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United States Senate Committee

On Banking, Housing and Urban Affairs

534 Dirksen Senate Office Building

Washington, D.C. 20510

By Fax: (202) 224-5137

Dear Sir or Madam

OPEN LETTER TO THE SENATE / SENATORS WITH A SINGLE QUESTION

We have been in the federal court system since 2011 as a result of lender income application fraud during the collapse of Indymac and which culminated into the Great Recession. We are both in our eighties and in declining health as a result of 9 years of fighting a wrongful foreclosure.

This matter would have been over in 2015 when we defeated Deutsche Bank in S.D. Tex court after a bench trial and again in 2017. However, the corrupt Court of Appeals for the Fifth Circuit refuse to let a homeowner win in their courtroom to protect their bias judges and opinions – namely the new and erroneous precedents, post financial crisis, which conflict with 200+ years of property laws.

We'll skip the full background as most in government will recognize our name and case(s) and you'll easily recover our cases in Texas and Fl. (intervenors).

Today, our letter is specific to events in very recent times, which are alarming and distressing. The judiciary and the state bar(s) have no way of defending our legal briefs, motions and complaints, so they have, in the majority, totally refused to communicate.

That's right. Silence or should we say, complete e-silence. We cannot get an answer from them at all in writing by email or fax during the COVID-19 requirements for e-filing and emailing correspondence.

A quick summary of pending items as at today's date;

- (i) **Board of Disciplinary Appeals** ("BODA"), Texas. Overdue answer of our appeal against dismissal of an inquiry against Austin Attorney Mark Daniel Hopkins, of Hopkins Law, PLLC.
- (ii) **Virginia State Bar**. Rejected our complaints against two Goodwin Procter, LLP attorneys, Matt Sheldon and Tom Hefferon, representing Ocwen in the *CFPB v. Ocwen* case in S.D. Fl. The Burkes replied asking to reconsider and/or seeking further information on how and if we could appeal (like to an equivalent BODA in Virginia). No response has been received despite a final follow-up.
- (iii) **D.C. Bar** complaint against a Goodwin Procter LLP attorney Sabrina Rose-Smith, representing Ocwen in the *CFPB v. Ocwen* case in S.D. Fl. Despite an email follow up to the submitted complaint, no reply has ever been received, just silence.
- (iv) **Florida Bar** complaint against a Goodwin Procter LLP attorney Catalina Azuero, representing Ocwen in the *CFPB v. Ocwen* case in S.D. Fl. Despite an email follow up to the submitted complaint, no reply has ever been received, just silence.
- (v) We have filed a judicial complaint against S.D. Fl. Judge Kenneth Marra with the **11th Circuit** ECF/PACER system along with a cover letter asking for an acknowledgment and received silence in return.
- (vi) We filed a second motion to recuse Judge Jill A. Pryor of the **11th Circuit** and she has yet to issue her decision. However, yesterday, Judge Elizabeth 'Liz' Branch responded to some of our 'emergency motions' some 10 days later when she's not a current panel judge in our appeal (19-13015). Today we filed our response questioning the same and also her own impartiality and bias based on her erroneous order, in law and local rules.
- (vii) Back in Texas, we submitted a judicial complaint against S.D. Tex. Snr Judge David Hittner in March 27, 2020 and which wasn't answered until the Burkes submitted a follow up status request some 3 months later. The court of

appeals for the **5th Circuit** claimed that they did not receive the emailed complaint due to a technical difficulty with their email server (which coincidentally was at the same time the Burkes submitted their complaint).

Now, you may say, it looks like a lot of complaints by the Burkes - but that perception would be a mistake. The complaint against Judge Hittner and Mark Hopkins relates to one civil action, *Burke v. Hopkins*, and the other complaints relate to the *CFPB v. Ocwen* case in Fl. Goodwin likes to stack as many lawyers onto a case to bill as much as possible to their client(s). Hence there are a lot of lawyers who need to be held individually accountable for their own legal ethics and subsequent misconduct. Most of these lawyers are registered with various state bars nationwide.

That's the latest snapshot summary. The pattern is consistent - slow the complaints and filings down by the Burkes to allow the court(s) to dismiss their cases as soon as possible, which will be in the next couple of months, pending the *Selia Law* decision from the US Supreme Court.

Why Are We Writing To You?

As the Senate, you write and pass the laws that the judiciary and lawyers rely upon in courts nationwide. As we've been "blanked" by the judiciary, we believe that our civil and constitutional rights have been violated. The judiciary, lawyers and state bars' can only be protected by immunity if they actually reply to citizens valid complaints which comply with the rules. The Burkes have complied with all the necessary laws and rules. In summary, their ignorance and uniform silence does not secure immunity. It secures a strong belief that the entire U.S. Gov. is corrupt.

We Ask Only One Question.

Can you intervene on our behalf and stop the silent treatment or offer some other relief?

Transparency Disclosure

We will be transmitting copies of this letter to the public, advocacy groups, as well as posting to social media and other outlets, *e.g.* blogs and the press. We also wish to keep a documented record of all the branches of government we have contacted, along with data as to how they interact with elderly and terribly abused citizens of the United States of America.

The behavior we have encountered has pinnacle to absurd. The United States Government and Judiciary is behaving disgracefully. In our early years we traveled and lived in Great Britain (birthplace), Africa and the Gulf for many years and have never met such corruption as faces us now.

It is criminal to persecute elderly citizens of the United States who are not criminals but are being treated as though they are. We call it elder abuse and it is abhorrent.

Summary

Thank you for your time and consideration. If you have any comments, questions or concerns related to the above or our filings, please contact us in writing, via email or fax. The contact information is shown below.

Stay Safe. Respectfully

s/ Joanna & John Burke

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“The great object of my fear is the Federal Judiciary. That body, like gravity, ever acting with noiseless foot and unalarming advance, gaining ground step by step and holding what it gains, is engulfing insidiously the special governments into the jaws of that which feeds them.”

– **Thomas Jefferson** (*Letter to Judge Spencer Roane, 1821*)