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IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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Case No. 19-20267

JOANNA BURKE; JOHN BURKE,

*Plaintiffs-Appellants,*

v.

OCWEN LOAN SERVICING, L.L.C.,

*Defendant-Appellees.*

Consolidated with

No. 20-20209

JOANNA BURKE; JOHN BURKE,

*Plaintiffs-Appellants,*

v.

MARK DANIEL HOPKINS, SHELLEY HOPKINS, HOPKINS LAW P.L.L.C.,

*Defendant-Appellees.*

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On Appeal from the United States District Court  
For the Southern District of Texas, Houston Division;  
USDC No. 4:18-CV-4543/4544

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**CORRECT OPINION; RESPONSE TO STRIKE CLERKS' DOCKET ENTRY  
DATED 9<sup>TH</sup> JULY, 2021 AND OTHER RELIEF**

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*Pro Se Appellants*

As advised in the Motion to Clarify of 8 July, 2021, Appellants, Joanna Burke and John Burke (“Burkes”), herein civilly request this Court issue Corrected Opinion(s) in the Order(s) DENYING the Burkes Motion to File the Petition for Rehearing En Banc in its Present Form, namely without the ‘*Statement of Facts*’ which was initially submitted on Apr 23 and denied by a single judge on May 5. Thereafter, the Burkes sought a 3-panel review by motion and this would be denied on June 21. In support thereof would show the Court as follows:

### **ARGUMENT**

This correction request is updated to include the ‘conversation’ between Fifth Circuit Clerk Ms. Gardner and Appellant John Burke, wherein he received a phone call from Ms Gardner on Friday, 9 July, 2021. Ms Gardner and the Court would subsequently make the following incorrect docketing entry. The entry states;

Docket Text: OPPOSED MOTION for reconsideration of the 06/21/2021 court order denying motion for reconsideration of the 05/05/2021 order denying motion for authorization to omit the Statement of facts requirement for their Petition for Rehearing En Banc and file petition in present form. No action is taken on Appellants' request for clarification of clerk's office procedure as unnecessary - procedure was explained to Mr. Burke telephonically. Appellants may use the pro\_se@ca5.uscourts.gov

email as an alternative, if necessary [9557920-3], [9557920-2] [9614189-2]. Response/Opposition due on 07/19/2021. Date of service: 07/08/2021 [19-20267, 20-20209].

This is factually erroneous. First, the “procedure was not explained to Mr. Burke telephonically”. What happened in short form is Ms. Gardner asked if the Motion to Clarify was a Motion for Reconsideration. Mr. Burke responded that the motion was detailed and clear on the face as to what relief is requested. Ms. Gardner ended the call saying she would be treating the Motion to Clarify as a Motion for Reconsideration<sup>1</sup> and she would present this to her supervisor for review. This statement was made forcefully and with a tone of finality.

There was no discussion *what* [entry] was being reconsidered, and there are several filings regarding this en banc petition. The above subsequent docket entry has ‘reconsidered’ the wrong event in an attempt to circumvent the Burkes proposed filings, including this one for “Opinion/Order Correction”.

This correct entry was clearly labeled in the Burkes Motion to Clarify and is the June 29, 2021 entry, which has been ‘backdated’ by this Court to April 13, 2021, and includes the following docket text;

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<sup>1</sup> This statement by Ms Gardner would not be reflected in the docket entry, where the actual recorded entry shows the court has “taken no action” on the Motion to Clarify.

PETITION for rehearing en banc [9549894-2] Number of Copies:0. Since it could not be determined that the filing on 05/17/2021 was not emailed, **Clerk's Office has filed the document as proposed sufficient rehearing. However, document remains insufficient for lack of copy of the Court's opinion.** Sufficient Rehearing due on 07/09/2021 for Appellants Joanna Burke and John Burke. Date of Service: 05/14/2021 [19-20267, 20-20209]

Interestingly, this is entered by Fifth Circuit Clerk Ms Rebecca L. Leto. The Burkes believe this deviation and entry by a *new* Clerk is significant for the reasons outlined herein.

#### **A. A DISINGENUOUS CLERK OF COURT**

##### **1. The Reconsideration Motion Was Exhausted**

As explained in the opening paragraph, the Burkes exhausted their motions for reconsideration of this court's order pertaining to the *Statement of Facts*. In short, on June 21, the 3-panel denied that [final] motion for reconsideration.

