

John Burke and Joanna Burke  
46 Kingwood Greens Dr  
Kingwood, Texas 77339  
Tel: 281 812 9591

IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS, HOUSTON DIVISION

**Civil Action No. 4:18-cv-04543**

Joanna Burke and John Burke   <p style="text-align: right;">Plaintiffs,</p> <p style="text-align: center;">vs.</p> <p>Hopkins Law, PLLC, Shelley Luan Hopkins and Shelley Luan Hopkins,</p> <p style="text-align: center;">Defendants.</p>	) ) ) ) ) ) ) ) ) )	PLAINTIFFS REQUEST FOR ADMISSIONS TO ATTORNEY- DEFENDANT SHELLEY LUAN HOPKINS
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**PLAINTIFFS REQUEST FOR ADMISSIONS: SHELLEY L. HOPKINS**

TO THE HONORABLE JUDGE OF SAID COURT: COMES NOW Plaintiffs (“Burkes”) in the above-styled and numbered cause, and requests that Defendant Shelley Luan Hopkins (“Hopkins”) (1) answer the following requests for admissions separately and fully in writing under oath within 30 days of service and (2) serve its answers to these requests for admissions within the same time period to *pro se* Plaintiffs.

RESPECTFULLY submitted this 9<sup>th</sup> day of August, 2019.

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Joanna Burke / State of Texas  
Pro Se

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John Burke / State of Texas  
Pro Se

46 Kingwood Greens Dr  
Kingwood, Texas 77339  
Phone Number: (281) 812-9591  
Fax: (866) 705-0576  
Email: kajongwe@gmail.com

## **CERTIFICATE OF CONFERENCE**

We, Joanna Burke and John Burke hereby certify that we have not conferenced with Shelley Luan Hopkins to potentially narrow down any scope of the RFA[s] as she has previously refused to discuss the case or provide adequate time to reply to procedural matters in this court as evidenced on the record. She has also stated on the record she prefers to answer written communications from the *pro se* Burkes'. In compliance with his request, the Plaintiffs now enclose the RFA, in which a substantial part addresses the volume of BDF staff and attorneys in the underlying case, along with requests to confirm the many shell/sham and related corporate entities which Shelley Luan Hopkins has an interest, as BDF Hopkins. The RFA is very specific so there should be no reason or excuse not to answer the on-point and direct questions within the required time allowed in law.

## **CERTIFICATE OF SERVICE**

We, Joanna Burke and John Burke hereby certify that on August 9, 2019, we posted the attached document via USPS Priority Mail to the US District Court;

Clerk of Court  
United States District Court  
515 Rusk St  
Courtroom 703, 7<sup>th</sup> Floor  
Houston TX 77002

And also served copies to the following parties, by USPS Mail:

Mr. Mark Hopkins,  
Mrs. Shelley Hopkins  
& Hopkins Law PLLC  
Hopkins Law PLLC  
3809 Juniper Trce, Suite 101  
Austin, TX 78738

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**SHELLEY LUAN HOPKINS**  
**REQUEST FOR ADMISSIONS INSTRUCTIONS**

- A. These Responses call for your personal and present knowledge.
- B. If you cannot answer a particular RFA in full after exercising due diligence to secure the information to do so, please state so and answer to the extent possible, specifying and explaining your inability to answer the remainder and stating whatever information or knowledge you have concerning the unanswered portion.
- C. You are also advised that you are under a duty to reasonably amend your responses if you obtain information on the basis of which:
  - 1. You know the response made was incorrect or incomplete when made; or
  - 2. You know the response, though correct and complete when made, is no longer true and complete, and the circumstances.

## DEFINITIONS

- A. **“Defendant”, “Attorney-Defendant”, “You”, “Your(s)”** refers to Shelley Luan Hopkins, its [husbands’] firms and legal entities, e.g. Hopkins & Williams, P.L.L.C., Hopkins Law, PLLC, Leighton, Hopkins & Williams, PLLC, and other related corporate entities, its agents, representatives, employees and any other entity or person acting on its behalf.
- B. **“BDF”, “The BDF Law Group”, “NDEX”, “National Default Exchange Holdings, LP”** refers to Barrett Daffin Frappier Turner & Engel, LLP, (Texas & Georgia) Barrett Daffin Frappier Treder & Weiss, LLP (California, Nevada, & Arizona) and Barrett Frappier & Weisserman, LLP (Colorado), “National Default Exchange” (NDeX), NDeX Title, and NDeX West and other related corporate entities, its agents, representatives, employees and any other entity or person acting on its behalf.
- C. **“Plaintiffs”, “Burkes”** refers to the named pro se Plaintiffs in the above-captioned suit.
- D. **"Hopkins v Burke"** refers to the above styled and captioned case.
- E. **“Hopkins v Ocwen” or “Ocwen” or “Ocwen case”** refers to civil action *Burke v Ocwen*, 4:18-cv-04544, S.D. Tex. (2019).
- F. **“Deutsche Bank v Burke” or “Deutsche”** or refers to civil action *Deutsche Bank National Trust Company v. Burke*, 4:11-cv-01658 (S.D. Tex. 2011)
1. **Deutsche I** refers to first case, bench trial and appeal; *Deutsche Bank Nat’l Tr. Co. v. Burke*, 655 F. App’x 251 (5th Cir. 2016).
  2. **Deutsche II** refers to remanded case and appeal; *Deutsche Bank Nat’l Trust Co. v. Burke*, 902 F.3d 548, 552 (5th Cir. 2018).
- G. **"Communication" or "communications"** shall mean and refer to the transmission or exchange of information, either orally or in writing, and includes without limitation any conversation, letter, handwritten notes, memorandum, inter or intraoffice correspondence, electronic mail, text messages, or any other electronic transmission, telephone call, telegraph, telex telecopy,

facsimile, cable, conference, tape recording, video recording, digital recording, discussion, or face-to-face communication.

H. The term "**referring**" or "**relating**" shall mean showing, disclosing, averring to, comprising, evidencing, constituting or reviewing.

I. The singular and masculine form of any noun or pronoun includes the plural, the feminine, and the neuter.

J. The term "**Closing File**" or "**Mortgage File**";

1. means the mortgage servicer or mortgage originator loan application and underwriting files, whether kept in paper or electronic format, including but not limited to all documents, file jackets, file notes, claims diary or journal entries, log notes, handwritten notes, records of oral communications, communications, correspondence, photographs, diagrams, estimates, reports, recommendations, invoices, memoranda and drafts of documents regarding the loan(s).
2. means the entire file, including all documents and information used for underwriting purposes even if you did not rely on such documents or information in order to make a decision regarding funding a home equity loan for Plaintiffs Property.
3. means the entire file from inception to 2019, including if and when the Burkes' loan was alleged to have been transferred or sold, a full download backup of the data stored in the system of record would be performed and included as part of the "closing file" or "mortgage file".

**NOTICE OF AUTHENTICATION**

You are advised that Plaintiffs intends to use all requests for admissions (“RFA[s]”) produced between the parties during the trial of the above-entitled and numbered cause.

I declare under penalty of perjury that the foregoing and following is true and correct. (28 U.S.C. § 1746 - U.S. Code.)

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Joanna Burke / Harris County  
State of Texas, Pro Se

46 Kingwood Greens Dr  
Kingwood, Texas 77339  
Phone Number: (281) 812-9591  
Fax: (866) 705-0576  
Email: alsation123@gmail.com

I declare under penalty of perjury that the foregoing and following is true and correct. (28 U.S.C. § 1746 - U.S. Code.)

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John Burke / Harris County  
State of Texas, Pro Se

46 Kingwood Greens Dr  
Kingwood, Texas 77339  
Phone Number: (281) 812-9591  
Fax: (866) 705-0576  
Email: kajongwe@gmail.com



**REQUEST FOR ADMISSIONS TO DEFENDANT**  
**SHELLEY LUAN HOPKINS**

**1. REQUEST FOR ADMISSION:**

Admit your name is Shelley Luan Hopkins and you are licensed to practice law in the State of Texas in state and federal courts, including appellate and supreme courts.

**RESPONSE:**

**2. REQUEST FOR ADMISSION:**

Admit your husband is Mark Daniel Hopkins and he is licensed to practice law in the State of Texas in state and federal courts, including appellate and supreme courts.

**RESPONSE:**

**3. REQUEST FOR ADMISSION:**

Admit you and your husband currently work together as attorneys at Hopkins Law, PLLC.

**RESPONSE:**

**4. REQUEST FOR ADMISSION:**

Admit Hopkins Law, PLLC, is a default industry, debt collecting, foreclosure and eviction law firm.

**RESPONSE:**

**5. REQUEST FOR ADMISSION NO. 5:**

Admit you and your husband's related corporate entities offer legal and non-legal services related to the default industry, debt collecting, mortgage, foreclosure, eviction, title and trustee services.

**RESPONSE:**

**6. REQUEST FOR ADMISSION NO. 6:**

Admit you and your related corporate entities enter into contracts with clients which state you will be required to provide legal representation on foreclosures, deeds-in-lieu of foreclosure, bankruptcies, receiverships, evictions and REO matters.

**RESPONSE:**

**7. REQUEST FOR ADMISSION:**

Admit you and/or your husband's related corporate entities enter into these contracts with clients which state you will be required to expedite foreclosures and related legal services and your performance is timed, measured and closely monitored on your ability to swiftly obtain foreclosure. It is a performance-based agreement.

**RESPONSE:**

**8. REQUEST FOR ADMISSION:**

Admit your fee agreement with these clients state you must expedite evictions, which may include 'cash for keys' incentives.

**RESPONSE:**

**9. REQUEST FOR ADMISSION:**

Admit you are aware, and via Connie Pfeiffer (during selected 5<sup>th</sup> Cir. Mediation) your husband of Hopkins Law, PLLC, offered the Burkes \$10,000 (ten thousand united states dollars) on a "cash for keys" premise to vacate their homestead permanently.

**RESPONSE:**

**10. REQUEST FOR ADMISSION:**

Admit your [husbands'] firms' fee agreement with large volume clients come with a set menu of fixed pricing or "wholesale pricing" based on the work performed.

**RESPONSE:**

**11. REQUEST FOR ADMISSION:**

Admit Hopkins Law, PLLC, billable income is derived in the majority from banks and non-banks who have retained your [husbands'] firm and attorney(s) therein (including any non-attorney and/or administrative billings) to represent them in Court in civil actions involving foreclosures of real estate and related legal services in Texas.

**RESPONSE:**

**12. REQUEST FOR ADMISSION:**

Admit these banks and non-banks who have retained your [husbands'] firm and attorney(s) therein to represent them in Court were in the majority past or current clients of BDF.

**RESPONSE:**

**13. REQUEST FOR ADMISSION:**

Admit you and/or your husband execute a legal contract for services, or similar named agreement, for these banks and non-banks who have retained your [husbands'] firm and attorney(s) therein to represent them in Court.

