



MARK D. HOPKINS  
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October 12, 2021

**VIA CM/RRR #7021 1970 0000 4526 6392**

**AND VIA REGULAR MAIL:**

John Burke  
46 Kingwood Greens Drive  
Kingwood, Texas 77339  
**PRO SE PLAINTIFF**

**VIA CM/RRR #7021 1970 0000 4526 6408**

**AND VIA REGULAR MAIL:**

Joanna Burke  
46 Kingwood Greens Drive  
Kingwood, Texas 77339  
**PRO SE PLAINTIFF**

**RE: Civil Action No. 4:21-cv-2591; Joanna Burke and John Burke v. PHH Mortgage Corporation, Successor by Merger to Ocwen Loan Servicing, LLC, Mark Daniel Hopkins, Shelley Hopkins, and Hopkins Law, PLLC; In the United States District Court for the Southern District of Texas, Houston Division.**

Mr. and Mrs. Burke:

Please find enclosed Defendants Mark Daniel Hopkins, Shelley Hopkins, and Hopkins Law, PLLC's Answer to Plaintiffs' First Amended Complaint, filed today in the above referenced matter.

Best Regards,

A handwritten signature in black ink that reads 'M. D. Hopkins' with a stylized flourish at the end.

Mark D. Hopkins





4. Attorney Defendants state that Plaintiffs' allegations of Paragraph 4 of the Complaint are moot and therefore not relevant to service. Attorney Defendants admit that the office of counsel for Defendants initially advised service would not be waived.

5. Attorney Defendants deny the allegations contained in Paragraph 5 of the Complaint, pages 3-4.

6. Attorney Defendants are without sufficient information to verify the authenticity of the information contained in the third-party link, as the link included by Plaintiffs is hosted by what appears to be Plaintiffs' website or something controlled by Plaintiffs. Attorney Defendants therefore deny the allegations of Paragraph 6 of the Complaint, first paragraph of page 4.

7. Attorney Defendants state that PHH is the Successor by Merger to Ocwen and further deny the allegations contained in Paragraph 7 of the Complaint, page 4.

8. Plaintiffs' statements in Paragraph 8 of the Complaint are unclear, therefore Attorney Defendants deny the allegations contained in Paragraph 8 of the Complaint, first paragraph on page 5.

9. Attorney Defendants are without sufficient information to admit or deny the allegations contained in Paragraph 9 of the Complaint regarding another case in which it is not handling as counsel or a party thereto. Attorney Defendants therefore deny the allegations contained in Paragraph 9 of the Complaint, page 5.

10. Attorney Defendants are without sufficient information to admit or deny the allegations contained in Paragraph 10 of the Complaint, and the included image. Attorney Defendants therefore deny the allegations contained in Paragraph 10 of the Complaint, pages 5-6.

11. Attorney Defendants are without sufficient information to admit or deny the allegations contained in Paragraph 11 of the Complaint. Attorney Defendants therefore deny the allegations contained in Paragraph 11 of the Complaint, first paragraph on page 6.

12. Attorney Defendants state that all Defendants appeared herein, without Plaintiffs requesting citation or serving any Defendant, but deny the allegations contained in Paragraph 12 of the Complaint, pages 6.

13. Attorney Defendants state that Hopkins Law, PLLC is a law firm and a Texas PLLC as alleged in Paragraph 13 of the Complaint, first paragraph of page 7, but state the service allegations are now moot and/or Attorney Defendants deny the remaining allegations contained in the same paragraph.

14. Attorney Defendants state the allegations contained in Paragraph 14 are moot. Attorney Defendants deny any remaining allegation contained in Paragraph 14 of the Complaint, pages 7-8.

15. Attorney Defendants state the service statements contained in Paragraph 15 of the Complaint are now moot. Attorney Defendants further deny the allegations contained in Paragraph 15 of the Complaint and the included images, pages 9-10.

16. Attorney Defendants state that the prior partnership and the status of the law firm are moot for service as Attorney Defendants appeared herein. Attorney Defendants deny all remaining allegations contained in Paragraph 16 of the Complaint, pages 10-11.

