

MAY 16 2023

Time: _____ 7:45 a
By Shannon North-Gonzalez
Deputy
Harris County, Texas

NO. 2022-68307

MARK BURKE,

Plaintiff,

VS.

HON. LAUREN REEDER and HON. SUSAN
BROWN,

Defendants.

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IN THE DISTRICT COURT OF

HARRIS COUNTY, TEXAS

234TH JUDICIAL DISTRICT

Pg. 7
4B

ORDER

On October 18, 2022, Plaintiff Mark Burke filed suit against KPH—Consolidation, Inc. d/b/a HCA Houston Healthcare Kingwood. Mr. Burke’s suit was assigned to the 234th Judicial District Court and given Cause No. 2022-68307.

On April 17, 2023, Mr. Burke amended his petition, naming Hon. Lauren Reeder and Hon. Susan Brown as defendants. Section 30.017 of the Texas Civil Practices and Remedies Code establishes the procedure when a claim against a trial judge is added to a case pending in that judge’s court:

- (a) A claim against a district court, statutory probate court, or statutory county court judge that is added to a case pending in the court to which the judge was elected or appointed:
 - (1) must be made under oath;
 - (2) may not be based solely on the rulings in the pending case but must plead specific facts supporting each element of the claim in addition to the rulings in the pending case; and
 - (3) is automatically severed from the case.
- (b) The clerk of the court shall assign the claim a new cause number, and the party making the claim shall pay the filing fees.
- (c) The presiding judge of the administrative region or the presiding judge of the statutory probate courts shall assign the severed claim to a different judge. The

judge shall dismiss the claim if the claim does not satisfy the requirements of Subsection (a)(1) or (2).

TEX. CIV. PRAC. & REM. CODE § 30.017. By operation of § 30.017, the claims against Judge Reeder and Judge Brown were “automatically severed from the case.” TEX. CIV. PRAC. & REM. CODE § 30.017(a)(3). The District Clerk therefore assigned a new cause number (2022-68307-A) to the claims against Judges Reeder and Brown.

On May 2, 2023, the Presiding Judge of the Eleventh Administrative Judicial Region of Texas assigned the Hon. Daniel E. Hinde, Former District Judge, 269th Judicial District Court, to the 234th Judicial District Court to preside over the severed case against the judges (Cause No. 2022-68307-A). Because this case involves claims that were severed from another case, it is necessary and appropriate for the clerk to file official copies of related documents from the original case (2022-68307) in the case file for this case.

Therefore, the District Clerk is **ORDERED** to file official copies of the following documents from Cause No. 2022-68307 into the case file for this case (2022-68307-A):

Image No.	Title	Filing Date
107708211	ORDER SIGNED DENYING DISQUALIFICATION OF JUDGE	04/19/23
107708212	Email -from Mark Burke to Melissa Love	04/19/23
107738483	Deputy Reporter Statement	04/19/23
107663492	Plaintiff & Counter-Defendant's Second Amended Petition	04/17/23
107663495	Exhibit - Burke's Response to Contemptuous HCA Letter, Spe. 30,2022	04/17/23
107663497	Exhibit Court Reporter Transcript of TI Hearing, Jan 09, 2023	04/17/23
107663498	Exhibit Email form HCA's Ben Hamel Dated Jan 19, 2023	04/17/23
107663500	Exhibit Email Thread Between Mark Burke and Norma Duarte Court Reporter, Jan 17, 2023	04/17/23
107663496	Exhibit Email to Known Counsel Nicole Andrews and HCA on Oct. 10, 2022	04/17/23
107663499	Exhibit Emailed Letter to HCA Lawyers, Jan 19, 2022	04/17/23