**RESPONSE:**

**14. REQUEST FOR ADMISSION:**

Admit you/and or your [husbands'] firm obtain payment directly from these banks and non-banks who have retained your [husbands'] firm and attorney(s) therein to represent them in Court.

**RESPONSE:**

**15. REQUEST FOR ADMISSION:**

Admit you may also obtain payment from your escrow account, representing funds added or received from these banks and non-banks who have retained your [husbands'] firm and attorney(s) therein to represent them in Court.

**RESPONSE:**

**16. REQUEST FOR ADMISSION:**

Admit you may also obtain payment in settlement of your invoices and fees, from your escrow account, representing funds added from any sales of residences sold at foreclosure or related income from clients, homeowners or the courts.

**RESPONSE:**

**17. REQUEST FOR ADMISSION:**

Admit you report to BDF and their related corporate entities for all BDF cases you handle on their behalf.

**RESPONSE:**

**18. REQUEST FOR ADMISSION:**

Admit BDF referred you and your husband the *Deutsche Bank v. Burke* case.

**RESPONSE:**

**19. REQUEST FOR ADMISSION:**

Admit you and your husband accepted the referral from BDF for the *Deutsche Bank v. Burke* case.

**RESPONSE:**

**20. REQUEST FOR ADMISSION:**

Admit BDF and/or their related corporate entities benefit financially from a referral to Hopkins Law, PLLC.

**RESPONSE:**

**21. REQUEST FOR ADMISSION:**

Admit BDF and/or their related corporate entities benefit financially from a referral to Hopkins Law, PLLC where an order of judgment of foreclosure or similar is obtained on appeal.

**RESPONSE:**

**22. REQUEST FOR ADMISSION:**

Admit historically, in your cases, BDF or their related corporate entities, will sell the home where an order and final judgment of foreclosure from the court has been obtained.

**RESPONSE:**

**23. REQUEST FOR ADMISSION:**

Admit historically, in your cases, BDF or their related corporate entities, will receive financial funds from the sale and will earn any fees or costs allowed in law from the sale proceeds.

**RESPONSE:**

**24. REQUEST FOR ADMISSION:**

Admit you were not in attendance and have not seen, met or spoken with senior citizens John Burke and Joanna Burke in Southern District Federal Court in Houston, Texas, the Deutsche case before hearings and conferences with former Magistrate Judge Stephen Wm Smith.

**RESPONSE:**

**25. REQUEST FOR ADMISSION:**

Admit you maintain a profile (resume) page at hopkinslawtexas.com which includes, in part, the following declarations; PUBLICATIONS; “*Servicemember’s Civil Relief Act*,” Texas Mortgage Lending Law & Practices Deskbook, Contributing Author; “*Approaching Seized Property*,” Servicing

**Management**, January 2006 and “*Forfeited Properties: What’s It To A Servicer?*” USFN Update, January 2008 - REPRESENTATIVE CASES; *Puentes v. Fannie Mae*, 350 S.W.3d 732 (Tex. App.—El Paso 2011, pet. dism’d); *Karen Robeson v. Mort. Elec. Reg. Sys., Inc.*, 2012 WL 42965 (Tex. App.—Ft. Worth, pet denied)

**RESPONSE:**

**26.REOUEST FOR ADMISSION:**

Admit you were *not* in attendance and have *not* seen, met or spoken with senior citizens John Burke and Joanna Burke in Southern District Federal Court in Houston, Texas, the Deutsche case before hearings and conferences with former Magistrate Judge Stephen Wm Smith.

**RESPONSE:**

**27.REOUEST FOR ADMISSION:**

Admit you were *not* in attendance and have *not* seen, met or spoken with senior citizens John Burke and Joanna Burke in Southern District Federal Court at the scheduling conference before Magistrate Judge Peter Bray in 2019 for the Ocwen and Hopkins case.

**RESPONSE:**

**28.REOUEST FOR ADMISSION:**

Admit your husbands’ first notice of appearance in the related case, Deutsche I, was on March 31, 2015 and your [husbands’] firm name (as submitted to the Court) was *Hopkins & Williams, P.L.L.C.* (Deutsche Dkt. 79).

**RESPONSE:**

**29.REOUEST FOR ADMISSION:**

Admit in the past you worked as an attorney with *Barrett, Daffin, Frappin, Engel & Turner, LP*, Addison, Texas.

**RESPONSE:**

**30.REOUEST FOR ADMISSION:**

Admit *Hopkins & Williams, P.L.L.C.* was formed January 27, 2009 and ‘Hopkins’ is reference to your husband and ‘Williams’ is reference to attorney Matthew “Matt” Williams.

**RESPONSE:**

**31.REQUEST FOR ADMISSION:**

Admit Matt Williams, formed *Law firm of M. Matthew Williams, PLLC* on June 8, 2015 per Secretary of State records.

**RESPONSE:**

**32.REQUEST FOR ADMISSION:**

Admit your husband was a Partner in *Leighton, Hopkins & Williams* from formation in 2010 along with Matt Williams, and William “Bill” Leighton per Secretary of State records.

**RESPONSE:**

**33.REQUEST FOR ADMISSION:**

Admit you know Bill Leighton received a public reprimand which is shown on his SBOT profile in 2014, by violating Rules 1.06(b)(2) and 8.04(a)(1) of the Texas Disciplinary Rules of Professional Conduct, Article X, Section 9, State Bar Rules.

(Note: SBOT Link:

[https://www.texasbar.com/AM/Template.cfm?Section=Find\\_A\\_Lawyer&template=/Customsource/MemberDirectory/MemberDirectoryDetail.cfm&ContactID=176205](https://www.texasbar.com/AM/Template.cfm?Section=Find_A_Lawyer&template=/Customsource/MemberDirectory/MemberDirectoryDetail.cfm&ContactID=176205))

**RESPONSE:**

**34.REQUEST FOR ADMISSION:**

Admit you know Bill Leighton’s father, Leonard Leighton, went before the Tax Court in *Leonard L. Leighton and Joyce S. Leighton v Commissioner of Internal Revenue*, Case No. 1995-515 found Leighton had misappropriated \$762,685 and used those funds for personal purposes.

**RESPONSE:**

**35.REQUEST FOR ADMISSION:**

Admit you know Bill Leighton’s father, Leonard Leighton was found guilty of improper conduct in the handling of his clients' funds; and the State Bar of Texas, in lieu of outright disbarment, she was placed on probation for a period of 10 years.

**RESPONSE:**

**36.REQUEST FOR ADMISSION:**

Admit David Brantley 'Brantley' Boyett is registered as a State Bar of Texas attorney.

**RESPONSE:**

**37.REQUEST FOR ADMISSION:**

Admit David Brantley 'Brantley' Boyett has worked with you, including *Hopkins & Williams, P.L.L.C.* and other law firms your husband controls or controlled.

**RESPONSE:**

**38.REQUEST FOR ADMISSION:**

Admit David Brantley 'Brantley' Boyett is familiar with the Burkes' case(s).

**RESPONSE:**

**39.REQUEST FOR ADMISSION:**

Admit David Brantley 'Brantley' Boyett assisted you and worked on the Burkes' case(s).

**RESPONSE:**

**40.REQUEST FOR ADMISSION:**

Admit you discussed with David Brantley 'Brantley' Boyett, the Burkes' case(s).

**RESPONSE:**

**41.REQUEST FOR ADMISSION:**

Admit Glenn A. Brown is registered as a State Bar of Texas attorney. Glenn A. Brown is described as a trial lawyer in his LinkedIn bio.

**RESPONSE:**

**42.REQUEST FOR ADMISSION:**

Admit Glenn A. Browns' relationship with you includes working at *Hopkins & Williams, P.L.L.C.* and other law firms your husband controls or controlled

**RESPONSE:**

**43.REQUEST FOR ADMISSION:**

Admit Glenn A. Brown is familiar with the Burkes' case(s).

**RESPONSE:**

**44.REOUEST FOR ADMISSION:**

Admit Glenn A. Brown assisted you and worked on the Burkes' case(s).

**RESPONSE:**

**45.REOUEST FOR ADMISSION:**

Admit you discussed with Glenn A. Brown, the Burkes' case(s).

**RESPONSE:**

**46.REOUEST FOR ADMISSION:**

Admit Emily Yuras is known to you, was or is employed by your husband and/or his firm(s).

**RESPONSE:**

**47.REOUEST FOR ADMISSION:**

Admit Emily Yuras is familiar with the Burkes' case(s).

**RESPONSE:**

**48.REOUEST FOR ADMISSION:**

Admit Emily Yuras assisted you and worked on the Burkes' case(s).

**RESPONSE:**

**49.REOUEST FOR ADMISSION:**

Admit you discussed with Emily Yuras, the Burkes' case(s).

**RESPONSE:**

**50.REOUEST FOR ADMISSION:**

Admit you currently engage with; lawyers and non-lawyers working for you and your [husbands'] firm(s) either as employees, partners, contractors or of-counsel.

**RESPONSE:**

**51.REOUEST FOR ADMISSION:**

Admit your husband and/or his firm(s) had past hires; lawyers and non-lawyers working with you and your [husbands'] firm(s) either as employees, partners, contractors or of-counsel.

**RESPONSE:**



**52.REQUEST FOR ADMISSION:**

Admit you have lawyers who may work for you and your husband and his firm(s) (at times) in a non-legal capacity while performing work tasks and projects.

**RESPONSE:**

**53.REQUEST FOR ADMISSION:**

Admit you know Warren Johnsey is registered as a State Bar of Texas attorney and former attorney of record for BDF.

**RESPONSE:**

**54.REQUEST FOR ADMISSION:**

Admit prior to your departure from BDF, Warren Johnsey was a co-worker at BDF.

**RESPONSE:**

**55.REQUEST FOR ADMISSION:**

Admit you know Jason Andrew Leboeuf is registered as a State Bar of Texas attorney and former attorney of record for BDF.

**RESPONSE:**

**56.REQUEST FOR ADMISSION:**

Admit prior to your departure from BDF, Jason Andrew Leboeuf was a co-worker at BDF.

**RESPONSE:**

**57.REQUEST FOR ADMISSION:**

Admit you know Jennifer P. Sanders is registered as a State Bar of Texas attorney and former attorney of record for BDF. (Deutsche Dkt. 14, 2012)

**RESPONSE:**

**58.REQUEST FOR ADMISSION:**

Admit prior to your departure from BDF, Jennifer P. Sanders was a co-worker at BDF.

**RESPONSE:**

**59.REQUEST FOR ADMISSION:**

Admit you know Damian W. Abreo is registered as a State Bar of Texas attorney and former attorney of record for BDF. (Deutsche Dkt. 23, 2012)

**RESPONSE:**

**60.REQUEST FOR ADMISSION:**

Admit prior to your departure from BDF, Damian W. Abreo was a co-worker at BDF.