17. Attorney Defendants state that Hopkins & Williams, PLLC is not a party herein and the information contained in Paragraph 17 of the Complaint is not relevant. Attorney Defendants admit the mailing address of Mark Hopkins and Hopkins Law, PLLC is 3 Lakeway Centre Ct, Suite 110, Austin, Texas 78734 (as listed in counsel's signature block). Attorney



Defendants deny any remaining allegations contained in Paragraph 17 of the Complaint, pages 11-12.

18. Attorney Defendants state the service allegations contained in Paragraph 18 of the Complaint are moot as Attorney Defendants appeared herein. Attorney Defendants therefore deny the remaining allegations contained in Paragraph 18 of the Complaint, page 12.

19. Attorney Defendants state the service allegations of Paragraph 19 of the Complaint are moot and admit that they filed an answer herein, thus ultimately waiving service. Attorney Defendants deny any further allegations contained in Paragraph 19 of the Complaint, pages 12-14.

20. Attorney Defendants state the service allegations of Paragraph 20 of the Complaint are moot. Attorney Defendants admit that Mark Daniel Hopkins is an individual and attorney, whose business address is stated in Paragraph 20 of the Complaint, last paragraph on page 14. Attorney Defendants deny that the personal address of counsel is relevant herein.

21. Attorney Defendants state the service allegations of Paragraph 21 of the Complaint are now moot, but admit that Mark Daniel Hopkins appeared in this case on September 1, 2021 [Doc. 7], as alleged in Paragraph 21, first paragraph on page 15.

22. Attorney Defendants state the service allegations of Paragraph 22 of the Complaint are now moot. Attorney Defendants admit that Shelley Luan Hopkins is an individual and attorney, whose business address is stated in Paragraph 22 of the Complaint, page 15. Attorney Defendants deny that the personal address of counsel is relevant herein.

23. Attorney Defendants admit that Shelley Luan Hopkins appeared in this case on September 1, 2021 [Doc. 7], as alleged in Paragraph 23, page 15 but deny any further allegations of this Paragraph.

24. Attorney Defendants admit that the United States District Court for the Southern District of Texas is the appropriate venue and the Court has jurisdiction to hear this matter, but deny the remaining allegations and relief requested in Paragraph 24 of the Complaint, pages 16-17.

25. Attorney Defendants admit that the United States Court of Appeals for the Fifth Circuit ("Fifth Circuit") disposed of Plaintiffs' appeals by affirming the lower court's decision and issued its Mandate on August 4, 2021, but deny the remaining allegations of Paragraph 25 of the Complaint, page 17.

26. Attorney Defendants deny the allegations contained in Paragraph 26 of the Complaint, pages 17-18.

27. Attorney Defendants deny the allegations contained in Paragraph 27 of the Complaint, page 18.

28. Attorney Defendants deny the allegations contained in Paragraph 28 of the Complaint, pages 18-19.

29. Attorney Defendants state that the Burkes have filed many motions, but without reference of the information attached are without information to admit or deny and therefore deny the allegations contained in Paragraph 29 of the Complaint, pages 19-20.

30. Attorney Defendants deny the allegations contained in Paragraph 30 of the Complaint, page 20.

31. Attorney Defendants are without sufficient information to admit or deny statements regarding the experience of Christina Gardner as alleged in Paragraph 31 of the Complaint. Further, Attorney Defendants are without sufficient information to admit or deny statements



regarding Gardner's activities as a Fifth Circuit clerk and therefore deny all allegations contained in Paragraph 31 of the Complaint, page 21.

32. Attorney Defendants are without sufficient information to admit or deny statements regarding the experience of Christina Gardner as alleged in Paragraph 32 of the Complaint. Further, Attorney Defendants are without sufficient information to admit or deny statements regarding Gardner's activities as a Fifth Circuit clerk and therefore deny all allegations contained in Paragraph 32 of the Complaint, first paragraph of page 22.

33. Attorney Defendants are without sufficient information to admit or deny statements regarding Gardner's activities as a Fifth Circuit clerk and therefore deny all allegations contained in Paragraph 33 of the Complaint. Further, Attorney Defendants are without sufficient information to admit or deny that the image of an alleged email is authentic and therefore Attorney Defendants deny all allegations and images contained in Paragraph 33 of the Complaint, page 22.

34. Plaintiffs' statements in Paragraph 34 of the Complaint are unclear and therefore Attorney Defendants deny the allegations contained in Paragraph 34 of Complaint, page 23.

