

From: Mark Burke

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To:

Tracy Conroy

Exec. Asst, Second Administrative Judicial Region of Texas

[Tracy.Conroy@mctx.org](mailto:Tracy.Conroy@mctx.org)

Cc:

Melissa Love

Operations Coordinator for Civil and Family District Courts

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Cc: Serpe Andrews, PLLC: Nicole Andrews, Madison Addicks (via email)

Cc: Shannon North

Clerk for Court 234

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Date: April 10, 2023

By email only and filed on docket

**Re: "Order Denying Motion to Recuse" signed by Presiding Judge  
Trapp - 2022-68307 - Mark Burke Vs. KPH Consolidated, Inc., Et Al**

Dear Ms. Conroy

I acknowledge receipt of your email with enclosed Order, which is **void** for the following reasons:-

Early this morning I received a copy of the Texas Supreme Court Order dated April 6, 2023, assigning the Hon. Judge Robert H. Trapp to preside over my mandatory disqualification of the assigned Administrative Judge, The Honorable Susan Brown, Presiding Judge of the 11th Administrative Region, and wherein I cited *Anderson v. Port Arthur*, No. 14-09-00029-CV, at \*1 (Tex. App. Sep. 21, 2010) (“Because Anderson filed a timely objection to the Administrative Judge under section 74.053, disqualification of that judge was mandatory, and the Administrative Judge should have assigned another judge to hear Anderson’s recusal motion. See TEX. GOV’T CODE ANN. § 74.053; TEX. R. CIV. P. 18a(d); *In re Perritt*, 992 S.W.2d at 446-47; *Flores*, 932 S.W.2d at 501-02. ”).

The Supreme Court also referenced section 74.053 in their letter of [re]assignment signed by Chief Justice Nathan Hecht. Curiously, this letter states that Presiding Judge Susan Brown “*declines to recuse herself*”. Alas, Presiding Judge Susan Brown does not have that option, according to *Anderson*.

Next, I turn to the “Order Denying Motion to Recuse”, signed by Presiding Judge Trapp and received at around 4 p.m. The Order does not rely

upon, or at any time mention or refer to section 74.053, but rather Rule 18(a) and (b). That is not applicable for the reasons stated above.

In conclusion, the mandatory Disqualification of Presiding Judge Susan Brown is non-negotiable, and hence the Court's Order discussed herein is void.

Sincerely,

A handwritten signature in black ink that reads "Mark Burke". The signature is written in a cursive style with a large, sweeping initial "M".

Mark Burke  
Plaintiff (Pro Se)