**RESPONSE:**

**61.REQUEST FOR ADMISSION:**

Admit you know Damian W. Abreo was removed from the Deutsche case due to discriminatory Facebook posts against homeowners in foreclosure cases, as presented by the Burkes prior to a telephonic conference with former Magistrate Judge Stephen Wm Smith.

**RESPONSE:**

**62.REQUEST FOR ADMISSION:**

Admit you know Coury Matthews Jacocks is registered as a State Bar of Texas attorney and former attorney of record for BDF and replaced Abreo (Deutsche Dkt. 47).

**RESPONSE:**

**63.REQUEST FOR ADMISSION:**

Admit Coury Matthews Jacocks was counsel of record in *Deutsche v Burke*, attended the bench trial and presented Deutsche Banks' arguments and you were hired immediately after she lost the trial to appeal the decision.

**RESPONSE:**

**64.REQUEST FOR ADMISSION:**

Admit prior to your departure from BDF, Coury Matthews Jacocks was a co-worker at BDF.

**RESPONSE:**

**65.REQUEST FOR ADMISSION:**

Admit Michael Blair 'Mike' Hopkins is your brother-in-law and registered as a State Bar of Texas attorney.

**RESPONSE:**

**66.REQUEST FOR ADMISSION:**

Admit Michael Blair 'Mike' Hopkins State Bar of Texas profile links to Hopkins Law, PLLC and the website at hopkinslawtexas.com, your [husbands'] firm and website controlled and owned by Hopkins Law, PLLC and/or Mark Daniel Hopkins.

**RESPONSE:**

**67.REQUEST FOR ADMISSION:**

Admit Mike Hopkins is familiar with the Burkes' case(s).

**RESPONSE:**

**68.REQUEST FOR ADMISSION:**

Admit you discussed with Mike Hopkins, the Burkes' case(s).

**RESPONSE:**

**69.REQUEST FOR ADMISSION:**

Admit Mike Hopkins did have a profile page on your past website(s) but that it was removed or hidden from visibility to the public and visitors to the website.

**RESPONSE:**

**70.REQUEST FOR ADMISSION:**

Admit Mike Hopkins works out of an office in the Richardson area of Texas, namely 595 N Central Expy, Richardson, TX 75080-3502 and as per his SBOT profile.

**RESPONSE:**

**71.REQUEST FOR ADMISSION:**

Admit Mike Hopkins office in the Richardson area of Texas, is not owned or leased by Hopkins Law, PLLC or related corporate entity you or your husband own.

**RESPONSE:**

**72.REQUEST FOR ADMISSION:**

Admit Mike Hopkins has not attended any court appearances nor worked directly on foreclosure cases as attorney of record for your [husbands'] firm[s] in Texas

court(s) in the last 5 years.

**RESPONSE:**

**73.REOUEST FOR ADMISSION:**

Admit Mike Hopkins sued his mortgage lender in civil action *Michael B. Hopkins and Robin H. Hopkins, v Metlife Home Loans, a division of Metlife Bank, N.A., et al*, U.S. District Court, E.D. Texas, Case No. 4:11-cv-00540-RAS (2012) related to homestead at 8604 Amen Corner, Flower Mound, 75002, Denton County, Texas.

**RESPONSE:**

**74.REOUEST FOR ADMISSION:**

Admit Mike Hopkins divorced Robin H. Hopkins, attorney, and remarried Sarah Seay after she was divorced from George Seay.

**RESPONSE:**

**75.REOUEST FOR ADMISSION:**

Admit you know George Seay as a Chairman of his own Financial Brokerage and as an active Republican and political aide to high ranking Texas politicians as listed on his Wikipedia Profile; [https://en.wikipedia.org/wiki/George\\_Seay](https://en.wikipedia.org/wiki/George_Seay)

**RESPONSE:**

**76.REOUEST FOR ADMISSION:**

Admit you know George Seay remarried Gretchen Seay, nee Guandolo.

**RESPONSE:**

**77.REOUEST FOR ADMISSION:**

Admit you know Gretchen Seay, nee Guandolo holds an executive role at Clear Sign Advisors <https://clearsightadvisors.com/Gretchenfraryseay> and you are familiar with her career history, which states in part;  
“During the financial crisis, Gretchen worked with PricewaterhouseCoopers (PwC) in assisting the federal government with divestitures of assets acquired through bank failures across the US. Gretchen led the Federal Transaction team at PwC and created the process through which billions of dollars of assets were sold back into the private sector.”

**RESPONSE:**

**78.REQUEST FOR ADMISSION:**

Admit Hopkins Law, PLLC, was formed June 6, 2015 and Mark Daniel Hopkins is the sole partner per Secretary of State filings.

**RESPONSE:**

**79.REQUEST FOR ADMISSION:**

Admit you and/or your husband did not formally and timely notice the court in Deutsche of this change of company from Hopkins & Williams P.L.L.C., to Hopkins Law, PLLC.

**RESPONSE:**

**80.REQUEST FOR ADMISSION:**

Admit at the commencement of the State civil action by the Burkes; Hopkins Law, PLLC is a Texas professional limited liability company having its principal place of business in Austin, Texas and may be served with process by serving its registered agent, Mark D Hopkins, Registered Agent Address is; 12117 BEE CAVES RD, STE. 260, AUSTIN, TX 78738. (Mark D Hopkins is a member and director and has his domicile in Austin, Texas. The company's tax filing status is listed as In Existence and its File Number is 32057539499.

**RESPONSE:**

**81.REQUEST FOR ADMISSION:**

Admit you are *not* recorded as a Partner at Hopkins Law, PLLC, per Secretary of State filings.

**RESPONSE:**

**82.REQUEST FOR ADMISSION:**

Admit you list yourself as a Partner at Hopkins Law, PLLC, per your LinkedIn profile.

**RESPONSE:**

**83.REQUEST FOR ADMISSION:**

Admit you list yourself as a Partner at Hopkins Law, PLLC, per your profile on website; hopkinslawtexas.com.

**RESPONSE:**

**84.REQUEST FOR ADMISSION:**

Admit at the commencement of the State civil action by the Burkes; Defendant Mark Daniel Hopkins is an individual having his domicile in Austin, Texas and may be served at his business address, 3809 JUNIPER TRCE, STE 101, AUSTIN, TX 78738-5534, or his place of residence, 3 THE HILLS DR, THE HILLS, TX 78738-153754 or wherever he may be found.

**RESPONSE:**

**85.REQUEST FOR ADMISSION:**

Admit at the commencement of the State civil action by the Burkes; Defendant Shelley Luan Hopkins is an individual having her domicile in Austin, Texas and may be served at her business address, 3809 JUNIPER TRCE, STE 101, AUSTIN, TX 78738-5534, or her place of residence, 3 THE HILLS DR, THE HILLS, TX 78738-153765 or wherever she may be found.

**RESPONSE:**

**86.REQUEST FOR ADMISSION:**

Admit your father is Osly “Frank” Deramus, an administrative law judge in the Social Security offices in Dallas.

**RESPONSE:**

**87.REQUEST FOR ADMISSION:**

Admit your father Osly “Frank” Deramus, has previously been employed as a lawyer for the FDIC.

**RESPONSE:**

**88.REQUEST FOR ADMISSION:**

Admit you and/or your husband were assigned the Burkes’ case by BDF Law Group for the purposes of appealing the adverse ruling (for Deutsche Bank) after the trial and order of the Court.

**RESPONSE:**

**89.REQUEST FOR ADMISSION:**

Admit your husband failed to obtain a surety bond for his firm(s) with the State of Texas. See Burkes’ first amended complaint; EXHIBIT # 2018-SOS-SURETYBOND– Proof Hopkins Law, PLLC does not hold a surety bond.

**RESPONSE:**

**90.REQUEST FOR ADMISSION:**

Admit Hopkins Law, PLLC, fails to maintain the proper surety bond insurance required to legally perform debt collection and related services within the State of Texas and in contravention of the law.

**RESPONSE:**

**91.REOUEST FOR ADMISSION:**

Admit BDF does hold and maintain a surety bond with the State of Texas;

**RESPONSE:**

**92.REQUEST FOR ADMISSION:**

Admit by the time you were assigned and appointed to the Burkes' case, you had married Mark Daniel Hopkins, (in May 2013; EXHIBIT # 2018-MDH-MARR-2013. Screenshot of Marriages and Marriage Certificate) and he was working with you as a lawyer and Partner of Hopkins & Williams, P.L.L.C on this case when you submitted your notice of appearance.

**RESPONSE:**

**93.REQUEST FOR ADMISSION:**

Admit that you were previously an attorney at BDF.

**RESPONSE:**

**94.REQUEST FOR ADMISSION:**

Admit your husband was the trial counsel in the *Givens v Midland* case (Givens v. Midland Mortg. Co., 393 S.W.3d 876 (Tex. Civ. App. – Dallas 2012)) in late 2012 and you an attorney at BDF who provided an affidavit in that civil action.

**RESPONSE:**

**95.REQUEST FOR ADMISSION:**

Admit you never advised the court in *Givens* that you were in a relationship at the time and soon to be married to Mark Daniel Hopkins.

**RESPONSE:**

**96.REQUEST FOR ADMISSION:**

Admit you are aware Mark Daniel Hopkins never advised the court in *Givens* that you were in a relationship at the time and he was soon to be married to you.

**RESPONSE:**

**97. REQUEST FOR ADMISSION:**

Admit you never advised *Givens* that you were in a relationship at the time and soon to be married to Mark Daniel Hopkins.

**RESPONSE:**

**98. REQUEST FOR ADMISSION:**

Admit you are aware Mark Daniel Hopkins never advised *Givens* that you were in a relationship at the time and he was soon to be married to you.

**RESPONSE:**

**99. REQUEST FOR ADMISSION:**

Admit you married Mark Daniel Hopkins in May 2013.

**RESPONSE:**

**100. REQUEST FOR ADMISSION:**

Admit when you married Mark Daniel Hopkins in May 2013, you were still employed by BDF.

**RESPONSE:**

**101. REQUEST FOR ADMISSION:**

Admit that you resigned from BDF around November 2013 and commenced working for/with your law [husbands'] firm(s) shortly thereafter.

**RESPONSE:**

**102. REQUEST FOR ADMISSION:**

Admit that your husbands' appointment in this case was after the bench trial and evidence was closed and judgment in favor of the Burkes (Deutsche Dkt.77).

**RESPONSE:**

**103. REQUEST FOR ADMISSION:**

Admit that your husbands' first action in Deutsche I was to request a reversal of the decision and a ruling in favor of Deutsche via a Motion to Alter/Amend the judgment (Deutsche Dkt.84).

**RESPONSE:**

**104. REQUEST FOR ADMISSION:**



Admit that you were aware from the record and documents you would review for the purposes of an appeal, no witnesses or affidavits were presented at the bench trial by Deutsche Bank, some 4 years after the civil action commenced.

