTED]  
Email: [REDACTED]

**X. Supersedeas Bond**

Supersedeas bond filed:  Yes  No    If yes, date filed: [REDACTED]  
Will file:  Yes  No

**XI. Extraordinary Relief**

Will you request extraordinary relief (e.g. temporary or ancillary relief) from this Court?     Yes  No  
If yes, briefly state the basis for your request: [REDACTED]

**XII. Alternative Dispute Resolution/Mediation (Complete section if filing in the 1st, 2nd, 4th, 5th, 6th, 8th, 9th, 10th, 11th, 12th, 13th, or 14th Court of Appeal)**

Should this appeal be referred to mediation?     Yes  No  
If no, please specify: [REDACTED]  
Has the case been through an ADR procedure?     Yes  No  
If yes, who was the mediator? [REDACTED]  
What type of ADR procedure? [REDACTED]  
At what stage did the case go through ADR?     Pre-Trial     Post-Trial     Other  
If other, please specify: [REDACTED]  
Type of case?    Other [REDACTED]  
Give a brief description of the issue to be raised on appeal, the relief sought, and the applicable standard for review, if known (without prejudice to the right to raise additional issues or request additional relief):  
[REDACTED] The issues relate to the newly enacted Rule 91a dismissal. The issues are procedural. The relief sought is overturning the trial court judgment.  
How was the case disposed of?    Dismissal [REDACTED]  
Summary of relief granted, including amount of money judgment, and if any, damages awarded.    \$500 sanction award [REDACTED]  
If money judgment, what was the amount? Actual damages:    \$0.00 [REDACTED]  
Punitive (or similar) damages:    \$0.00 [REDACTED]

Attorney's fees (trial): \$0.00

Attorney's fees (appellate): \$0.00

Other: \$500.00

If other, please specify:

Will you challenge this Court's jurisdiction?  Yes  No

Does judgment have language that one or more parties "take nothing"?  Yes  No

Does judgment have a Mother Hubbard clause?  Yes  No

Other basis for finality? Rule 162 non-suit, Order dismissed with prejudice

Rate the complexity of the case (use 1 for least and 5 for most complex):  1  2  3  4  5

Please make my answer to the preceding questions known to other parties in this case.  Yes  No

Can the parties agree on an appellate mediator?  Yes  No

If yes, please give name, address, telephone, fax and email address:

Name	Address	Telephone	Fax	Email

Languages other than English in which the mediator should be proficient:

Name of person filing out mediation section of docketing statement:

### XIII. Related Matters

List any pending or past related appeals before this or any other Texas appellate court by court, docket number, and style.

Docket Number: 2012-49262-A

Trial Court: 151st District Court

Style: Mark Thuesen

Vs. Catherine Schoolar and Candice Garcia and Craig Malisow

**XIV. Pro Bono Program: (Complete section if filing in the 1st, 3rd, 5th, or 14th Courts of Appeals)**

The Courts of Appeals listed above, in conjunction with the State Bar of Texas Appellate Section Pro Bono Committee and local Bar Associations, are conducting a program to place a limited number of civil appeals with appellate counsel who will represent the appellant in the appeal before this Court.

The Pro Bono Committee is solely responsible for screening and selecting the civil cases for inclusion in the Program based upon a number of discretionary criteria, including the financial means of the appellant or appellee. If a case is selected by the Committee, and can be matched with appellate counsel, that counsel will take over representation of the appellant or appellee without charging legal fees. More information regarding this program can be found in the Pro Bono Program Pamphlet available in paper form at the Clerk's Office or on the Internet at [www.tex-app.org](http://www.tex-app.org). If your case is selected and matched with a volunteer lawyer, you will receive a letter from the Pro Bono Committee within thirty (30) to forty-five (45) days after submitting this Docketing Statement.

Note: there is no guarantee that if you submit your case for possible inclusion in the Pro Bono Program, the Pro Bono Committee will select your case and that pro bono counsel can be found to represent you. Accordingly, you should not forego seeking other counsel to represent you in this proceeding. By signing your name below, you are authorizing the Pro Bono committee to transmit publicly available facts and information about your case, including parties and background, through selected Internet sites and Listserv to its pool of volunteer appellate attorneys.

