

6. To date, and to the best of PHH's knowledge, Plaintiffs have failed to file a response to the Motion and PHH's undersigned counsel has not otherwise been served with a response. As such, the Court may consider the Motion unopposed.¹

Accordingly, PHH respectfully requests that the Court grant its Motion for Summary Judgment pursuant to Fed. R. Civ. P. 56 and for all other and further relief to which it has shown itself entitled at law or in equity.

Respectfully submitted,

By: /s/ Kathryn B. Davis

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¹ See Local Rule 7.4 ("Failure to respond will be taken as a representation of no opposition."). See also *Stevenson v. Fort Bend County*, No. H-05-2656, 2006 U.S. Dist. LEXIS 81319, 2006 WL 3245755 n. 2 (S.D.Tex., Nov. 7, 2006) ("Plaintiff filed no response to either of these motions, thereby representing that she is unopposed to them."). See also *Villegas v. Grace Disposal Systems, LLC*, No. H-13-320, 2013 U.S. Dist. LEXIS 154570, 2013 WL 5816554 at *1 (S.D.Tex., Oct. 29, 2013) ("If a response is not filed by the submission day, it will be taken as a representation of no opposition." (quotation marks omitted)).

CERTIFICATE OF SERVICE

I hereby certify that on March 28, 2023, a copy of the above and foregoing was filed electronically with the Clerk of Court. Notice of this filing has been forwarded to all parties, by and through their attorneys of record by operation of the Court's electronic filing system.

Via CM/ECF

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