

IN THE DISTRICT COURT, HARRIS COUNTY

189th Judicial District

Robert J. Kruckemeyer	)	DEFENDANTS MARK
	)	BURKE & JOANNA
Plaintiff	)	BURKE’S FIRST
	)	AMENDED
	)	COUNTERCLAIM /
vs.	)	THIRD PARTY
	)	PETITION AND
	)	APPLICATION FOR
Blogger Inc. D/B/A/, LAWIN	)	PERMANENT
TEXAS.COM	)	INJUNCTION
	)	No. 2023-11266
)	
)	
Defendant)	
)	
)	
)	

**FIRST AMENDED COUNTERCLAIM/THIRD-PARTY PETITION
AND APPLICATION FOR PERMANENT INJUNCTION**

Defendants, Counter-Plaintiffs and Third-Party Plaintiffs Mark
Burke, individually, and on behalf of Blogger Inc., and Joanna Burke (“The

Burkes”) file this First Amended Counterclaim/Third-Party Petition and Application for Permanent Injunction against Plaintiffs, Counter-Defendants and Third Parties as listed herein.

Parties

Defendant, Counter-Plaintiff and Third-Party Plaintiff, **Mark Burke** (“Mark”), is an individual residing at 46 Kingwood Greens Drive, Kingwood, Texas, 77339 and on behalf of Blogger Inc. See; 202327202 - GUO, NA vs. INVESTOR LENDING LLC (Court 061); Plaintiff Na Guo, individually and on behalf of Skylight Property, LLC; Order signed SETTING HEARING, ORDER SETTING BOND SIGNED, ORDER SIGNED GRANTING TEMPORARY RESTRAINING ORDER (05/02/2023).

Defendant, Counter-Plaintiff and Third-Party Plaintiff, **Joanna Burke** (“Joanna”), is an individual residing at 46 Kingwood Greens Drive, Kingwood, Texas, 77339.

Counter-Defendant, **Robert Joseph “Bob” Kruckemeyer** (“Bob”) is a [Texas lawyer](#). Bob has already appeared in this lawsuit and no further

service is required.

Counter-Defendant, **The Kruckemeyer Law Firm** (“Kruckemeyer”) is an unincorporated DBA registered in Harris County on May 11, 2023. Kruckemeyer has already appeared in this lawsuit and no further service is required.

Counter-Defendant, **Randall O. “Randy” Sorrels** (“Randy”) is a [Texas lawyer](#). Randy has already appeared in this lawsuit and no further service is required.

Counter-Defendant, **The Sorrels Law Firm, PLLC** (“Sorrels”), is a domestic corporation doing business in Texas. Sorrels has already appeared in this lawsuit and no further service is required.

Counter-Defendant, [Jason A. Powers](#) (“Jason”) is a Texas lawyer. Jason has already appeared in this lawsuit and no further service is required.

Counter-Defendant [David A. Oubre](#) (“David”) is a Texas lawyer. David has already appeared in this lawsuit and no further service is

required.

Counter-Defendant, **Lewis Brisbois Bisgaard & Smith LLP** (“Lewis”), is a domestic corporation doing business in Texas. Lewis has already appeared in this lawsuit and no further service is required.

Counter-Defendant, **Berkshire Hathaway Direct Insurance Company** (“BHDIC”), and also trading as an insurance agency under the online brand [biBERK](#) (a Berkshire Hathaway Company), is a domestic corporation doing business in Texas. BHDIC has already appeared in this lawsuit and no further service is required.

Third-Party Defendant, [John Scott](#) (“Scott”) is **Acting Texas Attorney General and former Secretary of State**, who may be served at, Office of the Attorney General, 300 W. 15th Street, Austin, TX 78701 or wherever he may be found;

Third-Party Defendant, **Andrew P. Lehman** (“Lehman”) is an individual having his domicile in Harris County and who may be served at 13602 Shadow Falls Ct, Houston, TX 77086 or wherever he may be found.

Third-Party Defendant, Patricia Guerrero is Chief Justice and **Chairman of The Judicial Council** and who may be served at Judicial Council of California, 455 Golden Gate Avenue, San Francisco, CA 94102-3688 or wherever she may be found.