35. Attorney Defendants deny the allegations contained in Paragraph 35 of Complaint, page 23.

36. Attorney Defendants deny the allegations stated in Paragraph 36 of the Complaint, page 24.

37. Plaintiffs' statements in Paragraph 37 of the Complaint are unclear and therefore Attorney Defendants deny the allegations contained in Paragraph 37 of the Complaint, page 24.

38. Attorney Defendants deny the allegations contained in Paragraph 38 of the Complaint, page 24.



39. Attorney Defendants deny the allegations contained in Paragraph 39 of the Complaint, first paragraph on page 25.

40. Attorney Defendants deny the allegations contained in Paragraph 40 of the Complaint, first paragraph on page 26.

41. Attorney Defendants deny the allegations contained in Paragraph 41 of the Complaint, page 26.

42. Attorney Defendants deny the allegations contained in Paragraph 42 of the Complaint, page 27, and state that the Court should not set aside the judgment.

43. Attorney Defendants deny the allegations contained in Paragraph 43 of the Complaint, page 27.

44. Attorney Defendants deny that Plaintiffs are facing a wrongful foreclosure and further deny all allegations contained in Paragraph 44 of the Complaint, page 28.

45. Attorney Defendants state that the Plaintiffs did attempt to include affidavits, but the Attorney Defendants state that the exhibits are not proper affidavits and therefore Attorney Defendants deny the allegations contained in Paragraph 45 of the Complaint, page 28.

46. Attorney Defendants deny that Plaintiffs are the victims of fraud and any further allegations contained in Paragraph 46 of the Complaint, first paragraph on page 29.

47. Attorney Defendants state that Plaintiffs brought separate suits previously against Defendant Ocwen and the Attorney Defendants herein, but deny all allegations and characterizations of Paragraph 47 of the Complaint, page 29.

48. Attorney Defendants state that Plaintiffs' prior suit against Defendants were properly removed to Federal Court due to federal question jurisdiction and therefore Attorney



Defendants deny all allegations contained in Paragraph 48 of the Complaint, first paragraph on page 30.

49. Attorney Defendants admit that the Fifth Circuit issued judgment on August 4, 2021, affirming the District Court. Attorney Defendants admit that Plaintiffs' suit herein is an attack (though impermissible) on the judgments of the Courts. Attorney Defendants deny that Plaintiffs have jurisdiction to attack a final judgment with a new, separate suit and therefore deny remaining allegations contained in Paragraph 49 of the Complaint, page 30.

50. Attorney Defendants deny the allegations contained in Paragraph 50 of the Complaint, page 30.

51. Attorney Defendants deny that any judgment issued in the prior case(s) were procured by fraud and therefore deny all allegations contained in Paragraph 51 of the Complaint, first paragraph on page 31.

52. Attorney Defendants state that the judgment and mandate issued from the Fifth Circuit is valid and deny all allegations of Paragraph 52 of the Complaint, page 31.

53. Attorney Defendants deny the legal conclusions regarding intrinsic fraud contained in Paragraph 53, pages 31-32. Further, Attorney Defendants are without sufficient information to verify the authenticity of the information contained in the third-party link, purporting to be a Yale Law Journal as the link included by Plaintiffs is not to the Yale Law Journal itself and is hosted by what appears to be Plaintiffs' website or something controlled by Plaintiffs. Attorney Defendants therefore deny the allegations of Paragraph 53 of the Complaint.

54. Attorney Defendants deny the allegations contained in Paragraph 54 of the Complaint, page 32.

55. Attorney Defendants deny Plaintiffs have the ability to attack a valid judgment with a new lawsuit and therefore deny all allegations of Paragraph 55 of the Complaint, page 33.

56. Attorney Defendants deny all allegations contained in Paragraph 56 of the Complaint, pages 33-34.

57. Attorney Defendants deny all allegations contained in Paragraph 57 of the Complaint, page 34.

58. Attorney Defendants deny all allegations contained in Paragraphs 58 of the Complaint, page 34.

59. Attorney Defendants deny all allegations contained in Paragraph 59 of the Complaint, first paragraph on page 35.

60. Attorney Defendants deny all allegations contained in Paragraph 60 of the Complaint, page 35.

61. Attorney Defendants deny all allegations contained in Paragraph 61 of the Complaint, pages 35-36.

62. Attorney Defendants state that Plaintiffs previously sued Attorney Defendants in state court and the case was removed to the United States District Court for the Southern District of Texas. That case was assigned to Senior United States District Judge David Hittner and United States Magistrate Judge Peter Bray, but Attorney Defendants deny all further allegations contained in Paragraph 62 of the Complaint, page 36.

