



MARK D. HOPKINS
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October 12, 2021

VIA CM/RRR #7021 1970 0000 4526 6378

AND VIA REGULAR MAIL:

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

VIA CM/RRR # 7021 1970 0000 4526 6385

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 Ocwen Loan Servicing, LLC now known as PHH Mortgage Corporation as their Successor by Merger's Answer to Plaintiffs' First Amended Complaint, filed today in the above referenced matter.

Best Regards,

A handwritten signature in black ink that reads 'Mark D. Hopkins'.

Mark D. Hopkins

3. Defendants state that the service information for PHH as outlined Paragraph 3 of the Complaint is now moot. Further, Defendants deny any further statements of Paragraph 3 of the Complaint, page 3.

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

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

6. 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. Defendants are unsure of what exactly Plaintiffs are referencing. Defendants therefore deny the allegations of Paragraph 6 of the Complaint, page 4.

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

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

9. Defendants are without sufficient information to admit or deny the allegations contained in Paragraph 9 of the Complaint. Defendants therefore deny the allegations contained in Paragraph 9 of the Complaint, page 5.

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

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

12. Defendants deny the allegations contained in Paragraph 12 of the Complaint, pages 6.

13. 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 Defendants are without sufficient information and/or deny the remaining allegations contained in the same paragraph.

14. Defendants state the allegations of service in Paragraph 14 are moot. Further, Defendants are without sufficient information to admit or deny the allegations contained in Paragraph 14 of the Complaint. Defendants therefore deny the allegations contained in Paragraph 14 of the Complaint, pages 7-9.

15. Defendants state the service argument in Paragraph 15 of the Complaint is moot. Defendants further deny the allegations contained in Paragraph 15 of the Complaint and the included images, pages 9-10.

16. Defendants are without sufficient information to admit or deny the allegations contained in Paragraph 16 of the Complaint. Defendants therefore deny the allegations contained in Paragraph 16 of the Complaint, pages 10-11.

17. Defendants are without sufficient information to admit or deny the allegations contained in Paragraph 17 of the Complaint. Defendants therefore deny the allegations contained in Paragraph 17 of the Complaint, pages 11-12.

18. Defendants state the service allegations contained in Paragraph 18 of the Complaint are moot. Defendants are further without sufficient information to admit or deny the allegations contained in Paragraph 18 of the Complaint. Defendants therefore deny the allegations contained in Paragraph 18 of the Complaint, first paragraph on page 12.

19. Defendants state the service allegations of Paragraph 19 of the Complaint are moot. Defendants therefore deny the allegations contained in Paragraph 19 of the Complaint, pages 12-14.

20. Defendants state the service allegations of Paragraph 20 of the Complaint are now moot. Defendants admit that Mark Daniel Hopkins is an individual and attorney, whose business address is stated in Paragraph 20 of the Complaint, page 14.

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

23. Defendants admit that Shelley Luan Hopkins appeared in this case on September 1, 2021 [Doc. 7], as alleged in Paragraph 23, page 15.

24. 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. 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 decisions, but deny the remaining allegations of Paragraph 25 of the Complaint, page 17.

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

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

28. Defendants deny the allegations contained in Paragraph 28 of the Complaint, pages 18-19, and therefore deny the paragraph in its entirety.

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

31. 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, 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. 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, 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. 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, Defendants are without sufficient information to admit or deny that the image of an alleged email is authentic and therefore 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 Defendants deny the allegations contained in Paragraph 34 of Complaint, page 23.

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

36. Defendants deny the allegations stated in Paragraph 36 of the Complaint, page 24, and therefore deny the paragraph in its entirety.

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

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

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

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

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

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

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

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

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

48. Defendants state that Plaintiffs' prior suit against Defendant Ocwen was properly removed to Federal Court due to federal question jurisdiction and therefore Defendants deny all allegations contained in Paragraph 48 of the Complaint, first paragraph on page 30.

49. Defendants admit that the Fifth Circuit issued judgment on August 4, 2021, affirming the District Court. Defendants admit that Plaintiffs suit herein is an attack (though impermissible) on the judgments of the Courts. 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. Defendants deny the allegations contained in Paragraph 50 of the Complaint, page 30.

51. Defendants admit that the Fifth Circuit issued judgment on August 4, 2021, affirming the District Court. 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. 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. Defendants deny the allegations contained in Paragraph 53, pages 31-32. Further, 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. Defendants therefore deny the allegations of Paragraph 53 of the Complaint.

54. Defendants deny the allegations contained in Paragraph 54 of the Complaint, page 32-33.

55. 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. Defendants state that Plaintiffs previously sued Defendant Ocwen 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, Defendants deny all further allegations contained in Paragraph 56 of the Complaint, pages 33-34.

57. Defendants state that the Fifth Circuit issued an opinion on March 30, 2021 in Case No. 19-20267, but deny Plaintiffs' allegations of Paragraph 57 of the Complaint, page 34.

58. Defendants admit that in the Burkes' prior suit, Defendant Ocwen filed a Rule 12(b)(6) motion to dismiss, but deny the statement of Plaintiffs in Paragraphs 58 of the Complaint, page 34, as that Rule 12 motion was directed at the Burkes' entire case.