Jurisdiction and Venue

The Court is kindly requested to advise the parties involved to provide their respective responses regarding the jurisdictional questions raised in this case. Furthermore, it would be greatly appreciated if the Court could consider scheduling a full hearing to thoroughly examine the matter at hand. The disputed subject-matter jurisdiction, as outlined in the attached addendums, requires careful deliberation.

Additionally, it is worth noting that the appropriate venue for this civil action, pursuant to Texas Civil Practices and Remedies Code Section 15.002(a)(1), is believed to be in Harris County, Texas, given that a significant portion of the events or omissions giving rise to the claim occurred within this jurisdiction.

Discovery Control Plan

Plaintiff respectfully requests this case be governed by Level 3, Texas Rules of Civil Procedure 190.4.

Relevant Facts

On February 3, 2020, Mark Burke established Blogger Inc as a non-profit 501(c)(3) organization in Delaware, with himself as the sole director. Since its incorporation, the company has maintained its formation and sole director status, with its registered office located in Delaware through its registered agent.

Mark Burke's operates various media publishing platforms, including the legal services-related blog at lawsintexas.com ("LIT"), as well as related microblogs such as lawsinflorida.com, lawsinny.com, lawsinvirginia.com, lawsin.us. He also owns financial services-related blogs like dbntco.com, cenliar.com, midfirst.mortgage, and wilfsb.com, all of which are wholly owned by Blogger Inc.

Initially, these blogs primarily focused on the 2008 financial crisis, delving into the events preceding, occurring during, and unfolding after what is considered the largest theft of citizens' residential homes in U.S. history. They highlighted the involvement of states, including Texas, the U.S. government, and their complicity in the matter.

Blogger Inc., as a non-profit organization, effectively utilizes blogging platforms to leverage storytelling, education, and community engagement to disseminate its message, advocate for change, and garner support for its cause.

Today, LawsInTexas.com (LIT) has gained recognition as an authoritative investigative legal blog and publishing platform. It provides concerned citizens, including those in the education and legal professions, with articles and information concerning matters of public concern.

However, the recognition and success come at a price, particularly when critiquing Texas, the U.S. government, the three branches of

government at both state and federal levels, the legal profession, and the influential financial institutions that shape policies and control the nation's resources, as observed following the financial crisis.

The First Amendment, Texas Constitution and Free Speech

The blogs' brand messages and articles, intentionally designed to be sardonic, have been deemed offensive by some lawyers in private and government positions, including those in the judiciary. Nonetheless, the content posted on LIT and related blogs is not libelous, defamatory, or slanderous; it falls under the protection of free speech rights. A legal case, [*O'Rourke v. Warren*](#), No. 03-22-00416-CV (Tex. App. June 9, 2023), supports this assertion. Mark, as the editor is responsible for these posts, and as such admits to his role and position as the sole director of Blogger Inc.

The Continuous Elder Abuse Must Cease

The distressing situation involves Joanna, an elderly, retired, sick, and grieving widow who lost her husband of over 63 years on September

4, 2022. She is still mourning his loss and undergoing major restorative medical surgeries, which were rescheduled due to the unexpected passing of her husband. Additionally, she has experienced further degenerative medical conditions during this period, necessitating additional surgeries. Given her vulnerable state, she should not be involved as a named party in any court proceedings related to Mark's business interests.

Despite this, Joanna has been sued under her own name and subjected to ongoing harassment, stalking, vicious abuse, and malicious targeting by the counter-defendants. Their repugnant and cowardly actions have the potential to exacerbate Joanna's fragility, posing a serious risk to her well-being and potentially shortening her lifespan.

This targeted mistreatment constitutes a deliberate campaign of terror, a conspiracy, and elder abuse. Furthermore, the counter-defendants are driven by greed, seeking fraudulent judgments to unlawfully seize Joanna's residential home, assets, chattels, and garnish

any liquid cash. Such actions would result in financial ruin, sabotage her relationships with financial institutions, and tarnish her otherwise exemplary credit ratings.

The Kruckemeyer Counterclaim

See Addendum K.

The Lewis and BHDIC Counterclaim

See Addendum B.

The Lehman Third-Party Petition

See Addendum L.

The Chairman of The Judicial Council Third-Party Petition

See Addendum C.

The Acting Texas AG Third-Party Petition

See Addendum A.

Application for Permanent Injunction

The Burkes request the Court set its Application for Permanent Injunction for a full trial on the merits and, after the trial, issue a

permanent injunction against the Counter-Defendants and Third-Party Defendants, as detailed in the respective addendums.