Image No.	Title	Filing Date
107663502	Exhibit First Spoliation Letter to H CA Aug14,2022	04/17/23
107663501	Exhibit HCA Initial Response Letter Aug 24, 2022	04/17/23
107663503	Exhibit HCA Letter reply to Spoliation Letter II Oct 17, 2022	04/17/23
107663504	Exhibit HCA Letter Sept 08,2022	04/17/23
107663506	Exhibit Second Spoliation Letter to HCA, Sep 26,2022	04/17/23
107663505	Exhibit Who is Dr. Mike Wong?	04/17/23
107663507	Exhibit Who is Dr. Randy Chung?	04/17/23
107568550	Re: "Order on Recusal (Objection) to Presiding Judge" Signed by Susan Brown - 2022-68307 Mark Burke vs KPH Consolidated, ET AL	04/11/23
107543456	Re: Order Denying Motion to Recuse signed by Presiding Judge Trapp - 2022-68307- Mark Burke Vs. KPH Consolidated, Inc., ET AL	04/10/23
107597289	ORDER SIGNED DENYING RECUSAL OF JUDGE	04/10/23
107435732	ORDER SIGNED DECLINING RECUSAL OF JUDGE	04/04/23
	REFERRAL TO SUPREME COURT ORDER GRANTED	04/04/23
107410527	Notice of Submission	04/03/23
107411722	Letter to Melissa Love	04/03/23
107307164	Plaintiff's Motion to Show Authority	03/28/23
107307165	Exhibit	03/28/23
107307166	Proposed Order	03/28/23
107301563	Plaintiff's Response and Objections to Attorney Fees and Affidavit, Including Exhibit A Per Defendant's Premature Motion To Dismiss	03/27/23
107301564	Exhibit A	03/27/23
107301565	Proposed Order	03/27/23
107260111	Defendant HCA Houston Healthcare Kingwood's Motion to Dismiss with Prejudice for Plaintiff's Failure to Serve an Expert Report	03/24/23
107260112	Affidavit of Ben Hamel Regarding Attorneys' Fees and Costs in Support of Defendant HCA Houston Healthcare Kingwood	03/24/23
107260113	Exhibit A	03/24/23
107260114	Proposed Order on Defendant's Motion to Dismiss	03/24/23
107147127	ORDER SIGNED DENYING RECUSAL OF JUDGE	03/20/23

Image No.	Title	Filing Date
107155772	Plaintiff's Motion to Unseal 'Restricted Exhibit A', Image 107126340 (Assumed), Docket Entry Mar 17, 2023	03/20/23
107155773	Proposed Order	03/20/23
107121410	Plaintiff's Motion to Disqualify Judge Lauren Reeder and Verified Declaration	03/17/23
107121411	Plaintiff's Verified Declaration in Support of Motion to Disqualify Judge Lauren Reeder	03/17/23
107121412	Proposed Order	03/17/23
107125823	Plaintiff's Motion to Stay Sanctions Hearing	03/17/23
107125841	Proposed Order	03/17/23
107126339	Defendant HCA Houston Healthcare Kingwood's Response to Pro Se Plaintiff's Motion for Sanctions and Motion to Disqualify	03/17/23
Sensitive Data	Exhibit A	03/17/23
107126341	Exhibit B	03/17/23
107126342	Proposed Order	03/17/23
107144487	Notice of Appearance of Counsel for Witness Randy Chung, M.D.	03/17/23
107144488	Witness Randy Chung, M.D.'s Objections to the Subpoena Duces Tecum Attached to Plaintiff's Witness Subpoena	03/17/23
107105961	ORD SGN GRNTNG PROTECTION FROM DISCOVERY REQUEST	03/15/23
107105961	ORDER SIGNED QUASHING SUBPOENA	03/15/23
107106189	ORD SGND DENYING EXTENDING DISCOVERY DEADLINE	03/15/23
106976722	DCA Generic Letter	03/09/23
106950241	Proposed Order	03/08/23
106950238	Plaintiff's Response to Non-Party Norma Thieme's Objection to Subpoena, ECT	03/08/23
106897586	Proposed Order	03/06/23
106897585	Plaintiff's Response to Non-Parties Jeffery Addicks and Sharon Addicks Objection to Subpoena, ETC	03/06/23
106901862	Non-Parties Jeffery Allen Addicks and Sharon Lowman Addicks Motion to Quash, Motion for Protective Order and Motion for Discovery Sanctions	03/03/23
106901863	Exhibit A	03/03/23
106901865	Exhibit B	03/03/23