Do you want this case to be considered for inclusion in the Pro Bono Program?  Yes  No

Do you authorize the Pro Bono Committee to contact your trial counsel of record in this matter to answer questions the committee may have regarding the appeal?  Yes  No

Please note that any such conversations would be maintained as confidential by the Pro Bono Committee and the information used solely for the purposes of considering the case for inclusion in the Pro Bono Program.

If you have not previously filed an affidavit of Indigency and attached a file-stamped copy of that affidavit, does your income exceed 200% of the U.S. Department of Health and Human Services Federal Poverty Guidelines?  Yes  No

These guidelines can be found in the Pro Bono Program Pamphlet as well as on the internet at <http://aspe.hhs.gov/poverty/06poverty.shtml>.

Are you willing to disclose your financial circumstances to the Pro Bono Committee?  Yes  No

If yes, please attach an Affidavit of Indigency completed and executed by the appellant or appellee. Sample forms may be found in the Clerk's Office or on the internet at <http://www.tex-app.org>. Your participation in the Pro Bono Program may be conditioned upon your execution of an affidavit under oath as to your financial circumstances.

Give a brief description of the issues to be raised on appeal, the relief sought, and the applicable standard of review, if known (without prejudice to the right to raise additional issues or request additional relief; use a separate attachment, if necessary).

**XV. Signature**

\_\_\_\_\_  
Signature of counsel (or pro se party)

Date: **August 22, 2014**

Printed Name: **Mark Thuesen**

State Bar No.: \_\_\_\_\_

Electronic Signature: **/s/ Mark Thuesen**  
(Optional)

**XVI. Certificate of Service**

The undersigned counsel certifies that this docketing statement has been served on the following lead counsel for all parties to the trial court's order or judgment as follows on [REDACTED] .

Signature of counsel (or pro se party)

Electronic Signature: [REDACTED]  
(Optional)

State Bar No.: [REDACTED]

Person Served

Certificate of Service Requirements (TRAP 9.5(e)): A certificate of service must be signed by the person who made the service and must state:

- (1) the date and manner of service;
- (2) the name and address of each person served, and
- (3) if the person served is a party's attorney, the name of the party represented by that attorney

Please enter the following for each person served:

Date Served: August 25, 2014

Manner Served: Email

First Name: James

Middle Name: A.

Last Name: Hemphill

Suffix: [REDACTED]

Law Firm Name: Graves, Dougherty, Hearon & Moody, P.C.

Address 1: 401 Congress Ave., Suite 2200

Address 2: [REDACTED]

City: Austin

State: Texas

Zip+4: 78701

Telephone: 512-480-5762

ext. [REDACTED]

Fax: 512-536-9907

Email: jhemphill@gdhm.com

If Attorney, Representing Party's Name: Swamplot Industries LLC, and Albert and Br+



United States Bankruptcy Court  
Southern District of Texas

## Notice of Bankruptcy Case Filing

A bankruptcy case concerning the debtor(s) listed below was filed under Chapter 13 of the United States Bankruptcy Code, entered on 11/13/2013 at 09:32 AM and filed on 11/13/2013.

**Mark Thuesen**  
PO Box 540365  
Houston, TX 77254  
SSN / ITIN: xxx-xx-3971



The case was filed by the debtor's attorney: The bankruptcy trustee is:

**Michael Glen Walker**  
Walker Patterson PC  
P O Box 61301  
Houston, TX 77208-1301  
713-956-5577

**William E. Heitkamp**  
Office of Chapter 13 Trustee  
9821 Katy Freeway  
Ste 590  
Houston, TX 77024  
713-722-1200

The case was assigned case number 13-37041 to Judge Karen K. Brown.

In most instances, the filing of the bankruptcy case automatically stays certain collection and other actions against the debtor and the debtor's property. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor can request the court to extend or impose a stay. If you attempt to collect a debt or take other action in violation of the Bankruptcy Code, you may be penalized. Consult a lawyer to determine your rights in this case.

If you would like to view the bankruptcy petition and other documents filed by the debtor, they are available at our *Internet* home page <http://www.txs.uscourts.gov/> or at the Clerk's Office, United States Bankruptcy Court, PO Box 61010, Houston, TX 77208.

You may be a creditor of the debtor. If so, you will receive an additional notice from the court setting forth important deadlines.

**David J. Bradley**  
Clerk, U.S. Bankruptcy  
Court