



MARK D. HOPKINS
mark@hopkinslawtexas.com

October 12, 2021

VIA CM/RRR #7021 1970 0000 4526 6354

AND VIA REGULAR MAIL:

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

VIA CM/RRR #7021 1970 0000 4526 6361

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, Mark Daniel Hopkins, Shelley Hopkins, and Hopkins Law, PLLC's Motion to Declare Plaintiffs as Vexatious Litigants and Brief in Support, filed today in the above referenced matter.

Best Regards,

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

Mark D. Hopkins

the litigation Deutsche Bank¹ sought judicial foreclosure and the Burkes sought to have the loan invalidated. The Burkes additionally alleged that the home equity loan was fraudulent, and that Deutsche Bank, its mortgage servicer, and its lawyers were all scoundrels involved in a scheme to wrongfully take the Burkes' Property (even though the Burkes stopped paying their taxes, insurance and mortgage payments over a decade ago).

2. The litigation eventually ended with the Fifth Circuit granting Deutsche Bank's requested relief. *Deutsche Bank v. Burke*, 902 F.3d 548, 552 (5th Cir. 2018). In rendering judgment in favor of Deutsche Bank on its foreclosure claim in 2018, the Fifth Circuit held, "Given nearly a decade of free living by the Burkes, there is no injustice in allowing that foreclosure to proceed." *Deutsche Bank Nat. Trust Co. v. Burke*, 902 F.3d 548, 552 (5th Cir. 2018). Since that time, the Burkes have continued abusing the judicial process by utilizing every forum possible to contest the foreclosure, fabricate new claims and simply harass Deutsche Bank's mortgage servicer and its attorneys. This abuse of the judicial process must stop.

3. Following the resolution of the seven-year litigation with Deutsche Bank, the Burkes filed suit separately against Ocwen, the servicer of the loan at issue, and Deutsche Bank's attorneys, Mark Daniel Hopkins, Shelley Hopkins, and Hopkins Law, PLLC, in 2018.² Both cases were dismissed and subsequently appealed by the Burkes to the United States Court of Appeals for the Fifth Circuit.³ The Fifth Circuit issued its Opinion on March 30, 2021, affirming the judgments of the district court. Following multiple filings of the Burkes after the issuance of the Opinion, the Fifth Circuit denied all of the Burkes' pending frivolous motions and entered Judgment as the Mandate on August 4, 2021.

¹ Deutsche Bank National Trust Company, as Trustee of the Residential Asset Securitization Trust 2007-A8, Mortgage Pass-Through Certificates, Series 2007-H under the Pooling and Servicing Agreement Dated June 1, 2007

² See *Burke v. Hopkins Law, et al.*; Civil Action No. 4:18-cv-4543 and *Burke v. Ocwen*; Civil Action 4:18-cv-4544.

³ See 5th Cir. No. 19-20267 and 20-20209.

4. Now that the litigation against Ocwen, Deutsche Bank and Attorney Defendants has been resolved, the Burkes are again attempting to continue the fight by again suing Ocwen and the Attorney Defendants. At the heart of this current lawsuit against PHH, Ocwen and the Attorney Defendants is Plaintiffs' *belief* that the Fifth Circuit's Judgment previously issued in favor of Ocwen and Attorney Defendants is void.

5. This suit, and all of its claims, is barred by res judicata (as will be addressed by Defendants in separate motions) and raises issues that were or could have been litigated in the prior suits. Defendants have been forced to defend suits brought by Plaintiffs time and time again, and this Court's docket has been burdened by the meritless and unnecessary litigation. In addition to the litigation previously filed in this District, the Plaintiffs attempted to intervene in three federal suits involving Ocwen and/or Deutsche Bank.⁴

6. In addition to the actions against PHH, Ocwen, the Mortgagee Deutsche Bank, or the Attorney Defendants as described above, Plaintiffs' *pro se* litigation history includes the following:⁵

