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

JOANNA BURKE and JOHN BURKE,	§
Plaintiffs,	§ § 8
v.	§ Civil Action No. 4:21-cv-02591
BIHI MODECA CE CODDODATION	§
PHH MORTGAGE CORPORATION,	§
SUCCESSOR BY MERGER TO	§
OCWEN LOAN SERVICING, LLC,	§
MARK DANIEL HOPKINS, SHELLEY	§
HOPKINS, and HOPKINS LAW, PLLC,	§
	§
Defendants.	§

<u>DEFENDANTS' MOTION TO STRIKE PLAINTIFFS' RESPONSE TO DEFENDANTS' MOTIONS FOR JUDGMENT ON THE PLEADINGS</u>

Defendants Ocwen Loan Servicing, LLC ("Ocwen") now known as PHH Mortgage Corporation ("PHH") as the Successor by Merger, Mark Daniel Hopkins, Shelley Luan Hopkins, and Hopkins Law, PLLC ("Defendants") file this Motion to Strike Plaintiffs' Response to Defendants' Motions for Judgment on the Pleadings [Doc. 32] (Plaintiffs' Response"). Defendants respectfully show unto the Court as follows:

- 1. On October 26, 2021, Defendants Ocwen and PHH filed their Motion for Judgment on the Pleadings [Doc. 18] in response to Plaintiffs' Amended Complaint [Doc. 12].
- 2. On October 28, 2021, Defendants Mark Daniel Hopkins, Shelley Luan Hopkins, and Hopkins Law, PLLC filed their Motion for Judgment on the Pleadings [Doc. 19] in response to Plaintiffs' Amended Complaint [Doc. 12].
- 3. Plaintiffs' Consolidated Response to Defendants' respective motions [Doc. 32] was filed on November 16, 2021. Plaintiffs' Response is fifty-four (54) pages. Plaintiffs' Response does

not comply with Judge Alfred H. Bennett's Court Procedures and Practices, Rule B(5)(e) as it exceeds twenty (20) pages, without first seeking leave of Court.

4. Therefore, Defendants request the Court strike Plaintiffs' Response in its entirety.

CONCLUSION

Pursuant the reasons set out herein, Defendants respectfully request that the Court grant Defendants' Motion to Strike Plaintiffs' Response to Defendants' Motions for Judgment on the Pleadings and further request that the Court grant Defendants any and all additional relief, whether at law or in equity, to which they may be justly entitled.

Respectfully Submitted,

HOPKINS LAW, PLLC

By: /s/ Shelley L. Hopkins

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ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF CONFERENCE

Pursuant to Southern District LR 7.1(D), counsel for Defendants emailed Plaintiffs on November 19, 2021 to determine if they were opposed to this motion. As of the date and time of filing, no response has been received and therefore this motion is filed as opposed.

/s/ Shelley L. Hopkins
Shelley L. Hopkins

CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of November 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 6576 AND VIA REGULAR MAIL:

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

VIA CM/RRR # 7021 1970 0000 4526 6583 AND VIA REGULAR MAIL:

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

/s/ Shelley L. Hopkins
Shelley L. Hopkins