

UNITED STATES DISTRICT COURT ☆ SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

Civil Action No. 4:21-CV-2591

Joanna Burke and John Burke)	JOINT DISCOVERY/CASE
)	MANAGEMENT PLAN UNDER RULE
Plaintiffs,)	26(F), FEDERAL RULES OF CIVIL
)	PROCEDURE
vs.)	
)	
PHH Mortgage Corporation,)	
Successor by Merger to Ocwen)	
Loan Servicing, LLC, Mark Daniel)	
Hopkins, Shelley Hopkins and)	
Hopkins Law, PLLC.)	
Defendants.)	

1. State where and when the meeting of the parties required by Rule 26(f) was held and identify the counsel who attended for each party.

The Plaintiffs sent their initial proposed case management plan to Defendant’s counsel, Hopkins Law, PLLC (“Hopkins”), on September 21, 2021 via Hopkins preferred method of communication, email, for review and comment.

2. List the cases related to this one that are pending in any state or federal court with the casenumber and court.

There are no pending cases in state or federal court.

3. Specify the allegation of federal jurisdiction.

All parties agree there is federal jurisdiction to hear this case.

4. Name the parties who disagree and the reasons.

Not applicable.

5. List anticipated additional parties that should be included, when they can be added, and bywhom they are wanted.

Plaintiffs are not adding any parties to the lawsuit. They have amended the case style, based on the Defendants responses as per the docket on Sept. 1, 2021.

6. List anticipated interventions.

None.

7. Describe class-action issues.

Not applicable.

8. State whether each party represents that it has made the initial

disclosures required by Rule 26(a). If not, describe the arrangements that have been made to complete the disclosures.

The parties have not exchanged initial disclosures.

9. Describe the proposed agreed discovery plan, including:

Plaintiffs request Defendants initial response in order to answer 9 below.

- A. Responses to all the matters raised in Rule 26(f).
- B. When and to whom the plaintiff anticipates it may send interrogatories.
- C. When and to whom the defendant anticipates it may send interrogatories.
- D. Of whom and by when the plaintiff anticipates taking oral depositions.
- E. Of whom and by when the defendant anticipates taking oral depositions.
- F. When the plaintiff (or the party with the burden of proof on an issue) will be able to designate experts and provide the reports required by Rule 26(a)(2)(B) and when the opposing party will be able to designate responsive experts and provide their reports.
- G. List expert depositions the plaintiff (or the party with the burden of proof on an issue) anticipates taking and their anticipated completion date. *See* Rule 26(a)(2)(B) (expert report).
- H. List expert depositions the opposing party anticipates taking

and their anticipated completion date. *See* Rule 26(a)(2)(B) (expert report).

10. If the parties are not agreed on a part of the discovery plan, describe the separate views and proposals of each party.

Plaintiffs request Defendants initial response in order to answer 10.

11. Specify the discovery beyond initial disclosures that has been undertaken to date.

Plaintiffs request Defendants input in order to answer 11.

12. State the date the planned discovery can reasonably be completed.

Plaintiffs request Defendants input to answer 12.

13. Describe the possibilities for a prompt settlement or resolution of the case that were discussed in your Rule 26(f) meeting.

Defendants and counsel, as officers of the court, admit this is clearly a void judgment based on the unlawful actions of Fifth Circuit Clerk Christina A. Gardner entering a motion by impersonating the Plaintiffs, in defiance of the laws and rules.

14. Describe what each party has done or agreed to do to bring about a prompt resolution.

Timely submitted this proposed Case Management Plan at the

earliest opportunity.

15. From the attorneys' discussion with the client, state the alternative dispute resolution techniques that are reasonably suitable and state when such a technique may be effectively used in this case.

ADR would not assist in this lawsuit.

16. Magistrate judges may now hear jury and non-jury trials. Indicate the parties' joint position on a trial before a magistrate judge.

The Plaintiffs do not object to a trial before a Magistrate Judge.

17. State whether a jury demand has been made and if it was made on time.

A jury trial was not requested as this is a question of law, easily disposed as a void judgment, based on the actions of the Clerk at the Fifth Circuit.

18. Specify the number of hours it will take to present the evidence in this case.

To be determined after response from Defendants.

19. List pending motions that could be ruled on at the initial pretrial and scheduling conference.

Plaintiffs Emergency Motion and relief per Doc. 5, entered August 31, 2021.

20. List other motions pending.

None.

21. Indicate other matters peculiar to this case, including discovery, that deserve the special attention of the court at the conference.

Most likely the Plaintiffs planned deposition of the Clerks and final 3-panel of judges as detailed in the complaint.

22. List the names, bar numbers, addresses and telephone numbers of all counsel.

Defendants to complete this section as Plaintiffs are Pro Se.

Counsel for Plaintiff(s) _____ Date _____

Counsel for Defendant(s)_____ Date_____