Date Filed	Cause Number	Court	Style	Notes	Disposition
4/29/2011	4:11-cv-01658	U.S. District Court for the Southern District of Texas	<i>Deutsche Bank National Trust Company, As Trustee v. John Burke & Joanna Burke</i>	Deutsche Bank initiated foreclosure suit. Fifth Circuit reversed first judgment for Burkes and remanded. Second judgment was	After the District Court was reversed twice on appeal, Fifth Circuit rendered judgment on September 5, 2018 and the

⁴ See *In Re Syngenta AG MIR162 Corn Litigation*, No. 2:14-md-2591 in the U.S. District Court for the District of Kansas; *Consumer Financial Protection Bureau v. Ocwen Financial Corp., et al*; Civil Action No. 9:17-cv-80495 in the U.S. District Court for the Southern District of Florida, West Palm Beach Division, appealed to Case No. 19-13015 and Case No. 21-12160 in the U.S. Court of Appeals for the Eleventh District; and *Jose L. Parra v. Ocwen Loan Servicing, LLC*, Civil Action No. 1:18-cv-5936 in the U.S. District Court for the Northern District of Illinois, Eastern Division.

⁵ Pursuant to Federal Rule of Evidence 201, Defendants ask the Court to take judicial notice of the publicly available court documents referenced herein, which are incorporated herein by reference.

				also reversed and judgment rendered for Deutsche Bank.	District Court issued Foreclosure Judgment on 11/29/2018.
4/9/2015	15-20201	United States Court of Appeals for the Fifth Circuit	<i>Deutsche Bank Natl Trust Co. v. Joanna Burke, et al.</i>	Deutsche Bank's First Appeal of judgment for Burkes in 4:11-cv-01658.	On July 19, 2016, Fifth Circuit vacated District Court Judgment and remanded to determine remaining foreclosure items. Mandate issued September 26, 2016.
1/16/2018	18-20026	United States Court of Appeals for the Fifth Circuit	<i>Deutsche Bank Natl Trust Co. v. Joanna Burke, et al.</i>	Deutsche Bank's Second Appeal of judgment for Burkes in 4:11-cv-01658.	On September 5, 2018, the Fifth Circuit reversed and rendered judgment in favor of Deutsche Bank. Mandate issued November 28, 2018.
2/3/2019	18-1370	United States Supreme Court	<i>Burke v. Deutsche Bank National Trust Company</i>	Burkes petitioned for review of the Fifth Circuit's Decision in 18-20026.	Petition for writ of certiorari denied on May 28, 2019.
11/13/2018	4:18-cv-4543 (removed from 2018-81593 - Harris County)	U.S. District Court for the Southern District of Texas	<i>Joanna Burke and John Burke v. Hopkins Law, PLLC, Mark Daniel Hopkins, and Shelley L. Hopkins</i>	Dismissed	On March 18, 2020, the Court entered a Final Judgment, dismissing Plaintiffs' case with prejudice.

4/17/2020	20-20209	United States Court of Appeals for the Fifth Circuit	<i>Burke v. Hopkins Law, PLLC, Mark Daniel Hopkins, and Shelley L. Hopkins</i>	Burkes' appeal of judgment in 4:18-cv-4543.	Fifth Circuit affirmed the District Court's dismissal on March 30, 2021. Mandate issued on August 4, 2021.
11/15/2018	4:18-cv-4544 (removed from 2018-82450 - Harris County)	U.S. District Court for the Southern District of Texas	<i>Joanna Burke and John Burke v. Ocwen Loan Servicing, LLC</i>	Court dismissed Plaintiffs' collection claims as barred by res judicata. Plaintiffs were granted leave to amend remaining claim, but failed to do so and Court dismissed case.	Plaintiffs' case dismissed on March 19, 2019.
4/22/2019	19-20267	United States Court of Appeals for the Fifth Circuit	<i>Burke v. Ocwen Loan Servicing, LLC</i>	Burkes' appeal of judgment in 4:18-cv-4544.	Fifth Circuit affirmed the District Court's dismissal on March 30, 2021. Mandate issued August 4, 2021.