Prayer & Relief

See Individual Addendums.

Jury Trial

Defendants, Counter-Plaintiffs and Third-Party Plaintiffs demand a jury trial.

RESPECTFULLY submitted this 27th day of June, 2023.
I declare under penalty of perjury that the foregoing is true and correct.
This declaration under Chapter 132, Civil Practice and Remedies Code.

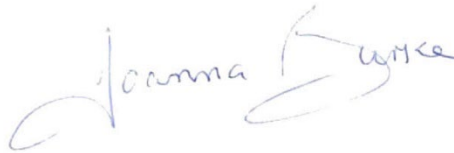


Mark Burke
State of Texas / Pro Se

46 Kingwood Greens Dr
Kingwood, Texas 77339
Phone Number: (346) 763-2074
Fax: (866) 705-0576

Email: browserweb@gmail.com

I declare under penalty of perjury that the foregoing is true and correct.
This declaration under Chapter 132, Civil Practice and Remedies Code.

A handwritten signature in blue ink that reads "Joanna Burke". The signature is written in a cursive style with a horizontal line underneath the name.

Joanna Burke
State of Texas / Pro Se

46 Kingwood Greens Dr
Kingwood, Texas 77339
Phone Number: (281) 812-9591
Fax: (866) 705-0576
Email: joanna@2dobermans.com

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing First Amended Counterclaim/Third Party Petition with an application for a Permanent Injunction has been forwarded to Plaintiff/Counter-Defendants /Third-Parties and counsel by electronic filing notification and/or

electronic mail and/or facsimile and/or certified mail, return receipt requested, this the 27th day of June, 2023.

A handwritten signature in black ink, appearing to read "Mark Burke". The signature is written in a cursive style with a prominent vertical stroke on the left side.

Mark Burke
State of Texas / Pro Se

IN THE DISTRICT COURT, HARRIS COUNTY

189th Judicial District

Robert J. Kruckemeyer)	DEFENDANTS MARK
)	BURKE & JOANNA
Plaintiff)	BURKE's FIRST
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Blogger Inc. D/B/A/, LAWIN)	APPLICATION FOR
TEXAS.COM)	PERMANENT
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)	ADDENDUM K
)	No. 2023-11266
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ADDENDUM K:

**FIRST AMENDED COUNTERCLAIM/THIRD-PARTY PETITION
AND APPLICATION FOR PERMANENT INJUNCTION**

Defendants and Counter-Plaintiffs Mark Burke, individually, and on

behalf of Blogger Inc., and Joanna Burke (“The Burkes”) file this Addendum K, Original Counterclaim and Application for Permanent Injunction against Plaintiffs and Counter-Defendants as listed herein.

The Kruckemeyer Counterclaim

In this civil action, a private lawyer and known debt collector Bob sues Blogger Inc. (“LIT”), and more recently Mark and Joanna, for what he falsely claims are statutory libel, and textual defamation for which he seeks punitive damages over and above general damages due to mental anguish and loss of reputation. His amended petition complains of ‘actual malice’ which relies upon the original article published by LIT, and now includes an article published after Bob filed his lawsuit. As stated herein, Bob’s complaint and counts therein should be dismissed with prejudice.

Further, Bob has applied for a baseless and frivolous permanent injunction. See; Plaintiff’s First Amended Original and Application for Permanent Injunction, “Nature of the case”, paragraph 8, filed onto the

docket on June 5, 2023, for a synopsis of the claims.

The defendants and counter-plaintiffs deny any and all of these allegations. Considering the unassailable facts in response to this frivolous lawsuit, including this counterclaim, the exemplary damages and permanent injunction requested by Bob should be denied and his lawsuit dismissed with prejudice.

Perjury

When Bob originally filed suit on February 21, 2023, he submitted an affidavit, in relevant part;

"My name is Robert J. Kruckemeyer. I am the owner of The Kruckemeyer Law Firm and I am authorized ON ITS BEHALF to make this affidavit."

The textual interpretation of those two sentences is without ambiguity.

It has a name - perjury. "The Kruckemeyer Law Firm" did not exist until [May 11, 2023](#), and who Bob claims is suing Blogger Inc., per his notarized affidavit.