59. Defendants admit that in the prior case by the Burkes against Defendant Ocwen, the District Court dismissed the Burkes' collection claims for res judicata as stated in Paragraph 59 of the Complaint, first paragraph on page 35. Defendants further deny any remaining allegations of Paragraph 59 of the Complaint.

60. Defendants admit that the prior case by the Burkes against Defendant Ocwen was dismissed under Fed. R. Civ. P. 41(b) and the Court denied the Burkes' Motion to Remand as stated in Paragraph 60 of the Complaint, page 35.

61. Defendants admit that the Burkes disputed the facts of the Fifth Circuit's Consolidated Opinion as stated in Paragraph 61 of the Complaint, pages 35-36 but deny any further allegations of this Paragraph.

62. Defendants are without sufficient information to admit or deny the statements regarding a suit they were not a party thereto and therefore deny all allegations contained in Paragraph 62 of the Complaint, page 36.

63. Defendants are without sufficient information to admit or deny the statements regarding a suit they were not a party thereto and therefore deny all allegations contained in Paragraph 63 of the Complaint, pages 36-37.

64. Defendants are without sufficient information to admit or deny the statements regarding a suit they were not a party thereto and therefore deny all allegations contained in Paragraph 64 of the Complaint, page 37.

65. 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.

66. Defendants admit that the Fifth Circuit assigns panels to consider cases on appeal, but deny the Plaintiffs' statements contained in Paragraph 66 of the Complaint, page 38.

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

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

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

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

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

- (1) Defendants admit that the Plaintiffs attempted to file a Petition for Rehearing En Banc on April 13, 2021 in the Fifth Circuit Case.
- (2) 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) Defendants admit Plaintiffs then filed a Motion for Other Relief on April 23, 2021.

- (4) Defendants admit Plaintiffs' Motion for Other Relief, filed on April 23, 2021 with the Fifth Circuit was denied on May 5, 2021.
- (5) Defendants admit Plaintiffs filed a Motion for Extension of Time on May 12, 2021 with the Fifth Circuit.
- (6) 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) 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) 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) Defendants admit that on May 28, 2021, Plaintiffs filed a Motion for Reconsideration of the May 5, 2021 Court Order.
- (10) 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 Defendants deny the inaccurate allegations of this section.
- (11) 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) Defendants admit that on June 28, 2021, Plaintiffs filed a Motion to Stay.
- (13) 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. Defendants deny the remaining allegations of this section.
- (14) Defendants admit that on July 3, 2021, Plaintiffs filed a Motion to Disqualify Chief Judge Priscilla R. Owen.
- (15) Defendants admit that the Fifth Circuit entered an order on July 7, 2021 denying Plaintiffs' Motion to Disqualify Chief Judge Priscilla R. Owen.
- (16) 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) 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 Defendants deny all allegations in this paragraph.
- (18) Defendants admit that Plaintiffs filed a Motion for Extension of Time to File Petition for Rehearing on July 8, 2021. 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) Defendants admit that Plaintiffs filed a Motion for Sanctions against Attorney Defendants on July 8, 2021. 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) Defendants admit that Plaintiffs filed a Motion to Correct Opinion on July 18, 2021.
- (21) Defendants state that Attorney Defendants filed a Response in Opposition to Plaintiffs' Motion for Sanctions on July 19, 2021.
- (22) 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) 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 Defendants deny the statements of this section.
- (24) 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) Defendants admit that the Fifth Circuit entered a Judgment and Mandate on August 4, 2021 but deny the allegations contained in this paragraph.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

102. Defendants deny the allegations of Plaintiffs in Paragraph 102 of the Complaint, page 64-68.

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

104. Defendants admit that the Fifth Circuit issued their opinion in the Burkes' prior appeal as to Defendant Ocwen 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. Defendants deny the allegations of Paragraph 105 of the Complaint, page 70.

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

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

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

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

113. 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. Defendants deny that the prior judgment dismissing Plaintiffs' complaint against Defendant Ocwen 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. Defendants deny Plaintiffs' allegations of Paragraph 115 of the Complaint, first paragraph on page 75.

116. 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. Defendants therefore deny all allegations of Paragraph 116 of the Complaint, pages 75-76.

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

118. Defendants deny Plaintiffs are entitled to any relief requested and therefore deny all allegations of Paragraph 118 (Request for Equitable Relief & Prayer) 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 PHH Mortgage Corporation and Ocwen Loan Servicing, LLC pray that Plaintiffs take nothing by the Amended Complaint, that said Complaint be dismissed with prejudice and on the merits, and that Defendants PHH Mortgage Corporation and Ocwen Loan Servicing, LLC 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
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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 6378

AND VIA REGULAR MAIL:

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PRO SE PLAINTIFF

VIA CM/RRR # 7021 1970 0000 4526 6385

AND VIA REGULAR MAIL:

Joanna Burke
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PRO SE PLAINTIFF

/s/ Mark D. Hopkins
Mark D. Hopkins