##### **2. The Court Reversed Itself**

Thereafter, this court then decided on its own to reverse that ruling by issuing a clerks' order on June 29 (backdated) which waived the requirement for the *Statement of Facts*. The court specified the only requirement outstanding was the March 30, 2021 order from the new panel affirming the

lower courts' [void *ab initio*] judgment. See; *Burke v Ocwen Loan Servicing*, 19-20267 c/w 20-20209, [HTTPS://2DOBERMANS.COM/WOOF/3E](https://2DOBERMANS.COM/WOOF/3E).

### **3. Rules Are Being Blanked and Violated, Which is Unlawful**

The rules do not allow for what the clerk entered on the docket and Ms. Gardner has no authority to proceed as she did, with or without a supervisor's blessing. It is a disingenuous entry. That stated, the Burkes are fully aware this has never prevented this court from similar Machiavellian acts in the past, some which are listed in support of this response.

It is patently obvious the court is now trying to rail against its own June 29 order, waiving the '*Statement of Facts*' and which is not mandatory from *pro se* parties, as previously discussed.

### **4. Common Sense Defeats Incurrigible Legal Wordsmithing**

Alternatively, perhaps this court does not grade the briefs, motions and related filings as composed by *non-prisoner, pro se* litigants, or in the alternative, incorrectly believe the Burkes are attorneys. Let the record show, the Burkes are law-abiding, *pro se* litigants. They are also scholarly and can apply common sense to nonsensical and unlawful acts which result in fraudulent entries and orders.

**5. Unethical Clerks with “Lifetime Appointments” to Harass, Oppress and Abuse Elders**

The Burkes are acutely aware when this court and its staff repeatedly mistreats these elder *pro se* litigants. Sadly, it is the same repeat offenders as well, namely Fifth Circuit Clerks Ms. Gardner and Ms. Wynne. The Burkes could easily exhaust this motion with the bias and prejudice in email communications and entries on the docket from these two clerks alone, and while they are fully cognizant their treacherous acts are shielded by immunity. That stated, the Burkes respectfully ask this court and its staff to please refrain from any more personal attacks on the elder Burkes, in the form of abusive, harmful, stressful, unlawful, unconstitutional and wasteful orders.

*See* 28 U.S. Code § 951. Oath of office of clerks and deputies; In part:

"...and will faithfully **and impartially** discharge all other duties of my office according to the best of my abilities and understanding. So help me God." and *See* Guide to Judiciary Policy, Ch. 3: Code of Conduct for Judicial Employees ([HTTPS://2DOBERMANS.COM/WOOF/3D](https://2DOBERMANS.COM/WOOF/3D)).

**6. Request to Strike the 9 July Docket Entry by Ms Gardner**

Returning to the latest event, Ms. Gardner is apparently in her early 40's and the Burkes are in their 80's. While she may wish to rely upon her phone

manner as a reference, the Burkes look to her actions and orders when she hangs up - and on July 9, her text docket entry clearly violates the rules. It was a calculated and deceptive entry on the docket.

Furthermore, in support of the Burkes response, they have been unable to locate another entry in any circuit court where a clerk informed a litigant that she is going to treat the phone call as a 'motion for reconsideration' - without the Burkes first filing a new motion for reconsideration - and proceed to enter *her* 'motion for reconsideration' (as a docket text entry) and in doing so, "take no action" on the Motion to Clarify.

Contrary to Ms Gardner, her colleague, Ms Wynne has always stated that the Burkes would have "to file a motion" for any relief. In this instance, the Burkes refer to the email correspondence which would start this lengthy dispute as regards the *new* deficiency, the *Statement of Facts*, and where she abruptly closed the email thread with an ultimatum; comply with her erroneous and mischievous request or file a motion for relief. The Burkes filed a motion.

In summary, the Burkes are confident this is another illegal act by this court and Ms Gardner is fully aware of her lawlessness. Indeed, if Clerks enjoy



such liberal authority, why did they not just upload a copy of the Courts March 30, 2021 Opinion to satisfy the final deficiency in the June 29 notice?

*See Practitioners Guide;*

“Among the clerk’s duties are to: receive and account for monies paid to the court, initiate a docket for each appeal, enter all filings in appeals, issue calendars for oral argument sessions, enter orders and opinions of the court as authorized by the judges, and decide or refer to the court the procedural motions set forth in 5TH CIR. R. 27.1 and 31.4 ([HTTPS://2DOBERMANS.COM/WOOF/3C](https://2DOBERMANS.COM/WOOF/3C)).