Actual Fraud

"Actual Fraud" is defined as involving dishonesty of purpose or intent to deceive. Actual fraud can consist of a material misrepresentation, concealment of material facts or the failure to disclose a material fact." - *Pelletier v. Vict. Air Conditioning, Ltd.*, No. 13-20-00011-CV, at *10 (Tex. App. Jan. 6, 2022).

The Kruckemeyer Law Firm did not exist until [May 11, 2023](#) as explained above, so Bob's affidavit is dishonest and is a misrepresentation and concealment of the truth. As such, Bob's affidavit is classified in law as "actual fraud".

Furthermore, see Lewis Brisbois current claims of fraud, including "notarized affidavit fraud and submission of a materially false or fraudulent instrument" in their ongoing case before United States District Judge Keith Ellison in Rusk St., Houston Federal Court; *Lewis Brisbois Bisgaard and Smith LLP v. Bitgood* ([4:22-cv-03279](#)) District Court, S.D. Texas.

This means a non-existent entity is suing and thus the lawsuit should be immediately dismissed for lack of capacity or standing.

Amending the complaint is prohibited in such circumstances.

Standing is a constitutional prerequisite to suit. A court has no jurisdiction over a claim made by a plaintiff who lacks standing to assert it. [*Heckman v. Williamson County*](#), 369 S.W.3d 137, 150 (Tex. 2012) (citations omitted).

The issues here are two-fold. First there's the fact that most consumers and businesses would consider a lawyer with a website, a business card or even claims to be a "law firm", rather than "the law office of..." would be an entity.

A law firm typically refers to a business entity that is formed by two or more lawyers who come together to provide legal services to clients. Law firms can vary in size, ranging from small boutique firms with just a few attorneys to large multinational firms with hundreds or even thousands of lawyers. Law firms often have multiple practice areas and may offer a wide range of legal services.

On the other hand, "law office of" typically indicates a solo

practitioner or a smaller-scale legal practice operated by a single attorney. It suggests that the attorney is practicing independently and may not have partners or associates. A law office of a specific attorney may focus on a particular area of law or offer a narrower range of legal services.

The second issue is; Can an individual lawyer, who is calling himself “The Kruckemeyer Law Firm” and trading “as” a business - but is neither a legal entity nor a registered DBA - legally collect debts as a debt collecting law firm in Texas or be able to acquire a Surety Bond? The answer should be a resounding ‘no’.

Relying upon the statutes, laws and regulations in Texas which Mark is familiar with, generally, the penalties for failing to register a DBA can include:

Inability to enforce contracts: If a law firm operates under an unregistered DBA, it may face challenges in enforcing contracts or legal agreements entered into using the unregistered name.

Civil penalties: There may be civil penalties imposed by regulatory authorities for non-compliance with DBA registration requirements. These penalties can vary and may involve fines or other financial consequences.

Injunctions or cease and desist orders: Regulatory authorities or affected parties may seek court orders to stop the law firm from using the unregistered DBA until proper registration is completed.

Criminal penalties: In some cases, operating under an unregistered DBA could potentially result in criminal charges, such as misdemeanors, depending on the circumstances and applicable laws and it appears that unlawful debt collection is one of those circumstances.

Chapter 392, Finance Code: provides for both civil remedies and criminal penalties. Tex. Fin. Code §§ 392.402–.404. A consumer may take private legal action against a third-party debt collector or credit bureau for a violation of Chapter 392. In addition, a consumer may file a

complaint with the attorney general if the consumer feels that the third-party debt collector or credit bureau has violated Chapter 392 by engaging in a false, misleading, or deceptive act or practice. As already discussed, this would qualify as “actual fraud”.

AEG and Congo Airways

Bob’s argument revolves around the lawsuit where he represents business partner Jeff Stallone’s business AEG pursuing Congo Airways for non-payment of jet fuel and garnishment based on a judgment received in earlier litigation proceedings.

First, it should be acknowledged that the initial litigation and judgment was legal err by the presiding Harris County District Court judge. In reality, the lawsuit should have been dismissed on jurisdictional grounds.

See, [LIT article](#);

“Have You Been Sued by Associated Energy Group LLC (AEG) in Harris County District Court in Texas? If you’ve been sued by Associated Energy Group LLC for jet fuel debt by The

Kruckemeyer Law Firm, you should read this first.”

