

U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
WICHITA FALLS
FILED

**IN THE UNITED STATES DISTRICT COURT
FOR DISTRICT OF TEXAS
NORTHERN DISTRICT OF TEXAS
WICHITA FALLS DIVISION**

Larry Henry Tompkins,)
Plaintiff,) Civil Action No.
v.)
Milton Eugene Douglass, Attorney) 7-04CV-057-R
The Hon. Robert Brotherton, and)
The Hon. Roy T. Sparkman,)
Defendants.)

**RESPONSE AND
SUGGESTION TO QUASH DEFENDANTS'
PENDING MOTION TO DISMISS**

Concurrent with this document, a timely First Amended Verified Complaint is being filed as of right because only a Motion to Dismiss, but no Answer to the Original (now superseded) Original Complaint, has been filed herein. Because this Amended Complaint renders the Original Complaint void and a nullity, and because Defendant's Counsel failed to abide by the local procedures set by the assigned Federal Judge for pre-submission conference with Plaintiff and joint submission of all papers relevant to such a motion, the Court is urged to Strike the pending Motion to Dismiss.

Respectfully Submitted,

By *Larry Henry Tompkins*

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Original and copies hereof filed with the
Clerk of Court and copies mailed on 8-13-04 to
Counsel for Milton Eugene Douglass, Defendant.