Image No.	Title	Filing Date
106845931	Non-Party Norma Thieme's Objections to Subpoena, Motion to Quash Subpoena, and Motion for Protection	03/02/23
106845932	Proposed Order Motion to Quash and for Protection	03/02/23
106848230	Response To Defendants Reply and Objection to Opposed First Motion For Extension Of Time To Provide Plaintiffs Expert Report	03/02/23
106860500	Plaintiff's Motion to Strike Non-Party Norma Thieme's Objection To Subpoena, Etc.	03/02/23
106866194	Notice of Submission of Plaintiff's Motion to Strike Non-Party Norma Thieme's Objection to Subpoena, ECT	03/02/23
106866238	Proposed Order	03/02/23
106822384	Returns Of Service	03/01/23
106822385	Jeffery Addicks Return	03/01/23
106822387	Norma Thieme Return	03/01/23
106822386	Sharon Addicks Return	03/01/23
106826865	Notice of Submission of Plaintiff's Opposed First Motion for Extension of Time to Provide Plaintiff's Expert Report	03/01/23
106830140	Defendant HCA Houston Healthcare Kingwood's Response to Plaintiff's Motion for Extension of Time and Objection to Plaintiff's Notice of Submission	03/01/23
106830141	Proposed Order	03/01/23
106834043	Return of Service	03/01/23
106834649	Notice of Submission	03/01/23
106641486	Opposed First Motion for Extension of Time to Provide Plaintiff's Expert Report	02/20/23
106641513	Proposed Order	02/20/23
106549416	Notice of Request to Issue Subpoenas	02/14/23
106549417	Witness Subpoena	02/14/23
106549418	Witness Subpoena	02/14/23
106549419	Witness Subpoena	02/14/23
106724091	Subpoena Pick Up/Tracking Form	02/14/23
106724092	Subpoena Pick Up/Tracking Form	02/14/23
106724093	Subpoena Pick Up/Tracking Form	02/14/23
106462250	Plaintiff's First Amended Petition and Jury Demand	02/09/23
106462251	Exhibit A	02/09/23

Image No.	Title	Filing Date
106462252	Exhibit B	02/09/23
106462253	Exhibit C	02/09/23
106462254	Exhibit D	02/09/23
106462255	Exhibit E	02/09/23
106462256	EXHIBIT F	02/09/23
106462257	EXHIBIT G	02/09/23
106462258	Exhibit H	02/09/23
106462259	Exhibit I	02/09/23
106462260	Exhibit J	02/09/23
106462261	Exhibit K	02/09/23
106462262	EXHIBIT L	02/09/23
106462263	Exhibit M	02/09/23
106462264	EXHIBIT N	02/09/23
106462265	Exhibit O	02/09/23
106462266	Exhibit P	02/09/23
106462267	Exhibit Q	02/09/23
106462268	Exhibit R	02/09/23
106462269	Exhibit S	02/09/23
106462270	Exhibit T	02/09/23
106462271	Exhibit U	02/09/23
106462272	Exhibit V	02/09/23
106462273	Exhibit W	02/09/23

The District Clerk is further **ORDERED** to file a copy of the May 2, 2023 Order of Assignment by the Presiding Judge and May 2, 2023 Notice of Assignment into the case file for this case (2022-68307-A).

The District Clerk should complete these tasks by Friday, May 26, 2023.

SIGNED at Houston, Texas on this 15th day of May, 2023.

A handwritten signature in black ink, appearing to read "Dan Hinde", written in a cursive style.

Hon. Dan Hinde
Assigned Judge, 234th District Court