63. Attorney Defendants state that Plaintiffs previously sued Attorney Defendants in state court and the case was removed to the United States District Court for the Southern District of Texas. That case was assigned to Senior United States District Judge David Hittner and United



States Magistrate Judge Peter Bray, but Attorney Defendants deny all further allegations contained in Paragraph 63 of the Complaint, pages 36-37.

64. Attorney Defendants state that the Fifth Circuit issued an opinion on March 30, 2021, but deny Plaintiffs' allegations of Paragraph 64 of the Complaint, page 37.

65. Attorney Defendants admit that Plaintiffs appealed the prior judgment of the District Court, but deny the remaining allegations of Paragraph 65 of the Complaint, first paragraph on page 38, or are without sufficient information to admit or deny and therefore deny.

66. Attorney Defendants admit that the Fifth Circuit assigns panels to consider cases on appeal, but deny or are without sufficient information to admit or deny the Plaintiffs' statements contained in Paragraph 66 of the Complaint, page 38.

67. Attorney Defendants deny the allegations contained in Paragraph 67 of the Complaint, page 38.

68. Attorney Defendants are without sufficient information to admit or deny the allegations regarding the Burkes' alleged judicial complaint and therefore deny all allegations of Paragraph 68 of the Complaint, first paragraph on page 39.

69. Attorney Defendants admit the Burkes have filed multiple judicial complaints, but are without sufficient information to admit or deny the allegations regarding the Burkes' alleged judicial complaint and therefore deny all allegations of Paragraph 69 of the Complaint, page 39.

70. Attorney Defendants are without sufficient information to admit or deny the allegations regarding the Burkes' alleged judicial complaint and therefore deny all allegations of Paragraph 70 of the Complaint, pages 39-40.

71. Attorney Defendants are without sufficient information to admit or deny the allegations regarding the Burkes' alleged judicial complaint and/or what the Court addressed in its consideration and therefore deny all allegations of Paragraph 71 of the Complaint, pages 40-41.

72. Attorney Defendants deny the allegations of Paragraph 72 of the Complaint, pages 41-42.

73. Attorney Defendants admit that Plaintiffs filed a Motion to Disqualify the Honorable Justice Priscilla Owen for the Fifth Circuit, but deny all other allegations contained in Paragraph 73 of the Complaint, page 42.

74. Attorney Defendants deny the allegations contained in Paragraph 74 of the Complaint, first paragraph on page 43.

75. Attorney Defendants deny the allegations contained in Paragraph 75 of the Complaint, page 43.

76. Attorney Defendants admit that Plaintiffs' Motion to Disqualify in the appeal at the Fifth Circuit was denied, but deny the other allegations of Paragraph 76 of the Complaint, page 43.

77. Attorney Defendants state that the Fifth Circuit issued a judgment on August 4, 2021, but deny all other allegations of Paragraph 77 of the Complaint, page 43.

78. Attorney Defendants admit that Plaintiffs filed a Petition for Rehearing in the appeal at Fifth Circuit, but deny the remaining allegations of Paragraph 78 of the Complaint, page 44.

79. Attorney Defendants state the following in response to Paragraph 79 (and its subsections) of the Complaint, pages 44-57:



- (1) Attorney Defendants admit that the Plaintiffs attempted to file a Petition for Rehearing En Banc on April 13, 2021 in the Fifth Circuit Case.
- (2) Attorney Defendants admit the Burkes' Petition for Rehearing En Banc was insufficient and Plaintiffs were notified of same by the Fifth Circuit on April 13, 2021.
- (3) Attorney Defendants admit Plaintiffs then filed a Motion for Other Relief on April 23, 2021.
- (4) Attorney Defendants admit Plaintiffs' Motion for Other Relief, filed on April 23, 2021 with the Fifth Circuit was denied on May 5, 2021.
- (5) Attorney Defendants admit Plaintiffs filed a Motion for Extension of Time on May 12, 2021 with the Fifth Circuit.
- (6) Attorney Defendants admit Plaintiffs filed a Motion for Reconsideration of Single Judge's Order on May 14, 2021, and the Fifth Circuit subsequently notified Plaintiffs that the document was received and no action would be taken, but deny any other allegations of this section.
- (7) Attorney Defendants admit that the Burkes' Proposed Sufficient Petition for Rehearing En Banc was duplicative and Plaintiffs were notified of same by the Fifth Circuit on May 17, 2021.
- (8) Attorney Defendants admit that on May 28, 2021, the Fifth Circuit entered an Order Denying Plaintiffs' Motion to Extend Time to file Petition for Rehearing.
- (9) Attorney Defendants admit that on May 28, 2021, Plaintiffs filed a Motion for Reconsideration of the May 5, 2021 Court Order.

- (10) Attorney Defendants admit that Plaintiffs filed a Renewed Motion for Reconsideration, but state that the Motion was filed on June 7, 2021, after which the Fifth Circuit notified Plaintiffs on June 8, 2021 that no action would be taken on the document, therefore Attorney Defendants deny the inaccurate allegations of this section.
- (11) Attorney Defendants admit that the Fifth Circuit entered an Order Denying Plaintiffs' Motion for Reconsideration on June 21, 2021 and that the image on page 33 of the Complaint is an image of a section of that Order.
- (12) Attorney Defendants admit that on June 28, 2021, Plaintiffs filed a Motion to Stay.
- (13) Attorney Defendants admit that Fifth Circuit Clerk Rebecca L. Leto sent a letter updating the docket entry for the Petition for Rehearing and setting a deadline for Plaintiffs' Sufficient Rehearing on June 29, 2021. Attorney Defendants deny the remaining allegations of this section.
- (14) Attorney Defendants admit that on July 3, 2021, Plaintiffs filed a Motion to Disqualify Chief Judge Priscilla R. Owen.
- (15) Attorney Defendants admit that the Fifth Circuit entered an order on July 7, 2021 denying Plaintiffs' Motion to Disqualify Chief Judge Priscilla R. Owen.
- (16) Attorney Defendants admit that Plaintiffs filed a document titled Motion to Clarify on July 8, 2021, later docketed as a Motion for Reconsideration, but deny all conclusions and allegations contained in this paragraph.



- (17) Attorney Defendants are without sufficient information to admit or deny the subject of the telephone call between Clerk Christina Gardner and John Burke, however the Court's docket reflects that no action would be taken on Plaintiffs' request for clarification in Plaintiffs' July 8, 2021 Motion because the clerk's office procedure was explained to Mr. Burke telephonically, therefore Attorney Defendants deny the conclusions of law and allegations in this paragraph.
- (18) Attorney Defendants admit that Plaintiffs filed a Motion for Extension of Time to File Petition for Rehearing on July 8, 2021. Attorney Defendants further admit that Plaintiffs' Motion was later denied as shown as a portion of that Order is shown in the image on Page 55 of the Complaint.
- (19) Attorney Defendants admit that Plaintiffs filed a Motion for Sanctions against Attorney Defendants on July 8, 2021. Attorney Defendants further admit that the Motion was later denied as a portion of that Order is shown in the image on Page 55 of the Complaint.
- (20) Attorney Defendants admit that Plaintiffs filed a Motion to Correct Opinion on July 18, 2021.
- (21) Attorney Defendants state that Attorney Defendants filed a Response in Opposition to Plaintiffs' Motion for Sanctions on July 19, 2021.
- (22) Attorney Defendants state that Ocwen and Attorney Defendants filed a Response in Opposition to Appellants' Motion for Reconsideration on July 19, 2021, but deny the allegations contained in this paragraph.

- (23) Attorney Defendants state that Plaintiffs filed a Motion to Strike Attorney Defendants' Opposition to Motion for Sanctions, which was in reality titled "Appellants' Motion to Strike Hopkins Scandalous Material in Response to Sanctions or Strike Motion Entirely and Request Hopkins Refile Without Scandalous Content & Renewed Request to Grant the Pending Sanctions Motion" on July 28, 2021, therefore Attorney Defendants deny the statements of this section.
- (24) Attorney Defendants admit that Plaintiffs filed a Motion to Strike Attorney Defendants' Response to Plaintiffs' Motion for Reconsideration, titled "Appellants' Motion to Strike Hopkins Response to a Void Motion for Reconsideration Entered Unlawfully Onto The Docket By Fifth Circuit Clerk Christina Gardner" on July 28, 2021, but deny the allegations contained in this section.
- (25) Attorney Defendants admit that the Fifth Circuit entered a Judgment and Mandate on August 4, 2021 but deny the allegations contained in this paragraph.