Burkes' Attempted Interventions in Other Lawsuits

Date Filed	Cause Number	Court	Style	Notes	Disposition
Motion to Intervene filed 1/17/2019	2:14-md-2591	United States District Court for the District of Kansas	<i>In Re Syngenta AG MIR162 Corn Litigation</i>	Burkes attempted to intervene in this multidistrict class action corn litigation. The grounds for the intervention was due to lawyer fraud and malpractice, though the Burkes are not farmers and had no specific relation to the litigation.	Court denied Motion to Intervene on 2/12/2019.
First Motion to Intervene filed 1/4/2019 Second or "renewed" Motion to Intervene filed 5/19/2021	9:17-cv-80495	United States District Court for the Southern District of Florida, West Palm Beach Division	<i>Consumer Financial Protection Bureau v. Ocwen Financial Corp., et al</i>	Burkes twice attempted to intervene in this litigation in an attempt to allegedly protect their interests in their homestead and that of similar homeowners nationwide.	Court denied Burkes' first Motion to Intervene on 5/30/2019. Court thereafter denied Burkes' second Motion to Intervene on 5/24/2021.
8/5/2019	19-13015	United States Court of Appeals for the Eleventh Circuit	<i>Joanna Burke and John Burke - Interested Parties, CFPB v. Ocwen Loan Servicing, LLC</i>	Appeal of Court's denial of Motion to Intervene in 9:17-cv-80495.	Judgment of District Court denying intervention affirmed on 11/2/2020.
Motion to Intervene filed 1/16/2019	1:18-cv-5936	United States District Court for the Northern District of Illinois, Eastern	<i>Jose L. Parra v. Ocwen Loan Servicing, LLC</i>	Burkes attempted to intervene in this suit in Illinois based upon their	Court denied Motion to Intervene on 2/27/2019.

		Division		complaints about Ocwen's alleged handling of an accounting.	
6/25/2021	21-12160	United States Court of Appeals for the Eleventh Circuit	<i>Ocwen Financial Corp. v. John Burke, et al.</i>	Burkes appeal of court's denial of their second or "renewed" intervention motion in 9:17-cv-80495	Pending briefing.

7. The tables above do not encompass the countless number of judicial complaints and/or complaints with the State Bar of Texas against almost all judges or justices who ruled against the Burkes in some fashion and/or state bar complaints against attorneys who have represented a party adverse to the Burkes. Further, the Burkes maintain a website, <https://lawsintexas.com/>, wherein they continually post "articles" about Defendants along with the judicial officers involved with their cases, with the sole intent of harassing Defendants and the judiciary in an effort to remain in the Property. The Burkes in turn post links to these articles with unauthorized photos.⁶

8. The Burkes have taken private photos from members of the judiciary and Counsel for Defendants, have posted them to Twitter and/or used them in their own personal pages,

⁶ See <https://judgeowen.com/> and <https://lawsintexas.com/>, including a sample of their articles at:

<https://lawsintexas.com/a-fifth-circuit-clerk-corruptly-impersonating-appellants-induces-finality-of-appeal/>

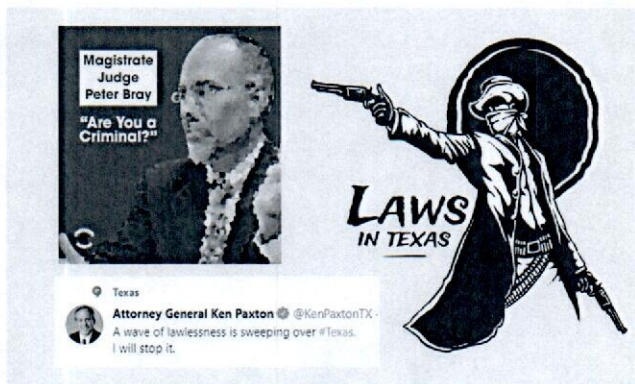
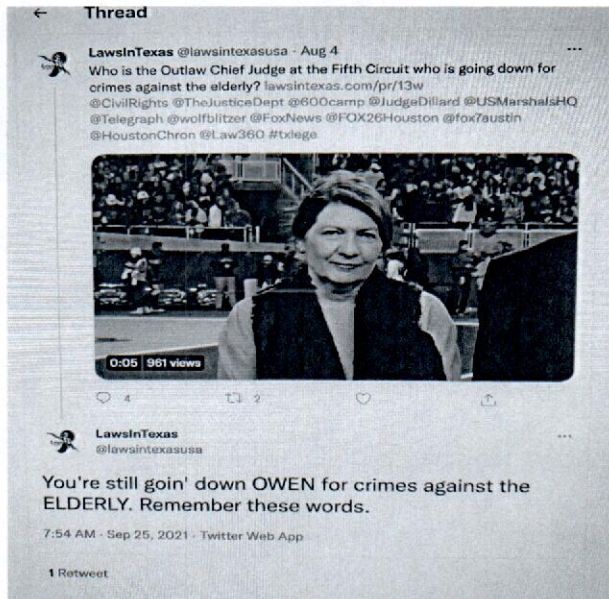
<https://lawsintexas.com/impeach-judge-david-hittner-thats-the-request-before-the-fifth-circuits-chief-judge-priscilla-owen/>