Second, there is nothing defamatory or libelous in LIT’s article. Simply put, the merchant is always a third party processor who merely transmits the funds for a fee between buyer and seller, and any competent lawyer collecting debts – especially an “AV rated”, near forty years experienced lawyer should know this. Hence, it is comical.

Third, LIT’s article headline and sub-heading are true, not false as claimed by Bob. Bob goes on to contend that his imaginary law firm is not obligated to obtain a surety bond in Texas. Which is also false.

According to Section 392.001(6) of the Texas Finance Code, an individual can represent a third party in debt collection if:

The individual is an employee of the third party, and the debt being collected is owned by the third party.

In other words, if an individual is an employee of a creditor or a debt collection agency and is collecting a debt which belongs to their employer, they can represent the third party in debt collection activities

in Texas.

That is not the case here. As admitted by Bob, he's been operating under the name of an imaginary DBA, "The Kruckemeyer Law Firm" since around 1984 until May 11, 2023.

Fourth, setting aside the aforementioned, Bob contends he does not collect "consumer debts". That's not true.

Harris County District Court docket proves he does, but first, let's first discuss the statutory and legal textual meaning of "consumer debts". All debt collection is consumer debt in the eyes of the law, and this includes business or commercial debt. In short, the law does not recognize the term "commercial" debt collection.

See, extract from California debt collector who was also highlighted on LIT;

"First there is no such thing as commercial collections per-se. It's either consumer debt or not. The term debt as defined in Federal and most states is consumer debt." - [Arden Silverman](#), Capital Asset Protection, A Debt Collection Agency. This communication is from a debt collector. Any

information obtained may be used for that purpose.

That aside, and despite Bob adding at paragraph 24 of his amended petition that LIT's article was false - without providing any legal argument *why* it is false, Bob has, and continues to collect debts against individuals, which requires an active Surety Bond, on file with the Secretary of State.

See, [LIT article](#);

“Krucke’s, Zombies n’ Bandits: Chasing Personal Debts in Texas Without a Surety Bond. The Kruckemeyer Law Firm chasin’ a personal debt of \$166k for client Jim Elzner from John Slocum in violation of Texas laws”,

and [LIT article](#);

“Lawyer Ken Bailey: Honey, Here’s Our \$3.3M Home for Ten Bucks. That’ll Keep the Zombie Warrior Away. As debt collectin’ lawyer Bob Kruckemeyer seeks to garnish lawyer F. Ken Bailey for millions, Bailey passes title of main residence to spouse.”.

Fifth, setting aside the aforementioned, Bob contends he is not a

“third party” debt collector as defined by Texas Finance Code (“TFC”).

That’s also not true. The gravamen of Bob’s argument is found in Section 392.101(7);

7) "Third-party debt collector" means a debt collector, as defined by 15 U.S.C. Section 1692a(6), but does not include an attorney collecting a debt as an attorney on behalf of and in the name of a client unless the attorney has nonattorney employees who:

- (A) are regularly engaged to solicit debts for collection; or
- (B) regularly make contact with debtors for the purpose of collection or adjustment of debts.

Relying upon [Bob’s website](#), it’s currently a small [father](#) and [son](#) legal ‘business’. Bob’s submissions for attorney fees and accompanying affidavits pertaining to debt collection cases recorded in Harris County District Court confirms he performs the duties of both an attorney-at-law and a nonattorney.

The docket also affirms he’s a debt collector. It is notable that the majority of his cases are chasing non-payment of debts. As such, he is a third party debt collector per TFC and case law supports this assertion.

In Support of LIT: Examples of Rogue Debt Collectin’ Lawyers

Going “Legit”

(1) [“Frosty Lawyer John Resendez](#)

Admits He Should Have a Surety Bond to Debt Collect. By his own actions, his law firm, Fridge and Resendez PC purchased a TX SOS surety bond for the first time in October 2022”;

(2) [“Daughtry and Farine P.C.](#)

“Decades Unlawfully Foreclosurin’ Homeowners as HOA Lawyers in Texas. Sec. 392.101. BOND REQUIREMENT. A third-party debt collector may not engage in debt collection unless they obtained a surety bond (1997)”;

(3) On Jan. 26, 2023, LIT [published an article](#) titled;

“Craig Noack and Carolyn Noack are Debt Collectin’ Lawyers in Texas But Are They Legal Bandits? Based on Noack Law Firms’ website, there’s evidence of non-attorneys working at the firm and revenue is likely mainly from debt collecting.”