Attorney Defendants further deny any allegations not specifically addressed above and alleged in Paragraph 79 of the Complaint

80. Attorney Defendants deny the allegations of Paragraph 80 of the Complaint, first paragraph of Page 58.

81. Attorney Defendants deny the allegations of Plaintiffs in Paragraph 81 of the Complaint, page 58.



82. Attorney Defendants deny the allegations of Paragraph 82 of the Complaint, page 58.

83. Attorney Defendants deny that Plaintiffs are entitled to pursue this suit to set aside a prior valid final judgment and therefore deny all allegations of Paragraph 83 of the Complaint, page 59.

84. Attorney Defendants are without sufficient information to verify the validity of the quote in Paragraph 84 of the Complaint and therefore deny the allegations in Paragraph 84 of the Complaint, first paragraph on page 60.

85. Attorney Defendants deny the allegations of Paragraph 85 of the Complaint, page 60.

86. Attorney Defendants deny the allegations of Paragraph 86 of the Complaint, page 60.

87. Attorney Defendants are without sufficient information to admit or deny the allegations of Paragraph 87 of the Complaint and deny all allegations therein, first paragraph on page 61.

88. Attorney Defendants deny the allegations of Paragraph 88 of the Complaint, pages 61-62.

89. Attorney Defendants deny the allegations of Paragraph 89 of the Complaint, page 62.

90. Attorney Defendants deny that Plaintiffs have been denied due process and deny all allegations of Paragraph 62 of the Complaint, pages 62-63.

91. Attorney Defendants are without sufficient information to verify the validity of the quote in Paragraph 91 and therefore deny the allegations by Plaintiffs in Paragraph 91 of the Complaint, page 63.

92. Attorney Defendants state that affirmative defenses were filed with their Answer, but deny any further allegations of Paragraph 92 of the Complaint, first paragraph on page 64.

93. Attorney Defendants deny the allegations of Plaintiffs in Paragraph 93 of the Complaint, page 64.

94. Attorney Defendants deny the allegations of Plaintiffs in Paragraph 94 of the Complaint, page 64.

95. Attorney Defendants deny the allegations of Plaintiffs in Paragraph 95 of the Complaint, first paragraph on page 65.

96. Attorney Defendants deny the allegations of by Plaintiffs in Paragraph 96 of the Complaint, page 65.

97. Attorney Defendants deny the allegations of Plaintiffs in Paragraph 97 of the Complaint, pages 65-66.

98. Attorney Defendants deny the allegations of Plaintiffs in Paragraph 98 of the Complaint, page 66.

99. Attorney Defendants deny the allegations of Plaintiffs in Paragraph 99 of the Complaint, page 66.

100. Attorney Defendants deny the allegations of Plaintiffs in Paragraph 100 of the Complaint, pages 66-67.

101. Attorney Defendants deny the allegations of Plaintiffs in Paragraph 101 of the Complaint, page 67.



102. Attorney Defendants deny the allegations of Plaintiffs in Paragraph 102 of the Complaint, page 68.

103. Attorney Defendants deny the allegations of Plaintiffs in Paragraph 103 of the Complaint, page 69.

104. Attorney Defendants admit that the Fifth Circuit issued their opinion in the Burkes' prior appeal as to Attorney Defendants on March 30, 2021 and issued final order, judgment and mandate on August 4, 2021, but deny any further remaining allegations of Paragraph 104 of the Complaint, pages 69-70.

105. Attorney Defendants deny the allegations of Paragraph 105 of the Complaint, page 70.

106. Attorney Defendants are without information to admit or deny Plaintiffs' statements regarding another attorney and another case and therefore deny the allegations of Paragraph 106 of the Complaint, page 70.

107. Attorney Defendants are without information to admit or deny Plaintiffs' statements regarding another attorney and another case and therefore deny the allegations of Paragraph 107 of the Complaint, pages 70-71.