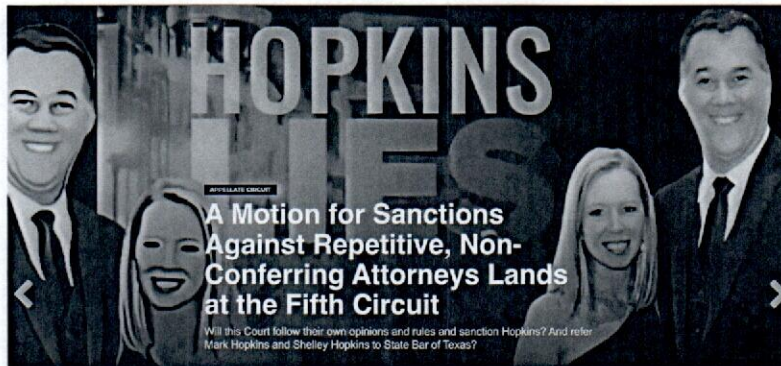
<https://lawsintexas.com/the-investigation-into-bdf-hopkins-the-foreclosure-mill-and-rambo-lawp-firms-in-texas-who-are-bounty-hunters-house-jackers/>

<https://lawsintexas.com/why-the-chief-cant-judge-everything-even-with-judicial-immunity/>

<https://lawsintexas.com/outlaws-in-robles-texas/>

sometimes even going so far as to doctor the images or include threats. Examples of the images include the following:





United States Court of Appeals
FIFTH CIRCUIT
OFFICE OF THE CLERK

LYLE W. CAYCE
CLERK

August 04, 2021

MEMORANDUM TO COUNSEL OR PARTIES LISTED BELOW:

No. 19-20267 Burke v. Ocwen Loan Servicing
USDC No. 4:18-CV-4544
USDC No. 4:18-CV-4543

Enclosed is an order entered in this case. **The clerkgate scandal.**

Sincerely,
LYLE W. CAYCE, Clerk
Rebecca L. Lato
By: Rebecca L. Lato, Deputy Clerk
504-310-7703

Ms. Joanna Burke
Mr. John Burke
Mr. Mark D. Hopkins
Ms. Shelley Loan Hopkins
Mr. Nathan Ochanev



9. Due to their unrelenting abuse of Defendants and the judiciary, Plaintiffs should be sanctioned and enjoined from filing further suits against Defendants relating to the Property at issue in this suit without first obtaining this Court's permission.

II. ARGUMENT AND AUTHORITIES

10. Defendants incorporate the preceding paragraphs as if fully stated herein.

A. Ground for a Pre-Filing Injunction

11. The Court may rely on its inherent powers, or it may enjoin vexatious litigants under the All Writs Act. *Matter of Carroll*, 850 F.3d 811, 815 (5th Cir. 2017) (citing *Newby v. Enron Corp.*, 302 F.3d 195, 302 (5th Cir. 2002)). The All Writs Act, codified at 28 U.S.C. §