**RESPONSE:**

**105. REQUEST FOR ADMISSION:**

Admit that your husband made the following [Supplemental] statement per Deutsche Dkt. 90, dated 13<sup>th</sup> July, 2015:-

“Further, and out of an abundance of caution, Deutsche Bank respectfully requests that the court permit that the evidence be reopened in the trial of this cause so that such direct testimony or introduction of the wet ink original note can be provided to the court.”

**RESPONSE:**

**106. REQUEST FOR ADMISSION:**

Admit that your husband asked the Court in PNC MORTGAGE, A DIVISION OF PNC BANK, N.A. SUCCESSOR TO NATIONAL CITY BANK, AND NATIONAL CITY MORTGAGE, A DIVISION OF NATIONAL CITY BANK OF INDIANA V. JOHN HOWARD AND AMY HOWARD, 05-17-01484-CV, Court of Appeals, Fifth District of Dallas, Texas, Opinion and Judgment entered on June 24, 2019, to open up the record; “After trial, PNC discovered a piece of evidence (a proof of mailing of the Notice of Acceleration to Mr. Howard) that had previously been unable to be located. PNC therefore moved for the admission of the additional evidence (CR 818 – 894).”

**RESPONSE:**

**107. REQUEST FOR ADMISSION:**

Admit that your husband said in PNC MORTGAGE, A DIVISION OF PNC BANK, N.A. SUCCESSOR TO NATIONAL CITY BANK, AND NATIONAL CITY MORTGAGE, A DIVISION OF NATIONAL CITY BANK OF INDIANA V. JOHN HOWARD AND AMY HOWARD, 05-17-01484-CV, Court of Appeals, Fifth District of Dallas, Texas, Opinion and Judgment entered on June 24, 2019; “The basis of the Howards' claim for wrongful foreclosure stems from PNC’s accidental use of its pre-merger name within its Notice of Acceleration and the resulting Substitute Trustee’s Deed.”

**RESPONSE:**

**108. REQUEST FOR ADMISSION:**

Admit your husband withheld evidence from the Burkes and the court in the form of the 'closing file' or 'mortgage file' in the Deutsche lawsuit.

**RESPONSE:**

**109. REQUEST FOR ADMISSION:**

Admit your husband confessed to withholding evidence as disclosed by you in the Transcript Report, Dkt. 126, p.13/14, Jan 2017, Deutsche II.

**RESPONSE:**

**110. REQUEST FOR ADMISSION:**

Admit you have had access to this Indymac mortgage file since your husbands' assignment to the case in 2015.

**RESPONSE:**

**111. REQUEST FOR ADMISSION:**

Admit you had access to this Indymac mortgage file while at BDF.

**RESPONSE:**

**112. REQUEST FOR ADMISSION:**

Admit you had or has access to this mortgage file while at Hopkins & Williams, PLLC / Hopkins Law, PLLC.

**RESPONSE:**

**113. REQUEST FOR ADMISSION:**

Admit you were aware of the Burkes case prior to your notice of appearance in 2015.

**RESPONSE:**

**114. REQUEST FOR ADMISSION:**

Admit you discussed the Burkes case prior to your notice of appearance in 2015 with BDF Partners.

**RESPONSE:**

**115. REQUEST FOR ADMISSION:**

Admit you discussed the Burkes case prior to your notice of appearance in 2015 with BDF staff and attorneys that worked with BDF.

**RESPONSE:**

**116. REQUEST FOR ADMISSION:**

Admit you discussed the Burkes case with Mark Hopkins while you were at BDF.

**RESPONSE:**

**117. REQUEST FOR ADMISSION:**

Admit you discussed the Burkes case with Mark Hopkins after you left BDF in 2013 but before Mark Hopkins was assigned the case in 2015 for the purposes of appeal.

**RESPONSE:**

**118. REQUEST FOR ADMISSION:**

Admit you submitted forms, motions and documents by signing “s/” on ECF/PACER filings in the Deutsche case prior to you formally noticing the court and adding yourself as an attorney of record on June 21, 2016 (Deutsche Dkt. 108). For example, the “notice of appearance” on March 21, 2015 (Deutsche Dkt. 79) in the underlying case was s/ Shelley Hopkins.

**RESPONSE:**

**119. REQUEST FOR ADMISSION:**

Admit you were actively involved in the Burkes Deutsche case during the entire civil action from 2011-2018, in some capacity, either while at BDF, or while married to Mark Hopkins and until final judgment was entered in the case in late 2018.

**RESPONSE:**

**120. REQUEST FOR ADMISSION:**

Admit the sum sued for in Deutsche was for \$615,000.00.

**RESPONSE:**

**121. REQUEST FOR ADMISSION:**

Admit the final judgment entered in Deutsche was for \$615,000.00.

**RESPONSE:**

**122. REQUEST FOR ADMISSION:**

Admit you wrote in response to the Burkes’ QWR the following, using a non-

compliant letterhead from your [husbands'] firm; "As of November 9, 2018, the amount required to pay off your loan in full is \$1,136,557.32."

**RESPONSE:**

**123. REQUEST FOR ADMISSION:**

Admit the Burkes original mortgage application was with Indymac Bank, FSB, based in Irvine, California.

**RESPONSE:**

**124. REQUEST FOR ADMISSION:**

Admit IndyMac Bank, FSB relies on a "owner holder" status as a servicer.

**RESPONSE:**

**125. REQUEST FOR ADMISSION:**

Admit the Burkes loan with Indymac was a securitized loan.

**RESPONSE:**

**126. REQUEST FOR ADMISSION:**

Admit the Assignment of Deed of Trust which was executed by Mortgage Electronic Registration Systems, Inc. on January 20, 2011 was signed by Brian Burnett, Assistant Secretary.

**RESPONSE:**

**127. REQUEST FOR ADMISSION:**

Admit Brian Burnett was a known serial Robo-signer.

**RESPONSE:**

**128. REQUEST FOR ADMISSION:**

Admit the Assignment of Deed of Trust which was executed by Mortgage Electronic Registration Systems, Inc. on January 20, 2011 was signed by Brian Burnett, Assistant Secretary **and was notarized by Sharon Renee McClendon, a notary public of the state of Texas.**

**RESPONSE:**

**129. REQUEST FOR ADMISSION:**

Admit Sharon Renee McClendon was a serial notary public signatory for these Robo-signers.

**RESPONSE:**

**130. REQUEST FOR ADMISSION:**

Admit you know the original loan application and preliminary mortgage offer was for the sum of \$539,000 based on court documents and testimony provided in Deutsche.

**RESPONSE:**

**131. REQUEST FOR ADMISSION:**

Admit you reviewed the “mortgage file” and could see Indymac Bank, FSB, later presented the Burkes with a new loan offer of \$615,000.

**RESPONSE:**

**132. REQUEST FOR ADMISSION:**

Admit you could clearly see Indymac Bank, FSB, an employee or agent responsible for processing the Burkes application, fraudulently forged income onto the mortgage loan application by entering an annual income of \$125,000 on the application.

**RESPONSE:**

**133. REQUEST FOR ADMISSION:**

Admit you could clearly see the income on the loan application was fraudulent, as you had personally reviewed the mortgage file and confirmed there was insufficient employment income.

**RESPONSE:**

**134. REQUEST FOR ADMISSION:**

Admit the only logical reason for adding this imaginary income to the loan application would be to qualify the loan for underwriting approval.

**RESPONSE:**

**135. REQUEST FOR ADMISSION:**

Admit one of the benefits received by Indymac fraudulently approving the loan would include being able to package and sell the loan (securitization) to unwitting investors.

**RESPONSE:**

**136. REQUEST FOR ADMISSION:**

Admit at the time of the Burkes' loan, it was known Indymac frequently issued poorly underwritten and fraudulent loans for financial greed and with the intent of reselling and flipping the loans quickly to investors (securitization).

**RESPONSE:**

**137. REQUEST FOR ADMISSION:**

Admit if Indymac or its staff or agents added this imaginary income to the Burkes loan application and without the Burkes knowledge or consent, it is deemed as mortgage loan application fraud in law. See *United States of America v. Robert Lueben*, 838 F.2d 751 (5th Cir. 1988) "As we agree with the district court that the false statements "had the capacity to influence a savings and loan institution's decision to make a loan and the capacity to influence the exercise of a government function," we conclude that the false statements were material."

**RESPONSE:**

**138. REQUEST FOR ADMISSION:**

Admit you have reviewed a file called a "mortgage file" or "closing file" (hereinafter called the "mortgage file" or "file") and that file contains Indymac's complete mortgage and underwriting file for the Burkes' loan application(s).

**RESPONSE:**

**139. REQUEST FOR ADMISSION:**

Admit this mortgage file was the file you referred to in court filings and transcripts as the file which you withheld from the Burkes and the court.

**RESPONSE:**

**140. REQUEST FOR ADMISSION:**

Admit that the notes and documents in this mortgage file show the Burkes only completed and posted by mail to Indymac, one signed mortgage application, the preliminary \$539,000 loan application

**RESPONSE:**

**141. REQUEST FOR ADMISSION:**

Admit that there is no signed second application by the Burkes for the \$615,000 where an income of \$125,000 is present in the mortgage file.

**RESPONSE:**

**142. REQUEST FOR ADMISSION:**

Admit that there is no postal proof of a signed second application by the Burkes for the \$615,000 where an annual income of \$125,000 is present in the mortgage file.

**RESPONSE:**

**143. REQUEST FOR ADMISSION:**

Admit Indymac committed “predatory lending” against the Burkes, as defined by the DOJ website; <https://www.justice.gov/usao-edpa/divisions/civil-division/predatory-lending>.

**RESPONSE:**

**144. REQUEST FOR ADMISSION:**

Admit you knew, based on this mortgage file, that the Burkes’ employment and/or retirement income in the mortgage file as declared by the Burkes’ was insufficient and did not amount to \$125,000 p.a., as you had seen and reviewed the file **before filing the appeal.**

**RESPONSE:**

**145. REQUEST FOR ADMISSION:**

Admit you knew, an investigation by the Center for Responsible Lending (“CRL”) had uncovered substantial evidence Indymac Bank engaged in abusive lending during the mortgage boom, routinely making loans without regard to borrowers’ ability to repay; Center for Responsible Lending (“CRL”) Report; [https://www.responsiblelending.org/mortgage-lending/researchanalysis/indymac\\_what\\_went\\_wrong.pdf](https://www.responsiblelending.org/mortgage-lending/researchanalysis/indymac_what_went_wrong.pdf)

**RESPONSE:**

**146. REQUEST FOR ADMISSION:**

Admit you knew, and also read; “Lenders made loans that they knew borrowers could not afford and that could cause massive losses to investors in mortgage securities.” – See FCIC Report, page xxii

**RESPONSE:**

**147. REQUEST FOR ADMISSION:**

Admit you knew, and also read the CRL Report (Center for Responsible Lending); –The CRL interviewed an IndyMac underwriter who admitted to this type of fraud; “. . . I would reject a loan and the insanity would begin. It would

go to upper management and the next thing you know it's going to closing.” – Audrey Streater, former Indymac underwriting team leader.”