Upon seeing more [debt collection activities](#) from the Noack’s, LIT discovered that the Noack’s went legit and filed a surety bond with the Texas Secretary of State as recorded on May 1, 2023;

(4) On Mar. 24, 2022 LIT published;

“There’s a Storey Behind [Texas Debt Collector Shawn Grady](#) in His Pursuit of Odin Demolition, et al. Garnishor Storey Mountain LLC, assignee of First Horizon Bank, successor by merger to IberiaBank Makes application for writs of garnishment.”.

Grady and his law firm went legit on February 15, 2023, shortly after LIT [published this](#) follow-up article.

The First Amended Petition

Robert J. Kruckemeyer on behalf of The Kruckemeyer Law Firm, now belatedly in existence as an unincorporated DBA registered in Harris County, [efiles](#) a revised petition on a Sunday afternoon. A review of the petition now shows [Randy Sorrels](#) of [The Sorrels Law Firm, PLLC](#), as the ‘lead attorney’ and Bob is also listed as counsel.

It should be noted that Randy and Bob are “BFF’s” (Best Friends Forever). In support, Bob’s resume lists Randy as a reference. They also share a mutual friend who is also a reference listed on [Bob’s website bio](#), namely Oliver Luck, who is a lawyer, former NFL football player

turned international sports industry executive [currently back](#) on American soil. The conspiracy and actual fraud is clear on its face.

Violation of Texas Rules of Civil Procedure

“The Rules of Civil Procedure provide that designations of new lead counsel and motions to withdraw and substitute new counsel must be made in writing and that the party designating new counsel or substituting a new attorney must serve notice on the court and all other parties. See Tex. R. Civ. P. 8, 10.” - Perez v. Williams, 474 S.W.3d 408, 417 (Tex. App. 2015) per Rule.

Randy appeared without notice as lead counsel. However, there is no motion or notice to defendants in the underlying suit.

Conspiracy, Retaliation and Actual Fraud

LawsInTexas.com (LIT) has recently published several articles about Randy, raising questions about his firm's decision to act 'pro se' in the collection of alleged unpaid legal fees from an attorney they represented. This is notable considering Randy's documented charge-out rate of \$900 per hour, compared to Bob, who has recently increased

his rates from \$450-475 to around \$525-550 per hour, according to court records in May 2023.

Additionally, LIT has included an article in the amended complaint that discusses and updates these legal proceedings. In the article, LIT questions how Bob is proceeding 'pro se' against Blogger Inc. It strongly suggests a conspiracy between Bob and Randy, as Randy sees this as an opportunity to retaliate against LIT for publishing articles about Sorrels, his law firm, and past ethical concerns raised during his tenure as President of the State Bar of Texas.

The fact that Bob filed the amended petition on a Sunday afternoon, without any involvement or representation of Randy and his law firm, indicates the absence of a formal agreement. It is evident that Bob remains in full control of the lawsuit, contradicting any indication that Randy and his firm are lead counsel, as presented to the court and defendants.

These circumstances provide further evidence of actual fraud.

Defamation

Bob, a debt collecting lawyer, admits to leaving comments on an article published by Mark, the editor of an investigative legal blog called LawsInTexas.com. In his comments, Bob falsely claims that he is not a third-party debt collector, does not collect consumer debts and does not require a surety bond. These false statements are visible to other readers and contributors to the article's comment section.

The comments made by Bob on the article can be considered a form of publication, as they involve the dissemination of false statements to other readers and contributors to the article's comment section. Bob's comments have caused damage to Mark's reputation and that of his blog, resulting in quantifiable harm.

Defamation is a tort which involves making false statements about someone that harm their reputation. In this case;

False Statement: Mark in his individual capacity and on behalf of

Blogger Inc., has demonstrated Bob has made false statements, as detailed above.

Publication: Bob communicated the false statements to a third party by commenting on LIT's article.

Harm to Reputation: The false comments and the subsequent baseless lawsuit filed by Bob has caused damage to Mark's reputation and that of his business, leading to quantifiable harm including financial losses due to loss of business opportunities, and loss of time defending the lawsuit. Bob's suit has garnered media attention, including an article and email from a journalist at Law360 who wrote an article about Bob's lawsuit. As such, Mark's personal reputation along with his entire business is presently at risk.