A review of 27.1 and 31.4 did not reveal any allowance for the Clerk to enter a ‘motion [for reconsideration]’ on behalf of the parties, especially when none was filed by the Burkes and as the Burkes had already exhausted that reconsideration previously (denied).

**7. Correct the Erroneous Order to Say this Court GRANTS the Motion to File the Petition for Rehearing En Banc in its Present Form**

This court erred in denying the Burkes Motion to waive the Statement of Facts. This court would agree with this statement by its notice on June 29, wherein the court uploaded the ‘proposed sufficient brief’ with only one outstanding requirement, the order of the 3-panel, dated March 30, 2021 in this now consolidated appeal.

It would be irreconcilable to think a *Statement of Facts* was required when the court took it upon itself to upload the Burkes 'non-compliant' Petition as sufficient.

As the Burkes outline herein, *pro se* litigants like the Burkes look toward the docket for filings to help their arguments. When the court denies a meritorious motion and then seeks to rewind that under its own sly terms, that is an abuse of power and not authentic. The Burkes wish the record to reflect *pro se* parties are not required to file a '*Statement of Facts*' in a Petition for Rehearing En Banc, as the rules and law stand at this time. Additionally, and in support of this request, the Burkes maintain the view that the clerk could not seek to add a *new* deficiency *after* the Burkes cured the original deficiencies.

## **B. ACCESS TO COURTS**

Access to courts; *Ryland v. Shapiro*, 708 F.2d 967, 971 (5th Cir. 1983)  
("The Substantive Right of Access to Courts: The right of access to the courts is basic to our system of government, and it is well established today that it is one of the fundamental rights protected by the Constitution. In *Chambers v. Baltimore Ohio Railroad*, 207 U.S. 142, 28 S.Ct. 34, 52 L.Ed. 143 (1907), the Supreme Court characterized this right of access in the following terms:

The right to sue and defend in the courts is the alternative of force. In an organized society it is the right conservative of all other rights, and lies at the foundation of orderly government. It is one of the highest and most essential privileges of citizenship, and must be allowed by each state to the citizens of all other states to the precise extent that it is allowed to its own citizens. Equality of treatment in this respect is not left to depend upon comity between the states, but is granted and protected by the Federal Constitution.

207 U.S. at 148, 28 S.Ct. at 35 (citations omitted). It is clear that the Court viewed the right of access to the courts as one of the privileges and immunities accorded citizens under article 4 of the Constitution and the fourteenth amendment.”).

Court dockets are the heartbeat for litigants seeking to find relevant motions, briefs, orders and opinions to support their own case or position on appeal. The Burkes believe it is even more life-changing for *pro se* litigants who are before this court and wherein the court incorrectly rules and/or where such an order or opinion can impact the ‘*non-prisoner’s*’ life in a destructive manner, such as;

- (i) An erroneous and unlawful judgment of foreclosure (See; *Deutsche Bank National Trust Company v. Burke*, 5<sup>th</sup> Circuit Case No.’s 15-20201 and 18-20026 as prime examples), or;
- (ii) A denial of a motion to disqualify, in violation of the rules (See; *Burke v Ocwen*, 11<sup>th</sup> Circuit Case No. 19-13015, Nov.

- 2, 2020 (unpub.), re Judge Jill A. Pryor) and this now consolidated appeal, a single order denying disqualification of a Chief Judge who dismantled two appeal panels in order to assign herself and hand-picked judges to a new panel), so a bias judge may retain a control over a specific appeal and/or panel, or;
- (iii) Where a motion to unseal is unconstitutionally denied. (See; *Burke v Ocwen*, 11<sup>th</sup> Circuit Case No. 19-13015, Nov. 2, 2020 (unpub.), re Judge Jill A. Pryor).

### **C. MOTIONS & ORDERS**

In the matter herein, the Burkes requested relief as *pro se* litigants with irrefutable supporting evidence and exhibits which were furnished to this court in their motion dated April 23, 2021. Despite convincing evidence that the local rule requirement re *Statement of Facts* had not been applied consistently in this court and was ambiguous, this court would maintain an aggressive and unconstitutional stance.

Namely, Fifth Circuit clerk, Jann Wynne would take it upon herself to add a new deficiency - after the Burkes complied with her original deficiency notice. This stubborn stance would be maintained by the newly formed panel. However, the Burkes held firm in their opinion that they were being held to a higher standard by this court than the law commands and acted upon the clerk's offer to motion the court, as filed on April 23, 2021.