1651(a), authorizes federal courts "to enjoin litigants who are abusing the court system by harassing their opponents." *See Harrelson v. United States*, 613 F.2d 114, 116 (5th Cir. 1980). "A district court has jurisdiction to impose a pre-filing injunction to deter vexatious, abusive, and harassing litigation." *Baum v. Blue Moon Ventures, LLC*, 513 F.3d 181, 187 (5th Cir. 2008). Indeed, "[f]ederal courts have been both the inherent power and the constitutional obligation to protect their jurisdiction from conduct which impairs their ability to carry out Article III functions." *Margetis v. Furgeson*, No. 4:12-cv-753, 2015 WL 6688063, at *15 (E.D. Tex. Sept. 29, 2015), *aff'd*, 666 Fed. Appx. 328 (5th Cir. 2016) (quoting *In re Martin-Trigona*, 737 F.2d 1254, 1261 (2d Cir. 1984)).

i. The Court's Inherent Authority

12. This Court has the inherent authority to sanction Plaintiffs for their abuse of the judicial process. "Federal courts have inherent powers which include the authority to sanction a party or attorney when necessary to achieve the orderly and expeditious disposition of their dockets." *Matter of Carroll*, 850 F.3d at 815 (citing *Scaife v. Associated Air Ctr. Inc.*, 100 F.3d 406, 411 (5th Cir. 1996)). The sanction must employ the least power adequate to achieve the necessary ends, and the Court "must make a specific finding of bad faith" when sanctioning under its inherent power. *Matter of Carrol*, 850 F.3d at 815 (citing *Nat'l Gas Pipeline Co. of Am. v. Energy Gathering, Inc.*, 86 F.3d 464, 467 (5th Cir. 1996) and *Chaves v. M/V Medina Star*, 47 F.3d 153, 156 (5th Cir. 1995)). Repeated attempts to litigate issues conclusively resolved is sufficient evidence of bad faith supporting sanctions. *Matter of Carrol*, 850 F.3d at 816.

13. The Court has the inherent authority to "protect the efficient and orderly administration of justice and... to command respect for [its] orders, judgment, procedures, and authority" and this authority includes ability to levy sanctions in response to abusive litigation

practices. *In Re Stone*, 986 F.2d 898, 902 (5th Cir. 1993). The Fifth Circuit has affirmed the imposition of sanctions against future filings against a particular Defendant against pro se parties, such as the Burkes, where monetary sanctions are ineffective in deterring vexatious filings and where the pre-suit injunction is narrowly tailored to protect the courts and innocent parties. *Areizaga v. ADW Corp.*, No. 3:14-cv-2899-B, 2016 WL 3511788, at *9 (N.D. Tex. June 7, 2016) (citing *Thanedar*, 352 Fed. App'x at 900). Plaintiffs' *pro se* status does not give them a "license to harass others, clog the judicial machinery with meritless litigation, and abuse already overloaded court dockets." *Ferguson v. MBank Houston, N.A.*, 808 F.2d 358, 359 (5th Cir.1986). There is no constitutional right to prosecute frivolous actions, and preclusion orders are appropriate tools for deterring vexatious filings. *Kaminetzky v. Frost Nat'l Bank of Houston*, 881 F.Supp. 276, 277–78 (S.D.Tex.1995).

ii. The All Writs Act

14. The All Writs Act, codified at 28 U.S.C. § 1651(a), authorizes federal courts "to enjoin litigants who are abusing the court system by harassing their opponents." *See Harrelson v. United States*, 613 F.2d 114, 116 (5th Cir. 1980). Federal courts also have authority to enjoin vexatious litigants under the All Writs Act. *Matter of Carroll*, 850 F.3d at 815. More specifically, pursuant to the All Writs Act, "a pre-filing injunction can surely be directed at a party before the Court who ... seeks to halt the judicial process with identical meritless filings." *Alliance Riggers & Constructors, Ltd. v. Restrepo*, No. EP-14-CV-00408-DCG, 2015 WL 966324, at *6 (W.D. Tex. Jan. 8, 2015) (citing *Netsphere, Inc. v. Baron*, 703 F.3d 296, 301-311 (5th Cir. 2012) and *Newby*, 302 F.3d at 301 (noting that a district court can enjoin a "litigant from bringing any future litigation on any claim arising from a particular fact situation, where the litigant is abusing the court system by harassing his opponents")). In *Alliance Riggers*, the court noted that an injunction under the All

Writs Act "must simply point to some ongoing proceeding, or some past order or judgment, the integrity of which is being threatened by someone else's action or behavior." 2015 WL 966234, at *6 (quoting *Klay v. United Healthgroup, Inc.*, 376 F.3d 1092, 1101 (11th Cir. 2004)).