Fault: Bob has acted negligently and with actual malice, as he knew the comments and subsequent lawsuit is false and recklessly disregarded the truth. Furthermore, Bob has not provided a letter from

the Texas Secretary of State or the Texas Attorney General's Office or any other government representative who can attest to his version of events.

Falsity: On the contrary, Mark has proven the blog comments left by Bob and the subsequent allegations in the underlying lawsuit is false. In short, Mark's statements of truth is an absolute defense to defamation claims.

Retaliation: Bob and Randy have conspired in the amended petition in bad faith. While a party, and in this case a Texas lawyer, has the right to be represented by counsel of its own choice, that right is not absolute.

Here, it is clear from the facts presented in this counterclaim that Bob and Randy are acting in bad faith and retaliating against the Burkes in violation of the law, [The Texas Lawyer's Creed](#) – A Mandate for Professionalism, and violations of the Texas Disciplinary Rules of

Professional Conduct. See Tex. Disciplinary R. Prof'l Conduct. Bad faith means "the conscious doing of a wrong for dishonest, discriminatory, or malicious purposes and applies here.

Who's Being Sued, in What Capacity and Under What Legal Theory?

Robert J. Kruckemeyer in his personal capacity for (I) "malicious use of process" (also known as "abuse of process"), (II) civil conspiracy, (III) "intentional infliction of emotional distress". Further counts include (IV) actual fraud, (V) mental anguish, and (VI) defamation;

The Kruckemeyer Law Firm (unicorporated) for (I) "malicious use of process" (also known as "abuse of process"), (II) civil conspiracy, (III) "intentional infliction of emotional distress". Further counts include (IV) actual fraud, (V) mental anguish, and (VI) defamation;;

Randall O. Sorrels in his personal capacity for (I) "malicious use of process" (also known as "abuse of process"), (II) civil conspiracy, (III) "intentional infliction of emotional distress". Further counts include

(IV) actual fraud, (V) mental anguish, and (VI) retaliation;

The Sorrels Law Firm, PLLC, in their corporate capacity for (I) “malicious use of process” (also known as “abuse of process”), (II) civil conspiracy, (III) “intentional infliction of emotional distress”. Further counts include (IV) actual fraud, (V) mental anguish, and (VI) retaliation;

Count I

Abuse of Process

Defendants and Counter-Plaintiffs re-allege and incorporate each allegation set forth above and in conjunction with the main counterclaim as if fully written herein.

“The elements of abuse of process are (1) an illegal, improper, or perverted use of the process, neither warranted nor authorized by the process, (2) an ulterior motive or purpose in exercising such use, and (3) damages as a result of the illegal act. *Bukaty*, 248 S.W.3d at 897.” *LaCore*

Enters. v. Angles, No. 05-21-00798-CV, at *29 (Tex. App. Mar. 23, 2023).

All elements apply in this case as described in this complaint and supporting docketed pleadings, motions, and exhibits.

Count II

Civil Conspiracy

Defendants and Counter-Plaintiffs re-allege and incorporate each allegation set forth above and in conjunction with the main counterclaim as if fully written herein.

In Texas, civil conspiracy is a legal claim that arises when two or more individuals or entities form an agreement to commit an unlawful act or achieve a lawful act through unlawful means.

Agreement: There exists an agreement or understanding between Bob and Randy to pursue a common objective. It is important to note that this agreement does not have to be explicit or formal but can be inferred from the actions and conduct of the parties involved.

Unlawful Objective: The parties share an objective that involves engaging in an unlawful act or accomplishing a lawful act through unlawful means. This means that the underlying action or conduct must be illegal or wrongful in nature.

Overt Act: In furtherance of the conspiracy, at least one overt act must be committed. This act does not have to be illegal itself, but it must be carried out with the intention of advancing the unlawful objective of the conspiracy.

Damages: The Defendants and Counter-Plaintiffs have suffered actual damages as a result of the conspiracy. This includes measurable harm or loss such as financial losses, reputational damage, or other forms of harm.

Summary: Bob and Randy have engaged in a clear conspiracy, evident through their coordinated actions and shared objectives. Their motive to retaliate against LIT for publishing articles about them and their

legal businesses strongly supports the allegation of conspiracy.