Nonetheless, despite advising this court of their concerns via the clerk's suggested motion, the Burkes concerns and claims would be dismissed in subsequent erroneous orders as detailed.

**D. US COURT'S ADMINISTRATIVE OFFICE & APPELLATE COMMITTEE**

The Burkes evidence is overwhelming in support of their now denied motion(s). An online search for further proof would take them to the US Courts website. Circuit courts rely upon the Administration Office ("USAO") for support on a daily basis, according to videos the USAO's office has published and which the Burkes have reviewed.

While on their website, the Burkes located the Appellate Committee Meetings, transcribed and published as online documents in Adobe format (.PDF). These documents support the Burkes views. "Judge Bybee stated that this could be very difficult for little folks; Mr. Byron responded that a pro se letter could be treated as a petition." See p. 14, Minutes of the Fall 2020 Meeting of the Advisory Committee on the Appellate Rules October 20, 2020. (<https://2dobermans.com/woof/2u>).

Indeed, the committee was concerned with the Fifth Circuit's continual violation of related changes to the Federal Rules of Appellate Procedure

("FRAP"), for example the Certificate of Service requirement for online filing which was repealed in 2019 (See the Burkes prior motion(s) detailing the same).

**E. REAL CASE EXAMPLES OF INTERFERENCE, BIAS AND DENIAL OF ACCESS TO JUSTICE BY THIS COURT**

The Burkes suggest this court has interfered with their rights of access, not only with regards to the denial of filing of the Petition for Rehearing En Banc in its original form, but also prior and subsequent orders issued in this case, including (but not exhaustive);

**1. PRO SE RULE CHANGE (JUNE 2021)**

The premeditated rule changes regarding access to the court's clerks via email; in relevant part this court's letter stated on June 8;

"Pro se parties are advised that the pro se email may not be used to ask questions. If you have questions concerning your case, you need to call our office. The instructions for use of the pro se email are posted on our website under "News and Announcements."

Upon analysis of the metadata on this PDF on the News section at the Fifth Circuit, it alarmingly confirms that the alteration to these instructions was applied shortly before this letter was released to the Burkes. In other words, it was a premeditated and calculated act.

## **2. EXTENSION OF TIME**

This court would deny a motion for an extension of time to file a [reply] brief by clerk, Christina Gardner, (See 20-2020, Docket entries on Oct. 7/8) when opposing counsel had received exactly the same requested relief (See 20-20209, Docket entries on Sept. 8/10, 2020). This would be subsequently granted (Oct. 16, 2020) only after the Burkes sought reconsideration by formal motion (Oct. 15).

## **3. CIVILITY IS ABSENT FOR DISABLED ELDERS**

When the Burkes erroneously posted printed Briefs intended for the Eleventh Circuit to the Fifth Circuit, clerk Jann Wynne would not forward the documents “without a pre-prepared new postage box, *e.g.* The Burkes would have to post to the Fifth Circuit a new USPS priority box and corrected postage label where she could just place the briefs into and post”. This, despite the Burkes offering to pay to fulfill the request. It was a completely childish act when addressing senior and disabled citizens who were making a simple request to correct their admitted error and in an attempt to redirect briefs which had a court deadline in Georgia. In the end the Burkes would have to reprint the briefs and post directly to the court, after motioning and obtaining a court extension of time to file the briefs at the Eleventh Circuit. Whilst this

type of act is at the discretion of the court, it warrants inclusion here as it confirms the persistent bias and malevolence towards the Burkes when they are before this court.

**4. A REQUEST FOR A COPY OF A JUDICIAL COMPLAINT REGARDING JUDGE EDITH BROWN CLEMENT WOULD BE DENIED BY JUDGE CLEMENT HERSELF**

Before this court consolidated the appeals and dismantled the two PANLOG panels, Judge Clement was assigned to the *Burke v. Hopkins* appeal. She would be the motion judge in this appeal. The Burkes submitted a motion wherein they requested a copy of a Judicial Complaint against Judge Clement. Instead of referring this request to the Judicial Complaints section of the court and advising the Burkes in the motion their request was ‘moot’, as it is dealt with by the Complaints section and not in motions submitted in a case, she would lawlessly proceed to outright deny the request in her order dated August 4, 2020.