15. "Before a district court issues a pre-filing injunction against a pro-se litigant, it must make substantive findings concerning the frivolous or harassing nature of the litigant's actions based on the number and the content of the litigant's filings." *Franklin v. Laughlin*, No. SA-10-CV-1027XR, 2011 WL 598489, at *8 (finding pro se plaintiff's claims in six prior suits to be "patently without merit" because they sought "to litigate the same issues that this Court dismissed in [a prior suit]" and entering a pre-filing injunction pursuant to the All Writs Act) (citing *De Long v. Hennessey*, 912 F.2d 1144, 1148 (9th Cir. 1990)).

B. The Burkes Qualify as Vexatious Litigants

16. "In determining whether it should impose a pre-filing injunction...a court must weigh all the relevant circumstances, including the following four factors: (1) the party's history of litigation, in particular whether he has filed vexatious, harassing, or duplicative lawsuits; (2) whether the party had a good faith basis for pursuing the litigation, or simply intended to harass; (3) the extent of the burden on the courts and other parties resulting from the party's filings; and (4) the adequacy of alternative sanctions." *Baum*, 513 F.3d at 189.

i. History of Repeated Litigation

17. The Burkes' history is strikingly clear; the Burkes cannot accept the fact that their default in making payments on their mortgage has resulted in the pending foreclosure of their Property. In order to continually delay the foreclosure and their eventual eviction from the property, the Burkes have at all times challenged the relief requested by Deutsche Bank, filed repetitive new lawsuits, sought to disqualify counsel and judges, and have otherwise appealed at

every turn. While Plaintiffs' claims plainly have no chance of success, the mere act of filing repetitive claims harasses Defendants and forces Defendants to incur substantial costs in defense – costs they have no chance of recovering from Plaintiffs even if they were granted their costs by a court. The issues upon which Plaintiffs' claims are based have already been litigated and decided against them. Accordingly, this Court should enter a pre-filing injunction against Plaintiffs, preventing them from filing additional suits against PHH / Ocwen, or its predecessors in interest – including Deutsche Bank, and Attorney Defendants.

ii. No Good Faith Basis

18. It is clear that Plaintiffs lack any good faith basis for pursuing the litigation. The charts in Paragraph 6 above also show that Plaintiffs' pursuit of the litigation was simply intended to harass and/or continue their goal of remaining in their Property for free. On information and belief, every single one of those cases—with the exception of the current case—was resolved in a manner adverse to Plaintiffs. Indeed, Plaintiffs' track record alone suggests that their litigation is frivolous and simply intended to harass.

19. In 2018, the Fifth Circuit held, in ruling against the Burkes, that, "Given nearly a decade of free living by the Burkes, there is no injustice in allowing that foreclosure to proceed." *Deutsche Bank v. Burke*, 902 F.3d 548 (5th Cir. 2018). Since the mandate issued in 2018, PHH / Ocwen and Deutsche Bank have been unable to proceed with foreclosure due to the Burkes' continued frivolous lawsuits. Further, the Fifth Circuit has cautioned borrowers, and their attorneys, against "gaming the system" by filing lawsuits or taking other actions to prolong occupancy of their residence while making little or no payment on their mortgage debt. See *Germain v. U.S. Bank Nat'l Ass'n*, 920 F.3d 269, 277-78 (5th Cir. 2019). Plaintiffs' gamesmanship must be put to an end.

