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Dear Counsel,

**RE: HALLIBURTON v. PHH MORTGAGE CORP., 4:20-CV-00919, S.D. TEX.**

We, the Burkes (“Burkes”) refer to the above instant civil action and declare our immediate interest in this complaint as we are similarly situated. The matter involves foreclosure and the alleged mortgage servicers are the same.

We now turn to the courts order, Doc. 19, page 7 of 7, April, 26, 2021, wherein it states;

*“On April 16, 2021, this Court held a teleconference to consider **a letter request** from Plaintiff for an order **to compel the production of servicing notes** related to Plaintiff’s account with Defendants after April 28, 2016 and **a letter** from Defendants opposing this relief.*

*After considering the letters and argument of counsel, this Court finds that an order to compel is appropriate.”*

First, we were unable to locate these “letters” on the docket and hereby kindly request a copy of the same in your response(s) and/or a particular docket number and date in the court docket record wherein these letters may be found.

Second, we seek to ask if you would object to the Burkes requesting access to the compelled production.

If you object, we take this advance opportunity to notice counsel that we will be submitting a *motion to intervene* for the purpose of obtaining all the servicing notes and compelled production of documents received in the above case and before any destruction is ordered. At that time, we would rely upon the responses received by counsel to the above in order to assert if you are opposed or unopposed to our motion.

Third, as far as Lone Star Legal Aid; considering your mission statement and the fact we assume you are representing Ms. Halliburton pro bono in this case, we are more than perplexed as to why you would jointly agree to a confidential order in this matter in light

of the panels' comments in *Binh Hoa Le v. Exeter Fin. Corp.*, No. 20-10377 (5th Cir. Mar. 5, 2021) and specifically, the mortgage servicer loan file.

We now move for transparency in this matter. As Judge Willett opined;

*“With great respect, we urge litigants and our judicial colleagues to zealously guard the public’s right of access to judicial records—their judicial records—so that justice may not be done in a corner.”*”

As you are no doubt fully aware, mortgage servicer files including notes, *are not privileged*. The fact it is part of a confidential order is even more alarming, but that matter is left to be addressed directly with the Judge in this case.

Finally, we have submitted this letter via email only<sup>1</sup> to the counsel listed above. As this matter is time sensitive, we would please ask that you respond by return.

Thanking you in advance for your co-operation.

Sincerely

*/s/ Joanna Burke*

**Joanna Burke**

*/s/ John Burke*

**John Burke**

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<sup>1</sup> Relying upon Rule 106 of the Texas Rules of Civil Procedure (“TCRP”) as adopted by the Texas Supreme Court in 2020 as it relates to process of service and assuming arguendo that the equivalent FRCP is effectively the same, especially during the pandemic and how the courts have adopted more electronic methods of delivery and communications.