**RESPONSE:**

**148. REQUEST FOR ADMISSION:**

Admit you have consistently claimed in this civil action that you represent Deutsche and Ocwen Loan Servicing, LLC.

**RESPONSE:**

**149. REQUEST FOR ADMISSION:**

Admit Hopkins Law, PLLC, is required to maintain professional malpractice insurance.

**RESPONSE:**

**150. REQUEST FOR ADMISSION:**

Admit Hopkins Law, PLLC, maintains professional malpractice insurance for the benefit of the “mortgage servicer”.

**RESPONSE:**

**151. REQUEST FOR ADMISSION:**

Admit Hopkins Law, PLLC, does *not* maintain professional malpractice insurance for the benefit of the “trustee”.

**RESPONSE:**

**152. REQUEST FOR ADMISSION:**

Admit you cannot represent the trustee/bank/investors [Deutsche] and the mortgage servicer [Ocwen] without there being a conflict of interest per the Pooling and Servicing Agreement (“PSA”) you refer to in court filings.

**RESPONSE:**

**153. REQUEST FOR ADMISSION:**

Admit your contracts you [per definitions] with clients specify “Conflicts of Interest” in the agreement, stating in general that you have a responsibility to ensure there is no conflict of interest or the appearance of a conflict of interest in your representation.

**RESPONSE:**

**154. REQUEST FOR ADMISSION:**

Admit BDF filed the Deutsche civil action in 2011 and stated they were filing as



counsel for the “mortgage servicers”.

**RESPONSE:**

**155. REQUEST FOR ADMISSION:**

Admit you [per definitions] were hired as counsel to represent the current “mortgage servicers”.

**RESPONSE:**

**156. REQUEST FOR ADMISSION:**

Admit you [per definitions] entered into a “contract for services” and/or “letter of engagement” and/or “retention agreement” and/or “fee agreement” and/or other contractual agreement with Ocwen Loan Servicing, LLC or related servicer or corporate entity for the appeal.

**RESPONSE:**

**157. REQUEST FOR ADMISSION:**

Admit you you [per definitions] do *not* have a “contract for services” and/or “letter of engagement” and/or “retention agreement” and/or other contractual agreement with Deutsche Bank National Trust Company or related trustee or corporate entity for the appeal. **RESPONSE:**

**158. REQUEST FOR ADMISSION:**

Admit you you [per definitions] do *not* have a “contract for services” and/or “letter of engagement” and/or “retention agreement” and/or other contractual agreement with MERS, MERSCORP or related corporate entity for the appeal.

**RESPONSE:**

**159. REQUEST FOR ADMISSION:**

Admit you [per definitions] do have a “fee agreement” and/or other contractual agreement with BDF or related corporate entity for the Burkes civil action(s) where BDF is involved.

**RESPONSE:**

**160. REQUEST FOR ADMISSION:**

Admit you [per definitions] provided Connie Pfeiffer of Beck Redden, counsel for the Burkes in Deutsche II, a copy of parts of the mortgage file and not the complete file.

**RESPONSE:**

**161. REQUEST FOR ADMISSION:**

Admit you had access to this mortgage file at BDF while employed there.

**RESPONSE:**

**162. REQUEST FOR ADMISSION:**

Admit you [per definitions] provided a copy of these part mortgage file documents to the Burkes' counsel - who subsequently, via email by Beck Redden on Friday, January 27, 2017, sent them to the Burkes' who referenced the same in court filings.

**RESPONSE:**

**163. REQUEST FOR ADMISSION:**

Admit the Burkes response to Connie Pfeiffers' office email with the said parts of the mortgage file was as follows; "NO TAB - The \$615k Missing Mortgage Application. The loan papers for the \$615k that they argue we signed are still invisible and not been presented here or in Court."

**RESPONSE:**

**164. REQUEST FOR ADMISSION:**

Admit the Burkes response to Connie Pfeiffers' office email with the said parts of the mortgage file was as follows; "Tab 1 Borrowers Financial Worksheet. The income verification date of contact by the lender to the Woolwich is 5/17/2007, 3 days before the closing date of 21 May, 2007. The fax I sent from Woolwich showing pension details is dated May 10th, 2007."

**RESPONSE:**

**165. REQUEST FOR ADMISSION:**

Admit the Burkes response to Connie Pfeiffers' office email with the said parts of the mortgage file was as follows; Tab 2 - The Universal Loan Application Form. The loan papers signed on 4/12/2007 are for the rejected loan of \$539k.

**RESPONSE:**

**166. REQUEST FOR ADMISSION:**

Admit the Burkes response to Connie Pfeiffers' office email with the said parts of the mortgage file was as follows; "Tab 4- Fair Market Value Acknowledgment The paper is signed on 5/21/2007, at closing."

**RESPONSE:**

**167. REQUEST FOR ADMISSION:**

Admit the Burkes response to Connie Pfeiffers' office email with the said parts of the mortgage file was as follows; "Tab 5- Disclosure Page. Signatures 4/12/2007 - for the rejected loan of \$539k."

**RESPONSE:**

**168. REQUEST FOR ADMISSION:**

Admit there is no \$615,000 mortgage application on file, just a 'doctored', fraudulent and forged loan application which is clearly altered as it relies upon the signatures of the Burkes' original loan application for \$539,000 (Tab 5).

**RESPONSE:**

**169. REQUEST FOR ADMISSION:**

Admit you [per disclosures] knowingly withheld the complete mortgage file and evidence in order that you could proceed with an appeal.

**RESPONSE:**

**170. REQUEST FOR ADMISSION:**

Admit you knew it was a doctored mortgage loan application.

**RESPONSE:**

**171. REQUEST FOR ADMISSION:**

Admit you knew the income the Burkes provided did not equal \$125,000 p.a. as claimed on the loan application.

**RESPONSE:**

**172. REQUEST FOR ADMISSION:**

Admit you knew Indymac had committed mortgage loan application fraud.

**RESPONSE:**

**173. REQUEST FOR ADMISSION:**

Admit you elected to appeal the Deutsche case anyway.

**RESPONSE:**

**174. REQUEST FOR ADMISSION:**

Admit you knew that withholding the file was a breach of your ethical responsibilities and attorney creed.

**RESPONSE:**

**175. REQUEST FOR ADMISSION:**

Admit you knew that withholding the file was a fraudulent act; “Where a lawyer acting for his client participates in fraudulent activities, his action is “foreign to the duties of an attorney.” *Poole v. Hous. & T.C. Ry.*, 58 Tex. 134, 137 (1882).”

**RESPONSE:**

**176. REQUEST FOR ADMISSION:**

Admit that you as an attorney cannot avoid liability on the ground that you were acting as an agent for your client if you knowingly commit a fraudulent act that injures a third person. *Toles v. Toles*, 113 S.W.3d 899, 911 (Tex. App. 2003); *Likover v. Sunflower Terrace II, Ltd.*, 696 S.W.2d 468, 472 (Tex. App. 1985).

**RESPONSE:**

**177. REQUEST FOR ADMISSION:**

Admit you conspired with your husband to appeal the case.

**RESPONSE:**

**178. REQUEST FOR ADMISSION:**

Admit you conspired with BDF to appeal the case.

**RESPONSE:**

**179. REQUEST FOR ADMISSION:**

Admit Indymac Bank, FSB ceased to exist on or around July 11th, 2008.

**RESPONSE:**

**180. REQUEST FOR ADMISSION:**

Admit Indymac Bank, FSB was taken over by FDIC as receiver and a new entity created, called Indymac Federal Bank.

**RESPONSE:**

**181. REQUEST FOR ADMISSION:**

Admit Deutsche never showed or proved the Burkes loan being transferred to this new Indymac entity in the Deutsche case before, during or after the 2015 bench trial.

**RESPONSE:**

**182. REQUEST FOR ADMISSION:**

Admit Indymac Federal Bank became One West Bank.

**RESPONSE:**

**183. REQUEST FOR ADMISSION:**

Admit One West Bank claimed it assumed the mortgage servicing for the Burkes' loan.

**RESPONSE:**

**184. REQUEST FOR ADMISSION:**

Admit Deutsche never showed or proved the Burkes loan being transferred to this One West Bank in the Deutsche case before, during or after the 2015 bench trial.

**RESPONSE:**

**185. REQUEST FOR ADMISSION:**

Admit you argued in court filings that after One West Bank, Ocwen Loan Servicing, LLC assumed the mortgage servicing for the Burkes' loan.

**RESPONSE:**

**186. REQUEST FOR ADMISSION:**

Admit *Deutsche* never showed or proved the Burkes loan being transferred to this Ocwen Loan Servicing, LLC, in the Deutsche case before, during or after the 2015 bench trial.

**RESPONSE:**

**187. REQUEST FOR ADMISSION:**

Admit you nor Deutsche nor Ocwen Loan Servicing, LLC showed or proved who owned the mortgage servicing rights for the Burkes' loan, in the *Deutsche* case before, during or after the 2015 bench trial.

**RESPONSE:**

**188. REQUEST FOR ADMISSION:**

Admit you nor Deutsche nor Ocwen Loan Servicing, LLC showed or proved who owned the mortgage servicing rights for the Burkes' loan, in the *Burke v Hopkins* case.

**RESPONSE:**

**189. REQUEST FOR ADMISSION:**

Admit Ocwen Loan Servicing, LLC, is a non-bank mortgage servicer.

**RESPONSE:**

**190. REQUEST FOR ADMISSION:**

Admit Ocwen Loan Servicing, LLC, is not a registered member of MERS.

**RESPONSE:**

**191. REQUEST FOR ADMISSION**

Admit Ocwen Loan Servicing, LLC has paid hundreds of millions of dollars in fines as outlined in civil actions listed in the Burkes original and amended complaint in *Burke v Hopkins*.

**RESPONSE:**

**192. REQUEST FOR ADMISSION:**

Admit Ocwen Loan Servicing, LLC is still involved in civil actions with the Consumer Financial Protection Bureau (“CFPB”) and where the Burkes submitted an application to intervene (app. den.). See *Consumer Financial Protection Bureau v. OCWEN Financial Corporation, Inc. et al* (9:17-cv-80495-KAM).

**RESPONSE:**

**193. REQUEST FOR ADMISSION:**

Admit you asked the court to take judicial notice of the Burkes intervention application in *Consumer Financial Protection Bureau v. OCWEN Financial Corporation, Inc. et al* (9:17-cv-80495-KAM).