20. Plaintiffs' claims in this suit are wholly without merit and are consistent with Plaintiffs' history of vexatious prosecution. Plaintiffs simply missed their deadline to file a Petition for Writ of Certiorari to the United States Supreme Court and filed suit herein merely to attack this Court's prior judgments. As shown in the charts in Paragraph 6 above, Plaintiffs also have a history of filing numerous other vexatious, harassing, or duplicative interventions in cases to which Defendants are a party.

iii. Burden on Courts and Other Parties

21. The burden imposed on the courts and other parties resulting from Plaintiffs' litigiousness is self-evident. Plaintiffs have been embroiled in litigation regarding the Property for over ten years due, in large part, to Plaintiffs' re-litigation tactics. Most recently, Plaintiffs have deployed these re-litigation tactics against Defendants in this Court.

22. The number of lawsuits, the number of parties in those lawsuits whom Plaintiffs have sued, the type of frivolous arguments made by Plaintiffs against the parties in those lawsuits, and the outlandish recovery and sheer volume of discovery sought by Plaintiffs in the Federal Court Actions demonstrate the overly burdensome nature of Plaintiffs' litigation. Simply put, Plaintiffs are clogging the court system and, in the process, draining the courts and the parties of valuable resources.

23. Plaintiffs' penchant for relitigating issues is further demonstrated by those instances where they have moved to disqualify or to recuse the presiding judge. Plaintiffs have moved for recusal of on at least two occasions, and both times were denied. For example, on July 3, 2021 in the most recent Fifth Circuit Appeal, Plaintiffs filed a Motion to Disqualify Chief Justice Priscilla Owen.⁷ In the Motion, Plaintiffs describe how they had previously moved to disqualify United

⁷ See Case No. 20267; *Joanna Burke; John Burke v. Ocwen Loan Servicing, L.L.C.*, consolidated with Cas No. 20-20209; *Joanna Burke; John Burke v. Mark Daniel Hopkins, Shelley Hopkins, Hopkins Law, P.L.L.C.*

States District Judge David Hittner, as well as perceived issues with various other Judges in their suits and interventions. Plaintiffs' Motion to Disqualify Justice Owen was denied just four days later on July 7, 2021. These motions, along with numerous requests to disqualify counsel, exemplify the frivolous tactics of Plaintiffs and the burden that these tactics take on Defendants, their counsel, and the Court.⁸

⁸ Plaintiffs have sought to remove Judges and counsel for Deutsche, Ocwen, and Attorney Defendants in the following instances:

(1) Burkes' Motion for Continuance and Motion to Dismiss Opposing Counsel, filed April 30, 2013, in Civil Action No. 4:11-cv-01658, U.S. District Court, Southern District of Texas, Houston Division. [Doc. 32]. Struck by the Court on May 1, 2013. [Doc. 33];

(2) Burkes' Motion to Disqualify Counsel, filed August 12, 2014, in Civil Action No. 4:11-cv-01658, U.S. District Court, Southern District of Texas, Houston Division. [Doc. 50]. Denied by the Court on August 15, 2014. [Doc. 51];

(3) Burkes' Objection to Plaintiffs' Notice of Appearance & Notice to Withdraw Counsel. Defendants' Motion to Dismiss Opposing Counsel Hopkins Law & Summary Judgment Reaffirmed in Favor of Defendants, filed July 11, 2016, in Civil Action No. 4:11-cv-01658, U.S. District Court, Southern District of Texas, Houston Division. [Doc. 111]. Denied by the Court on October 20, 2016. [Doc. 118];

(4) Burkes' Objection to Plaintiffs' Notice of Appearance & Notice to Withdraw Counsel. Defendants' Motion to Dismiss Opposing Counsel Hopkins Law, Strike the Record, Sanctions & Summary Judgment Reaffirmed in Favor of Defendants, filed August 30, 2016, in Civil Action No. 4:11-cv-01658, U.S. District Court, Southern District of Texas, Houston Division. [Doc. 114]. Denied by the Court on October 20, 2016. [Doc. 118];

(5) Burkes' Motion to Disqualify Opposing Counsel, Hopkins Law PLLC, & Dismiss Appeal, filed October 24, 2018, in Case No. 18-20026, in the U.S. Court of Appeals for the Fifth Circuit. Denied by the Court on October 29, 2018;