**5. CERTIFICATE OF CONFERENCE**

The Burkes have detailed the issue with Hopkins continued failure to conference in a separately filed sanctions motion on July 8, 2021, and which is pending at this time. This is not the first time the Burkes have raised Hopkins



non-compliance to this court and the documented perjury<sup>2</sup> in filings in this consolidated appeal (Relief Denied in Judge Clement's August 4, 2020 Order). Hopkins persistent violation of Federal rules and professional ethics continue to be condoned by this court.

## **6. CERTIFICATE OF INTERESTED PERSONS (CIP)**

A CIP is submitted to the court by all parties to allow the court and the judges to decide if they should recuse if they are assigned to the panel. The Burkes maintain the following judges appearance of bias precluded them from being a panel member, yet they did not self-recuse. See; *Miller v. Sam Hous. State Univ.*, 986 F.3d 880 (5th Cir. 2021); *United States v. Khan*, No. 20-20030, at \*1 (5th Cir. May 6, 2021) "And because the sentencing judge seems immovable from his views of the sentence he imposed, and because the judge displayed bias against the government and its lawyers, we sua sponte reassign this case to a different judge."; as well as the Burke Motion to Disqualify Judge Owen, accepted onto the docket by this court on July 3, 2021 (den.).

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<sup>2</sup> Allowing perjury to be committed before the Fifth Circuit by the Appellees when they filed a certificate of conference stating that they contacted the Burkes and the Burkes did not reply when in fact the Appellees did not contact the Burkes.

**a. Judge Patrick E. Higginbotham**

Judge Higginbotham made alarming oral statements in the *Reinagel v. Deutsche Bank Nat'l Trust Co.*, 735 F.3d 220 (5th Cir. 2013) case. He was laughing when he announced “There ain’t no free lunch and there sure ain’t no free house”. He authored the *Reinagel* opinion. Judge Higginbotham was assigned to the *Burke v Ocwen* panel and would also be the assigned motion judge. He should have self-recused, but he did not.

**b. Judge Stephen A. Higginson**

Judge Higginson was assigned to the *Burke v Hopkins* appeal. He was the original author in the very first appeal by *Deutsche Bank* (Case No. 15-20201) and wherein he stated that the Bank was the mortgage servicer. It required Hon. Stephen Wm. Smith to ask for correction and a new order was subsequently issued. Judge Higginson should have self-recused, but he did not.

**c. Judge W. Eugene Davis**

As with Judge Higginson, he was on a prior panel, namely *Deutsche Bank* Case No. 18-20206). His financial disclosure report intimated a shareholding in *Deutsche Bank* and yet he failed to recuse. See; Guide to Judiciary Policy, Ch. 2, Published Advisory

Opinions; Disqualification Due to Debt Interests;

([HTTPS://2DOBERMANS.COM/WOOF/3F](https://2DOBERMANS.COM/WOOF/3F))

“Judges must also disclose stock holdings on their annual financial disclosure reports. Ownership of any stock in a party, however small, automatically requires a judge’s disqualification because it constitutes a financial interest in the party. Disqualification under these circumstances is not subject to remittal. See Canon 3D.”

This formed part of the judicial complaint against Judge Davis in 2019. He would be assigned to the hand-picked *Owen* (consolidated) panel in 2021. Judge Davis should have self-recused, but he did not.

**d. Judge Jennifer W. Elrod**

Judge Elrod was on the *Burke v. Hopkins* panel despite the fact she would affirm the dismissal of the Burkes petition for review of the judicial complaint against Senior United States District Judge David Hittner for the Judicial Council. Judge Elrod was also gushing with compliments about Judge David Hittner during recent oral arguments in this court, in an attempt to redirect her question which concerned whether the Judge [Hittner] executed his responsibilities correctly at a jury trial. When counsel hinted that was not the case, she quickly massaged her response and provided a glowing summary

resume of the Senior Judge, an overt act of partiality. Judge Elrod should have self-recused in the Burkes appeal, but she did not.<sup>3</sup>

**e. (Chief) Judge Priscilla R. Owen**

See Motion to Disqualify (July 3, 2021). Judge Owen should have self-recused, but she did not and has subsequently denied the Burkes recusal motion on July 7, 2021.

**f. Judge James L. Dennis**

Judge Dennis has been appointed as the motion judge by the new panel and his rulings have denied any and all relief. For the reasons explained herein, that itself is strong enough to disqualify him now along with the reasons included in the Motion to Disqualify Judge Owen; in part;

“Judge Dennis, who wrote a 49-page[14] dissenting opinion as to why Judge Porteous should not be impeached for his crimes[15]. He was impeached and removed from office.[16]”.