**RESPONSE:**

**194. REQUEST FOR ADMISSION:**

Admit, in order to ask the court to take judicial notice, you fully read the Burkes CFPB intervention application in the Florida civil action.

**RESPONSE:**

**195. REQUEST FOR ADMISSION:**

Admit you actively follow[ed] and read the Burkes CFPB intervention application and motions in the Florida civil action.

**RESPONSE:**

**196. REQUEST FOR ADMISSION:**

Admit the CFPB stated in its original complaint; “Ocwen has failed borrowers. Since April 2015, Ocwen has received more than **580,000 complaints** and written notices of error from more than 300,000 different borrowers.”

**RESPONSE:**

**197. REQUEST FOR ADMISSION:**

Admit you *are familiar* with the Johnson-Seck deposition, who was an Indymac employee at the time of the mortgage crisis and who was deposed in Florida in 2009 and which the Burkes referred to in court documents.

**RESPONSE:**

**198. REQUEST FOR ADMISSION:**

Admit you *have read fully* the Johnson-Seck deposition, who was an Indymac employee at the time of the mortgage crisis and who was deposed in Florida in 2009 and which the Burkes referred to in court documents.

**RESPONSE:**

**199. REQUEST FOR ADMISSION:**

Admit Barrett, Daffin, Frappin, Turner & Engel (“BDF”) commenced foreclosure proceedings on 24 April 29, 2011, in S.D. Houston District Court, Case 4:11-cv-01658; styled plaintiff “Deutsche Bank National Trust Company”.

**RESPONSE:**

**200. REQUEST FOR ADMISSION:**

Admit “Deutsche Bank National Trust Company” is a corporation with its principal place of business in Santa Ana, California, claimed suit in its capacity 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 (“Deutsche Bank”).

**RESPONSE:**

**201. REQUEST FOR ADMISSION:**

Admit Deutsche never provided testimony or evidence at the bench trial in 2015.

**RESPONSE:**

**202. REQUEST FOR ADMISSION:**

Admit Deutsche never provided or presented a copy of the 2007 Pooling and Servicing Agreement (“PSA”) of 2007. Citing; 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.

**RESPONSE:**

**203. REQUEST FOR ADMISSION:**

Admit you have relied upon the 2007 Pooling and Servicing Agreement (“PSA”) in motions and submissions in Deutsche, Ocwen and Hopkins cases. Citing; 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.**

**RESPONSE:**

**204. REQUEST FOR ADMISSION:**

Admit you have not provided nor presented a copy of the SERVICING AGREEMENT BY AND BETWEEN INDYMAC VENTURE, LLC AND ONEWEST BANK, FSB, DATED AS OF MARCH 19, 2009, in any court filings.

**RESPONSE:**

**205. REQUEST FOR ADMISSION:**

Admit you have not referenced nor relied upon the LOAN SALE AGREEMENT BY AND BETWEEN THE FEDERAL DEPOSIT INSURANCE CORPORATION AS RECEIVER FOR INDYMAC FEDERAL BANK, FSB AND ONEWEST BANK, FSB DATED AS OF MARCH 19, 2009, in any court filings.

**RESPONSE:**

**206. REQUEST FOR ADMISSION:**

Admit you have never relied upon nor mentioned either of these 2 documents regarding the FDIC sale of Indymac, which supersedes the 2007 PSA, in any filings in any of the Burkes’ cases nor the Deutsche case.

**RESPONSE:**

**207. REQUEST FOR ADMISSION:**

Admit you stated the Burkes claims are “**all baseless**” in *Burke v Hopkins*, 4:18-cv-04543, Dkt. 14, p.2, January 25, 2019; “In this case, Plaintiffs claims, brought against their adversary's counsel, are **all baseless**.”

**RESPONSE:**

**208. REQUEST FOR ADMISSION:**

Admit you stated the Burkes have acted in “**bad faith**” in *Burke v Hopkins*, 4:18-cv-04543, Dkt. 14, p.2, January 25, 2019; “...Plaintiffs...have apparently requested stay of this case in **bad faith**.”



**RESPONSE:**

**209. REQUEST FOR ADMISSION:**

Admit you stated the Burkes proceeded in “**Bad faith**” in *Burke v Hopkins*, 4:18-cv-04543, April 18, 2019, Dkt. 35 (Hopkins Motion Extract);

“**Bad faith** or dilatory motive. (emphasis added) One factor a court should examine in evaluating whether to grant a motion for leave to amend is whether the request is brought in **bad faith** or as a dilatory motive on the part of the movant.

**RESPONSE:**

**210. REQUEST FOR ADMISSION:**

Admit you stated the Burkes have acted in “**bad faith**” in *Burke v Hopkins*, 4:18-cv-04543, Dkt. 14, p.2, January 25, 2019; “...Plaintiffs...have apparently requested stay of this case in **bad faith**.”

**RESPONSE:**

**211. REQUEST FOR ADMISSION:**

Admit you read the Burkes' responses and citations to your premature Motion to Dismiss, which was filed 6 days after removal from State to Federal Court; See *Gray v. 1 Texas Adjusters, LLC* (4:17-cv-02353), Doc. 44 - District Court, S.D. Texas - “In view of the substantial waste of resources, public and private, that results from plainly improper motions of these types, the Court asks your cooperation as follows:(a) adhere to this Court's Rule 4C relating to discovery disputes; (b) do not designate a motion as one to dismiss an action under Rule 12(b)(6) that is in essence a motion for summary judgment; and (c) do not file a summary judgment motion which must be denied after consideration because some essential factual assertion is in dispute.” – Vanessa D. Gilmore, US District Judge.

**RESPONSE:**

**212. REQUEST FOR ADMISSION:**

Admit you stated the Burkes are “**re-litigating**” in *Burke v Hopkins*, 4:18-cv-04543, April 18, 2019, Dkt. 35 (Hopkins Motion Extract);

“...The Burkes’ repeated efforts at “**re-litigating**” their case against their mortgage company (and anyone tangentially connected to the mortgage company) is vexatious...”

**RESPONSE:**

**213. REQUEST FOR ADMISSION:**

Admit Texas legislation define a “vexatious” litigant as; (2) after a litigation has been finally determined against the plaintiff, the plaintiff repeatedly **relitigates** or attempts to **relitigate**, pro se...

<https://statutes.capitol.texas.gov/Docs/CP/htm/CP.11.htm>

**RESPONSE:**

**214. REQUEST FOR ADMISSION:**

Admit you stated the Burkes are “vexatious” litigants in *Burke v Hopkins*, 4:18-cv-04543, April 18, 2019, Dkt. 35 (Hopkins Motion Extract); “...The Burkes’ repeated efforts at “re-litigating” their case against their mortgage company (and anyone tangentially connected to the mortgage company) is **vexatious...**”

**RESPONSE:**

**215. REQUEST FOR ADMISSION:**

Admit Texas legislation define a “vexatious” litigant as; (2) after a litigation has been finally determined against the **plaintiff**, the **plaintiff** repeatedly relitigates or attempts to relitigate, pro se...

<https://statutes.capitol.texas.gov/Docs/CP/htm/CP.11.htm>

**RESPONSE:**

**216. REQUEST FOR ADMISSION:**

Admit the Burkes’ were not **plaintiffs** in Deutsche, they were the **defendants**.

**RESPONSE:**

**217. REQUEST FOR ADMISSION:**

Admit you stated in a motion for extension of time in the *Burke v Ocwen* appeal (19-20267, filed on July 25, 2019) at the Court of Appeals for the Fifth Circuit you needed more time, in part, because “Counsel for Appellee are unable to meet the current deadline of August 13, 2019 **due to the complexity of the issues involved herein**, the length of the procedural case history...”

**RESPONSE:**

**218. REQUEST FOR ADMISSION:**

Admit you are aware your husband met and discussed the Burkes case where Connie Pfeiffer of Beck Redden represented the Burkes at the Conference hearing you also attended before former Magistrate Judge Stephen Wm. Smith.

**RESPONSE:**

**219. REQUEST FOR ADMISSION:**

Admit you already personally knew and had previous communications with

Connie Pfeiffer, attorney and Partner at Beck Redden prior to her contacting you as attorney for the Burkes’.

**RESPONSE:**

**220. REQUEST FOR ADMISSION:**

Admit you had telephone conversation(s) with Connie Pfeiffer about the Burkes case(s).

**RESPONSE:**

**221. REQUEST FOR ADMISSION:**

Admit you are aware your husband told Connie Pfeiffer “*the Burkes were hiding income and assets*” or words to that effect or meaning during these telephone conversation(s).

**RESPONSE:**

**222. REQUEST FOR ADMISSION:**

Admit you are aware your husband repeated this statement at the conference hearing in front of former Magistrate Judge Stephen Wm. Smith, as documented and transcribed in Dkt. 126, Deutsche II.

**RESPONSE:**

**223. REQUEST FOR ADMISSION:**

Admit you have submitted an approved “appellees brief template” at the Court of Appeals for the Fifth Circuit which is available on their website for download.

**RESPONSE:**

**224. REQUEST FOR ADMISSION:**

Admit you announced the following statement along with a picture of you both on what appears to be the steps of the John Wisdom Court Building in Louisiana on your twitter profile (@Shelleyluan) on June 10, 2016.

**RESPONSE:**

**225. REQUEST FOR ADMISSION:**

Admit you announced on your professional LinkedIn profile the following statement; “Literally the shortest opinion we’ve ever received. Love it. – and uploaded the said Opinion by 5<sup>th</sup> Circuit 3-panel comprising of Smith, Wiener and Willett in mortgage foreclosure appeal #18-50738, *Graham v US Bank National Association* (2019).

**RESPONSE:**

**226. REQUEST FOR ADMISSION:**

Admit you are aware your husband acted as “**Substitute Trustee**” as documented in the following civil action; *Trevarthen v New Century Mortgage Corp.*, et al, 03-12-00790-CV, Court of Appeals for the Third District, Austin, Texas opinion.

**RESPONSE:**

**227. REQUEST FOR ADMISSION:**

Admit your current office address Suite 101, 3809 Juniper Place, Austin, Texas.

**RESPONSE:**

**228. REQUEST FOR ADMISSION:**

Admit your husbands’ current office address Suite 101, 3809 Juniper Place, Austin, Texas.

**RESPONSE:**

**229. REQUEST FOR ADMISSION:**

Admit BDF Partner Brian Scott Engels’ current office address Suite 205, 3809 Juniper Place, Austin, Texas.

**RESPONSE:**

**230. REQUEST FOR ADMISSION:**

Admit “your expert”, BDF Partner Brian Scott Engels’ firm failed to provide any evidence or witnesses in the Deutsche case which they pursued in their corporate entity name from 2011-2015 against the Burkes.

**RESPONSE:**

**231. REQUEST FOR ADMISSION:**

Admit BDF Partner Brian Scott Engels’ firm lost at the lower court.