(6) Burkes' Motion to Disqualify Judge David Hittner, filed April 2, 2020, in Civil Action No. 4:18-cv-4543, U.S. District Court, Southern District of Texas, Houston Division. [Doc. 70]. Denied by the Court on April 6, 2020. [Doc. 71];

(7) Burkes' Motion to Disqualify Chief Judge Priscilla Owen, filed July 3, 2021, in Case No. 19-20267, in the U.S. Court of Appeals for the Fifth Circuit. Denied by the Court on July 7, 2021;

(8) Burkes' Motion for Sanctions, filed July 8, 2021, in Case No. 19-20267, in the U.S. Court of Appeals for the Fifth Circuit. Denied by the Court on August 4, 2021.

iv. No Adequate Alternate Sanctions.

24. Plaintiffs' claims have already been dismissed with prejudice on multiple occasions. They have shown a brazen indifference to these dismissals. Without an injunction in place to prevent future filings, it is likely the Burkes will continue to file meritless lawsuits that harass Deutsche Bank, Ocwen, PHH and Attorney Defendants and burden the courts.

25. No other sanctions are adequate to deter Plaintiffs from pursuing other frivolous litigation. Plaintiffs' harassment of Defendants, defense counsel, and court personnel and the judiciary clearly abuses the litigation process. Plaintiffs have been embroiled in extended litigation with Ocwen, PHH, Deutsche Bank, and Attorney Defendants for more than a decade. Based on their litigation history, Plaintiffs will continue to abuse the court system unless this Court enjoins them from filing further vexatious litigation.

**III.
PRAYER**

Pursuant to the reasons set out herein, Defendants pray that the Court grant their Motion to Declare Plaintiffs as Vexatious Litigants, enter an order enjoining Plaintiffs from filing any new litigation in the Southern District of Texas without first obtaining the express permission of a district judge within the Southern District, and for any further relief, at law or in equity, to which they show themselves justly entitled.

Respectfully Submitted,

HOPKINS LAW, PLLC

By: /s/ Mark D. Hopkins
Mark D. Hopkins, *Attorney in Charge*
State Bar No. 00793975
SD ID No. 20322
Shelley L. Hopkins

State Bar No. 24036497
SD ID No. 926469
3 Lakeway Centre Ct., Suite 110
Austin, Texas 78734
(512) 600-4320
mark@hopkinslawtexas.com
shelley@hopkinslawtexas.com

ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF CONFERENCE

I hereby certify that on this 12th day of October 2021, Co-counsel, Shelley L. Hopkins e-mailed Pro Se Plaintiffs advising that Defendants were filing this Motion and we would presume they were opposed. No response was received, but due to the nature of the Motion, Defendants assume this motion is opposed.

/s/ Mark D. Hopkins

Mark D. Hopkins

CERTIFICATE OF SERVICE

I hereby certify that on this 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 6354

AND VIA REGULAR MAIL:

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

VIA CM/RRR #7021 1970 0000 4526 6361

AND VIA REGULAR MAIL:

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

/s/ Mark D. Hopkins

Mark D. Hopkins

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

JOANNA BURKE and JOHN BURKE,

Plaintiffs,

v.

**OCWEN LOAN SERVICING, LLC,
MARK DANIEL HOPKINS, SHELLEY
HOPKINS, and HOPKINS LAW, PLLC,**

Defendants.

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Civil Action No. 4:21-cv-2591

**ORDER GRANTING DEFENDANTS'
MOTION TO DECLARE PLAINTIFFS AS VEXATIOUS LITIGANTS**

Having considered Defendants' Motion to Declare Plaintiffs as Vexatious Litigants, the response thereto, if any, the Court finds that Defendants' Motion should be granted.

It is ORDERED that Defendants' Motion to Declare Plaintiffs as Vexatious Litigants is GRANTED.

Is it ORDERED that Plaintiffs Joanna Burke and John Burke are hereby enjoined from filing any new lawsuit in the United States District Courts of Texas without first obtaining the express written permission of a District Judge within the Southern District.

SIGNED this the ____ day of _____ 2021.

UNITED STATES DISTRICT JUDGE