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<sup>3</sup> Listen to former Clerk for Both Judges Hittner and Elrod, Catherine Eschbach in this HBA video <https://2dobermans.com/woof/2h> starting at 27.17 minutes and then Listen to Oral Argument: 19-20140 | 02/04/2021: *Fulton v. Untd Airlines* where Judge Elrod excusing and then praising Hittner (The Burkes herein provide a combined audio with Eschbach leading into oral comments re Hittner); <https://2dobermans.com/woof/2q>

Elrod’s signed order for the Judicial Council was issued within a month of this hyperbole (The Fulton opinion is still pending at the Fifth Circuit).

## **F. RELIEF REQUESTED**

The courts actions on June 29 are clear and obvious. The Petition was uploaded as proposed sufficient, pending a copy of this Courts order dated 31 March, 2021. The entry by the clerk on July 9, 2021 is an attempt to circumvent that entry, which is unlawful.

First, the Burkes formally request a “Corrected Opinion” granting the Burkes denied motion to waive the necessity to refile their Petition with the ‘*Statement of Facts*’ and; Secondly, strike the clerks’ July 9 docket entry as void. Finally, the Burkes return to their Motion to Clarify and request once again, verbatim;

“(b) filing a separate motion to obtain an extension of time to resubmit their new Petition without the Statement of Facts section along with any other modification as they may wish, relying upon due process of law afforded civil litigants per the Fourteenth Amendment of the United States Constitution. The Burkes will then file the new Petition for Rehearing En Banc, along with a copy of this courts’ March 30, 2021 order.”

This will ensure - in these specific requests at least - the court is complying constitutionally with access requirements; See; *Ryland v. Shapiro*, 708 F.2d 967, 972 (5th Cir. 1983) (“A mere formal right of access to the courts does not pass constitutional muster. Courts have required that the access be

"adequate, effective, and meaningful." *Bounds v. Smith*, 97 S.C.T. AT 1495; see also *Rudolph v. Locke*, 594 F.2D AT 1078. Interference with the right of access to the courts gives rise to a claim for relief under section 1983. *Sigafus v. Brown*, 416 F.2D 105 (7th Cir. 1969)").

### **G. CONCLUSION**

Appellants Joanna & John Burke civilly request the relief requested herein.

Respectfully submitted,

DATED: 18 July, 2021

JOANNA BURKE

By s/ Joanna Burke  
JOANNA BURKE

JOHN BURKE

By s/ John Burke  
JOHN BURKE

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*Pro Se for Plaintiffs-Appellants*

## **CERTIFICATE OF CONFERENCE**

**Correct Opinion:** We hereby certify that on July 9, 2021 we emailed Appellees Mark D. Hopkins and Shelley L. Hopkins of Hopkins Law, PLLC along with staff member Kate Barry of Hopkins Law PLLC at at 0642 hrs on July 9, 2021 asking if they were opposed to our Motion to Clarify. This law firm also represents Ocwen Loan Servicing, LLC in this consolidated appeal.

On July 8, 2021, the Burkes filed a separate Motion for Sanctions with this court due to the numerous failures of Hopkins to reply to our conference requests. Amazingly, on July 9, 2021 at 0858 hrs we received a super-quick 'OPPOSED' response from Kate Barry for Hopkins.

Response to Strike Clerks' Docket Entry, July 9, 2021: We hereby certify that on July **15**, 2021 we emailed Appellees Mark D. Hopkins and Shelley L. Hopkins of Hopkins Law, PLLC along with staff member Kate Barry of Hopkins Law PLLC at **0630 HRS** on July **15**, 2021 asking if they were opposed to our Motion to Clarify. This law firm also represents Ocwen Loan Servicing, LLC in this consolidated appeal.

On July 15, 2021 at 1601 hrs we received an 'OPPOSED' response from Kate Barry for Hopkins.

*s/ Joanna Burke*

JOANNA BURKE

*s/ John Burke*

JOHN BURKE

### **CERTIFICATE OF COMPLIANCE**

The undersigned counsel certify that this motion complies with the type-volume limitation of Fed. R. App. P. 27(d)(2)(A) because this motion contains **4,105** words according to Microsoft Word's word count, excluding the parts of the motion exempted by Fed. R. App. P. 32(f).

*s/ Joanna Burke*

JOANNA BURKE

*s/ John Burke*

JOHN BURKE