**RESPONSE:**

**232. REQUEST FOR ADMISSION:**

Admit BDF Partner Brian S. Engel and you enjoy a personal friendship outside of work.

**RESPONSE:**

**233. REQUEST FOR ADMISSION:**

Admit BDF Partner Steve P. Turners’ current office address Suite 205, 3809 Juniper Place, Austin, Texas.

**RESPONSE:**

**234. REQUEST FOR ADMISSION:**

Admit BDF Partner Steve P. Turners' current email address is stevet@bdfgroup.com.

**RESPONSE:**

**235. REQUEST FOR ADMISSION:**

Admit BDF Partner Steve P. Turners' firm failed to provide any evidence or witnesses in the Deutsche case which they pursued in their corporate entity name from 2011-2015 against the Burkes.

**RESPONSE:**

**236. REQUEST FOR ADMISSION:**

Admit Partner Steve P. Turners' firm lost at the lower court.

**RESPONSE:**

**237. REQUEST FOR ADMISSION:**

Admit BDF Partner Steve P. Turner and you enjoy a personal friendship outside of work.

**RESPONSE:**

**238. REQUEST FOR ADMISSION:**

Admit BDF's Robert D. Forster II's current office address 4004 Belt Line Rd, Addison, 75001, Texas.

**RESPONSE:**

**239. REQUEST FOR ADMISSION:**

Admit BDF's Robert D. Forster II's current email address is brianen@bdfgroup.com.

**RESPONSE:**

**240. REQUEST FOR ADMISSION:**

Admit "your expert", BDF's Robert D. Forster II's firm failed to provide any evidence or witnesses in the Deutsche case which they pursued in their corporate entity name from 2011-2015 against the Burkes.

**RESPONSE:**

**241. REQUEST FOR ADMISSION:**

Admit BDF's Robert D. Forster II's firm lost at the lower court.

**RESPONSE:**

**242. REQUEST FOR ADMISSION:**

Admit BDF's Robert D. Forster II's and you enjoy a personal friendship outside of work.

**RESPONSE:**

**243. REQUEST FOR ADMISSION:**

Admit BDF's current email address @bdfgroup.com is using a domain name registered by National Default Exchange Holdings, LP, 15000 Surveyor Blvd, Addison, 75001, Texas.

**RESPONSE:**

**244. REQUEST FOR ADMISSION:**

Admit National Default Exchange Holdings, LP, 15000 Surveyor Blvd, Addison, 75001, Texas is also known as "NDEX", or "NDeX" or "NDEX West".

**RESPONSE:**

**245. REQUEST FOR ADMISSION:**

Admit other similar corporate entities exist; NDeX Title" and "NDEX West".

**RESPONSE:**

**246. REQUEST FOR ADMISSION:**

Admit The BDF Law Group created NDeX in September 2008 when the firms split their legal and non-legal operations into separate entities.

**RESPONSE:**

**247. REQUEST FOR ADMISSION:**

Admit The BDF Law Group sold the NDeX assets to the Dolan Company in September 2008.

**RESPONSE:**

**248. REQUEST FOR ADMISSION:**

Admit American Processing Company, LLC, ("APC") signed a definitive agreement to purchase National Default Exchange, otherwise known in the default industry as "NDeX".

**RESPONSE:**

**249. REQUEST FOR ADMISSION:**

Admit David Trott is/was president of APC and managing attorney at the law firm that bears his name, while Michael Barrett (deceased) was president at NDEx and managing partner at the law firm BDF.

**RESPONSE:**

**250. REQUEST FOR ADMISSION:**

Admit Minneapolis, Minn.-based Dolan Media Co. (DM) holds an 88.6 percent stake in APC, while Dallas-based private equity firm Trinity Hunt Partners owns an unknown stake in NDEx.

**RESPONSE:**

**251. REQUEST FOR ADMISSION:**

Admit in 2013 the Barrett Daffin Frappier Turner & Engel family of law firms *reacquired* “National Default Exchange” (NDeX), NDeX Title, and NDeX West from “the Dolan Company”.

**RESPONSE:**

**252. REQUEST FOR ADMISSION:**

Admit the Dolan Company sold the assets of what it called NDeX South to Dallas-based Barrett Daffin Frappier Turner & Engel, LLP; Atlanta-based Barrett Daffin Frappier Levine & Block, LLP; and Barrett Daffin Frappier Treder & Weiss, LLP, in Diamond Bar, California; all corporate entities known as BDF.

**RESPONSE:**

**253. REQUEST FOR ADMISSION:**

Admit as of 2019, The BDF Law Group is comprised of the following firms: Barrett Daffin Frappier Turner & Engel, LLP, (Texas & Georgia) Barrett Daffin Frappier Treder & Weiss, LLP (California, Nevada, & Arizona) and Barrett Frappier & Weisserman, LLP (Colorado). The BDF Law Group provides a full range of legal services to creditors on defaulted commercial and residential mortgage loans.

**RESPONSE:**

**254. REQUEST FOR ADMISSION:**

Admit these NDeX companies have long-term contracts with BDF Law Group to provide non-legal default services to the firms in states including Texas, California, Georgia, and Nevada.

**RESPONSE:**

**255. REQUEST FOR ADMISSION:**

Admit during the Dolan ownership, James “Jay” Frappier and the partners and lawyers at BDF Law Group continued to provide hands-on management of the NDeX companies.

**RESPONSE:**

**256. REQUEST FOR ADMISSION:**

Admit the transaction, which closed in July 2013, puts the law firms back in ownership and control of the back office business processing company that previously provided services to the BDF Law Group (NDeX), as well as the title firm (NDeX Title) and the western states trustee operation (NDeX West).

**RESPONSE:**

**257. REQUEST FOR ADMISSION:**

Admit BDF started out in 1992 as Barrett, Burke, Wilson, Castle & Frappier, L.L.P.

**RESPONSE:**

**258. REQUEST FOR ADMISSION:**

Admit you know, or are aware of, the merger of Dallas Union Services, Ltd (“DUS”) a Texas LP with National Default Exchange Holdings, L.P.(“Holdings”), a Delaware LP in 2006.

**RESPONSE:**

**259. REQUEST FOR ADMISSION:**

Admit you know, or are aware of, in 2008, the registration of Barrett, Daffin, Frappier, Treder & Weiss, LLP.

**RESPONSE:**

**260. REQUEST FOR ADMISSION:**

Admit in 2008, when BDF was at its peak, in an amendment at the Secretary of State, had 6 directors listed, as reflected by the firm name; Barrett, Burke, Daffin, Frappin Turner & Engel, LLP.

**RESPONSE:**

**261. REQUEST FOR ADMISSION:**

Admit BDF has been financially sanctioned in the past for reasons including; “An



unfortunate result, according to several judges, is a drive to increase revenue by filing more motions. Jeff Bohm, a bankruptcy judge in Texas who oversaw a case between William Allen Parsley, a borrower in Willis, Tex., and legal representatives for Countrywide, (BDF) said the flat-fee structure “has fostered a corrosive ‘assembly line’ culture of practicing law.” – New York Times article.

**RESPONSE:**

**262. REQUEST FOR ADMISSION:**

Admit Partner Michael C. Barrett died on January 11, 2009.

**RESPONSE:**

**263. REQUEST FOR ADMISSION:**

Admit before his death, Michael founded and served as chairman of the nation's leading mortgage banking law firm, Texas-based Barrett Daffin Frappier Turner & Engel, LLP.

**RESPONSE:**

**264. REQUEST FOR ADMISSION:**

Admit before his death, he founded National Default Exchange LP where he serviced as Chairman Emeritus.

**RESPONSE:**

**265. REQUEST FOR ADMISSION:**

Admit before his death, he was a member of the Executive Advisory Board of Frost Bank Group.

**RESPONSE:**

**266. REQUEST FOR ADMISSION:**

Admit before his death, he also served as a frequent advisor on mortgage banking issues for the Texas Supreme Court and Texas Legislature.

**RESPONSE:**

**267. REQUEST FOR ADMISSION:**

Admit you are aware Mark Hopkins and his firm(s) obtained legal cases from this named corporate entity during this period; Barrett, Daffin, Frappin, Turner & Engel, LLP.

**RESPONSE:**

**268. REQUEST FOR ADMISSION:**

Admit you know, or are aware, in 2013, BDF registered the “Assumed Name” with the Secretary of State, of “The BDF Law Group”, for Barrett Daffin, Frappin, Turner & Engel, LLP.

**RESPONSE:**

**269. REQUEST FOR ADMISSION:**

Admit you know, or are aware, in 2013, BDF registered the “Assumed Name” with the Secretary of State, of “The BDF Law Group”, for Barrett, Daffin, Frappier, Treder & Weiss, LLP.

**RESPONSE:**

**270. REQUEST FOR ADMISSION:**

Admit you know, or are aware, in November 2013 BDF changed National Default Exchange Holdings, L.P.(“Holdings”), a Delaware LP to National Default Exchange Holdings, LLC, MN (and which was registered in 2006 per filing at SOS as a foreign LLC).

**RESPONSE:**

**271. REQUEST FOR ADMISSION:**

Admit you know, or are aware, in 2015 James Frappier signed off at the Texas Secretary of State, confirming the 4 remaining directors who were alive and active at Barrett (deceased), Daffin, Frappin, Turner & Engel, LLP.

**RESPONSE:**

**272. REQUEST FOR ADMISSION:**

Admit you read all the Burkes’ pleadings, complaints, motions including any exhibits thoroughly and completely in all civil actions where you are an interested party.

**RESPONSE:**

**273. REQUEST FOR ADMISSION:**

Admit you specifically read the Burkes’ petition thoroughly and completely in Joanna Burke, et vir, v Deutsche Bank National Trust, Company, US Supreme Court Case No. 18-1370

<https://www.supremecourt.gov/search.aspx?filename=/docket/docketfiles/html/public/18-1370.html>

**RESPONSE:**

**274. REQUEST FOR ADMISSION:**

Admit you specifically read the Financial Crisis Inquiry Commission ("FCIC")

final report on the causes of the financial collapse of 2008; FCIC Archived Report; [https://fcic-static.law.stanford.edu/cdn\\_media/fcic-reports/fcic\\_final\\_report\\_full.pdf](https://fcic-static.law.stanford.edu/cdn_media/fcic-reports/fcic_final_report_full.pdf)

**RESPONSE:**

**275. REQUEST FOR ADMISSION:**

Admit you specifically read fully including any hyperlinks to documents in the following articles as referenced in Burkes' motions and filings; related to Stern; <https://www.motherjones.com/politics/2010/08/david-j-stern-djsp-foreclosure-fannie-freddie/> and <https://www.motherjones.com/politics/2014/01/foreclosure-lawyer-david-stern-disbarred-florida/>

**RESPONSE:**

**276. REQUEST FOR ADMISSION:**

Admit you specifically read fully the Deposition of Erica A. Johnson-Seck, Indymac Bank employee. See; Burkes' first amended complaint in this case, and *McDonald v. OneWest Bank, FSB* (2:10-cv-01952) District Court, W.D. Washington, Doc. 32-1, Exhibit; Deposition of Ericka Johnson-Seck, *OneWest Bank, F.S.B. v Drayton* 2010 NY Slip Op 20429 [29 Misc 3d 857]; [http://www.courts.state.ny.us/reporter/3dseries/2010/2010\\_20429.htm](http://www.courts.state.ny.us/reporter/3dseries/2010/2010_20429.htm) and *Joanna Burke, et vir, v Deutsche Bank National Trust, Company*, US Supreme Court Case No. 18-1370

**RESPONSE:**

**277. REQUEST FOR ADMISSION:**

Admit you personally know Erica A. Johnson-Seck, Indymac Bank employee.