108. Attorney Defendants deny the allegations of Paragraph 108 of the Complaint, page 71.

109. Attorney Defendants admit that the Fifth Circuit denied the Plaintiffs' motion to stay mandate in its suit against Attorney Defendants, but deny the allegations of Paragraph 109 of the Complaint, first paragraph on page 72.

110. Attorney Defendants admit that the Fifth Circuit denied the Plaintiffs' motion to stay on August 4, 2021 but deny any further allegations contained in Paragraph 110 of the Complaint, page 72.

111. Attorney Defendants deny the allegations of Paragraph 111 of the Complaint, page 72.

112. Attorney Defendants deny the allegations of Paragraph 112 of the Complaint, first paragraph on page 73.

113. Attorney Defendants deny the allegations regarding Plaintiffs' characterization of events in a prior action and on appeal and therefore deny all allegations of Paragraph 113 of the Complaint, pages 73-74.

114. Attorney Defendants deny that the prior judgment dismissing Plaintiffs' complaint against Attorney Defendants is void, deny Plaintiffs have the ability to contest that judgment, and deny all of Plaintiffs' allegations of Paragraph 114 of the Complaint, page 74.

115. Attorney Defendants deny Plaintiffs' allegations of Paragraph 115 of the Complaint, first paragraph on page 75.

116. Attorney Defendants deny that Plaintiffs were subjected to judicial corruption, fraud by officer of the court and an unconscionable scheme and deny that Plaintiffs have suffered any damages. Attorney Defendants therefore deny all allegations of Paragraph 116 of the Complaint, pages 75-76.

117. Attorney Defendants deny that Plaintiffs' homestead rights are before the court and therefore deny the allegations of Paragraph 117 of the Complaint, page 76.



118. Attorney Defendants deny Plaintiffs are entitled to any relief requested and therefore deny the allegations of Paragraph 118 of the Complaint (and its subsections), pages 76-79.

## **II. AFFIRMATIVE DEFENSES**

119. In addition to and without waiving the foregoing specific denials made herein, Defendants assert the following affirmative defenses to the allegations in Plaintiffs' Complaint.

120. Plaintiffs' claims are barred by contributory negligence.

121. Plaintiffs' claims are barred by laches.

122. Plaintiffs' claims are barred by res judicata, claim preclusion and issue preclusion.

123. Plaintiffs fail to state a claim upon which relief can be granted.

124. Plaintiffs' claims are barred, in whole or in part, by unclean hands.

125. Plaintiffs' claims are barred, in whole or in part, because Defendants' acts and/or omissions were not the cause of Plaintiffs' damages, if any. Instead, Plaintiffs' damages, if any, were proximately caused by the acts, omissions, or breaches of other persons and/or entities, including Plaintiffs themselves, and the acts, omissions, or breaches were intervening and superseding causes of Plaintiffs' damages, if any.

126. Plaintiffs' claims are barred, in whole or in part, by lack of standing.

127. Plaintiffs' claims are barred, in whole or in part, as their claims and cause of action are frivolous and subject to sanction.

## **CONCLUSION**

Defendants Mark Daniel Hopkins, Shelley Hopkins, and Hopkins Law, PLLC pray that Plaintiffs take nothing by the Amended Complaint, that said Complaint be dismissed with prejudice and on the merits, and that Defendants Mark Daniel Hopkins, Shelley Hopkins, and

Hopkins Law, PLLC be awarded any and all additional relief, whether at law or in equity, to which it may be justly entitled.

Respectfully submitted,

**HOPKINS LAW, PLLC**

By: /s/ Mark D. Hopkins  
Mark D. Hopkins – *Attorney in Charge*  
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**ATTORNEYS FOR DEFENDANTS**

**CERTIFICATE OF SERVICE**

I hereby certify that on this the 12th day of October 2021, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF filing system, and will send a true and correct copy to the following:

***VIA CM/RRR #7021 1970 0000 4526 6392***

***AND VIA REGULAR MAIL:***

John Burke  
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**PRO SE PLAINTIFF**

***VIA CM/RRR #7021 1970 0000 4526 6408***

***AND VIA REGULAR MAIL:***

Joanna Burke  
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**PRO SE PLAINTIFF**

/s/ Mark D. Hopkins  
Mark D. Hopkins