**RESPONSE:**

**278. REQUEST FOR ADMISSION:**

Erica A. Johnson-Seck, Indymac Bank employee cites Lender Processing Services as "our system of record" in the 2009 deposition. Admit that was the system of record for the Burkes' loan at Indymac at the time of origination.

**RESPONSE:**

**279. REQUEST FOR ADMISSION:**

Admit you have used the Indymac the system of record in the past.

**RESPONSE:**

**280. REQUEST FOR ADMISSION:**

Admit you can print screens or 'dump' images from the system of record.

**RESPONSE:**

**281. REQUEST FOR ADMISSION:**

Admit you can send and receive emails from the system of record.

**RESPONSE:**

**282. REQUEST FOR ADMISSION:**

Admit you can enter notes into the system of record.

**RESPONSE:**

**283. REQUEST FOR ADMISSION:**

Admit you can enter upload documents into the system of record.

**RESPONSE:**

**284. REQUEST FOR ADMISSION:**

Admit Indymac and the attorneys could communicate with each other about a mortgage using the system of record.

**RESPONSE:**

**285. REQUEST FOR ADMISSION:**

Admit you could alter a document using the system of record.

**RESPONSE:**

**286. REQUEST FOR ADMISSION:**

Admit there is a history showing when a document was altered using the system of record.

**RESPONSE:**

**287. REQUEST FOR ADMISSION:**

Admit there is a full history of accounting for the loan using the system of record.

**RESPONSE:**

**288. REQUEST FOR ADMISSION:**

Admit if the customers loan was transferred or sold a full download backup of the data stored in the system of record would be performed.

**RESPONSE:**

**289. REQUEST FOR ADMISSION:**

Admit the full download backup of the data stored in the system of record would include the full history of accounting for the loan.

**RESPONSE:**

**290. REQUEST FOR ADMISSION:**

Admit upon transfer or sale of a loan this download backup would be sent to the new mortgage servicer or owner of the mortgage loan.

**RESPONSE:**

**291. REQUEST FOR ADMISSION:**

Admit the Pooling and Servicing Agreement [PSA] for the Burkes loan identifies historical and full accounting of the loan is required for a period of no less than ten [10] years from the start of the loan.

**RESPONSE:**

**292. REQUEST FOR ADMISSION:**

Admit the servicer 'mortgage file' you reviewed and refer to in court filings and transcripts includes the data from the system of record for Indymac Bank.

**RESPONSE:**

**293. REQUEST FOR ADMISSION:**

Admit the servicer 'mortgage file' you reviewed and refer to in court filings and transcripts includes the data from the system of record for IndyMac Federal Bank, FSB.

**RESPONSE:**

**294. REQUEST FOR ADMISSION:**

Admit the servicer 'mortgage file' you reviewed and refer to in court filings and transcripts includes the data from the system of record for One West Bank.

**RESPONSE:**

**295. REQUEST FOR ADMISSION:**

Admit the servicer 'mortgage file' you reviewed and refer to in court filings and transcripts includes the data from the system of record for Ocwen Loan Servicing, LLC.

**RESPONSE:**

**296. REQUEST FOR ADMISSION:**

Admit you have not provided a complete copy of this ‘mortgage file’ including full backups for Indymac, One West Bank and Ocwen Loan Servicing, LLC.

**RESPONSE:**

**297. REQUEST FOR ADMISSION:**

Admit the ‘mortgage file’ contents Connie Pfeiffer of Beck Redden sent to the Burkes, and which was supplied to Ms. Pfeiffer by you, is incomplete and only showed limited tabs and documents.

**RESPONSE:**

**298. REQUEST FOR ADMISSION:**

Erica A. Johnson-Seck, Indymac Bank employee cites Deutsche Bank as the “one main” custodian. Admit Deutsche is the custodian of the Burkes home equity mortgage with Indymac.

**RESPONSE:**

**299. REQUEST FOR ADMISSION:**

Admit you specifically read fully the following exhibit in the Burkes’ first amended complaint in this case; EXHIBIT # 2018-LATIMES-INDY-54M – “Deutsche Bank settled the IndyMac Bank law suit by FDIC regarding the non-complaint mortgage loans, paying \$54 million, but there was never a public press release.”.

**RESPONSE:**

**300. REQUEST FOR ADMISSION:**

Admit you specifically read fully the following footnote 38, with hyperlinks in the Burkes’ first amended complaint in this case; “After the demise of IndyMac, this resulted in a stream of legal complaints filed around the United States complaining of the failed underwriting standards. For example, see the petition in case filed by MBIA, shown on the MBIA website here;

<https://www.mbia.com/investor/publications/MBIAvIndyMacComplaint.pdf>”

**RESPONSE:**

**301. REQUEST FOR ADMISSION:**

Admit you specifically read fully the following footnote 45, with exhibit in the Burkes’ first amended complaint in this case; See EXHIBIT # 2018-SUPREME-COURT-FORECLOSURE-TASK-FORCE - Supreme Court Task Force Committee Members – BDFTE, Michael Barrett & Tommy Bastian

**RESPONSE:**

**302. REQUEST FOR ADMISSION:**

Admit you *personally know* Stephen C. Porter, formerly of BDF.

**RESPONSE:**

**303. REQUEST FOR ADMISSION:**

Admit you have been party to, or provided assistance in cases where Stephen C. Porter, while at BDF, was a named party.

**RESPONSE:**

**304. REQUEST FOR ADMISSION:**

Admit you are aware your husband, Mark Daniel Hopkins, *defended* Porter, in cases where Stephen C. Porter, while at BDF was a named party. For example; See *Kramer v. Federal Nat. Mortg. Ass'n*, 540 Fed. Appx. 319 (5th Cir. 2013).

**RESPONSE:**

**305. REQUEST FOR ADMISSION:**

Admit Stephen C. Porter was identified by journalists and in court filings as a “robo-signer”.

**RESPONSE:**

**306. REQUEST FOR ADMISSION:**

Admit Stephen C. Porter resigned or retired from BDF due to the “robo-signing” scandal.

**RESPONSE:**

**307. REQUEST FOR ADMISSION:**

Admit Stephen C. Porter resigned or retired due to the sheer volume of civil actions BDF had to defend naming him as a serial “robo-signer” as he had “robo-signed” so many foreclosure documents while at BDF.

**RESPONSE:**

**308. REQUEST FOR ADMISSION:**

Admit you *personally know* G. Tommy Bastian of BDF.

**RESPONSE:**

**309. REQUEST FOR ADMISSION:**

Admit you have been party to, or provided assistance in cases where G. Tommy Bastian of BDF was a named party.

**RESPONSE:**

**310. REQUEST FOR ADMISSION:**

Admit your husband, Mark Daniel Hopkins, has *defended* Bastian, in cases where G. Tommy Bastian of BDF was a named party.

**RESPONSE:**

**311. REQUEST FOR ADMISSION:**

Admit you know G. Tommy Bastian of BDF was on the Supreme Court Task Force Committee.

**RESPONSE:**

**312. REQUEST FOR ADMISSION:**

Admit you have read the full transcript of the Supreme Court Task Force Committee Meeting as detailed in court filings by the Burkes and where G. Tommy Bastian of BDF was present at the said meeting.

**RESPONSE:**

**313. REQUEST FOR ADMISSION:**

Admit you specifically read fully the following footnote 68 in Joanna Burke, et vir, v Deutsche Bank National Trust, Company, US Supreme Court Case No. 18-1370

<https://www.supremecourt.gov/search.aspx?filename=/docket/docketfiles/html/public/18-1370.html>

; See Supreme Court of Texas Task Force on Judicial Foreclosures Transcript (Appendix 12, App.110-117)

**RESPONSE:**

**314. REQUEST FOR ADMISSION:**

Admit you specifically read fully including any hyperlinks to documents in the following article as referenced in Burkes' civil actions, intervention-



applications, supreme court petitions and any other related motions and filings, judicially noticed or otherwise; *Florida Bar v David James Stern*, Supreme Court of Florida (2013) The Florida Bar File Nos. 2010-51,725(17I); 2011-50,154(17I); 2011 50, 213(17I); 2011-50,216(17I); 2011- 50,511(17I); 2011-50,695(17I); 2011-50,850(17I); 2011-50,949(17I); 2011-51,192(17I); 2011-51,322(17I); 2011-51,329(17I); 2011-51,369(17I); 2011-51,433(17I); 2011-51,497(17I); 2011-51,696(17I); 2011-51,868(17I); 2012-50,144(17I).

**RESPONSE:**

**315. REQUEST FOR ADMISSION:**

Admit you specifically read fully including any hyperlinks to documents in the following article as referenced in Burkes' civil actions, intervention-applications, supreme court petitions and any other related motions and filings, judicially noticed or otherwise; related to Indymac, Lender Processing Services; <https://www.justice.gov/opa/pr/former-executive-florida-based-lender-processing-services-inc-sentenced-five-years-prison>

**RESPONSE:**

**316. REQUEST FOR ADMISSION:**

Admit you specifically read fully including any hyperlinks to documents in the following article as referenced in Burkes' civil actions, intervention-applications, supreme court petitions and any other related motions and filings, judicially noticed or otherwise; related to Indymac CEO Perry and FDIC; <https://www.fdic.gov/about/freedom/plsa/ca-indymacperry.pdf>

**RESPONSE:**

**317. REQUEST FOR ADMISSION:**

Admit you specifically read fully including any hyperlinks to documents in the following articles as referenced in Burkes' motions and filings; related to Partner Bill Leighton; <https://blog.chron.com/houstonlegal/2014/12/eleven-texas-lawyers-four-judges-disciplined/>

**RESPONSE:**

**318. REQUEST FOR ADMISSION:**

Admit you personally know Alex Charfen of Austin, Certified Distressed Property Expert and co-founder Charfen. (<https://www.charfen.com/>)

**RESPONSE:**

**319. REQUEST FOR ADMISSION:**

Admit you personally know Cadey Charfen, of Austin, Texas, President and co-founder of Charfen. (<https://www.charfen.com/>)

**RESPONSE:**