All the necessary elements for establishing civil conspiracy apply in this case, as described in this counterclaim and supported by docketed pleadings, motions, and exhibits.

Count III

Emotional Distress

Defendants and Counter-Plaintiffs re-allege and incorporate each allegation set forth above and in conjunction with the main counterclaim as if fully written herein.

Intentional Infliction of Emotional Distress: The elements of intentional infliction of emotional distress are that (1) the Defendants acted intentionally or recklessly, (2) the conduct was extreme and outrageous, (3) the actions of the Defendants caused the plaintiff emotional distress, and (4) the emotional distress was severe. *Twyman v. Twyman*, 855 S.W.2d 619,

621 (Tex. 1993).

All elements apply in this case as described in this complaint and supporting docketed pleadings, motions, and exhibits.

Count IV

Actual Fraud

Defendants and Counter-Plaintiffs re-allege and incorporate each allegation set forth above and in conjunction with the main counterclaim as if fully written herein.

All elements apply in this case as described in this complaint and supporting docketed pleadings, motions, and exhibits.

Count V

Mental Anguish

Defendants and Counter-Plaintiffs re-allege and incorporate each allegation set forth above and in conjunction with the main counterclaim as

if fully written herein.

The Texas Supreme Court has defined mental anguish as "emotional pain, torment, and suffering." *Moore v. Lillebo*, 722 S.W.2d 683, 688 (Tex. 1986).

The Burkes, specifically Mark and his business, have become the primary targets of Bob and Randy's amended complaint. As a result of this lawsuit, the pressures on Mark and the growing implications have exponentially increased his emotional pain.

It is evident of Bob and Randy's depraved mindset that they have targeted Joanna, a non-party with no involvement in the case.

Fuelled by rage and personal vendettas stemming from an online publishing platform which concerns matters of public concern and is protected speech, Bob and Randy are now tormenting the Burkes.

They are using the comments section on LIT's blog as a means of

communication, alongside spreading falsities through this lawsuit, which emboldens others to harass and intimidate the Burkes.

The torment inflicted upon them is escalating, leaving them in a constant state of anxiety and psychological anguish.

This relentless and orchestrated campaign by Bob and Randy is taking a heavy toll on the Burkes. They find themselves subjected to further acts of retaliation and condemnation. The resulting suffering is immense, encompassing profound emotional distress, a sense of powerlessness, and an overwhelming burden on their mental well-being.

All elements necessary to establish mental anguish in this case are described in this complaint, along with supporting docketed pleadings, motions, and exhibits.

Count VI

Defamation / Retaliation

Defendants and Counter-Plaintiffs re-allege and incorporate each allegation set forth above and in conjunction with the main counterclaim as if fully written herein.

All elements necessary to establish Bob's defamation and Randy's relation in this case are described in this complaint, along with supporting docketed pleadings, motions, and exhibits.

Permanent Injunction

The Burkes request the Court set its Application for Permanent Injunction for a full trial on the merits and, after the trial, issue a permanent injunction against Robert J. Kruckemeyer and Randall O. Sorrels to enjoin them from malicious prosecution of elder citizen Joanna Burke in the future, frivolous lawsuits against The Burkes, and to stop the communications harassment, including writing comments on blog posts, or sending emails to internet domains owned by Blogger Inc.

Prayer & Relief

Based on the foregoing, Defendants and Counter-Plaintiffs seeks the following relief:

A permanent injunction as described against Bob and Randy;

The Burkes respectfully requests this court in Harris County, Texas, consider the jurisdictional implications and exercise its authority to address the standing issues, which is a constitutional prerequisite to suit and a determination is sought in this counterclaim;

And after such determination, any such other relief the Court may deem just, proper and /or necessary under the circumstances, including ;

Damages: Counter-Plaintiffs ask the court to assess and award compensatory and exemplary damages to compensate the Counter-Plaintiffs for any financial losses, emotional distress, or other harm caused by the insurer's actions as detailed.

Jury Trial

Defendants and Counter-Plaintiffs demand a jury trial.

RESPECTFULLY submitted this 27th day of June, 2023.
I declare under penalty of perjury that the foregoing is true and correct.
This declaration under Chapter 132, Civil Practice and Remedies Code.



Mark Burke
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing First Amended Counterclaim/Third Party Petition with an application for a Permanent Injunction has been forwarded to Plaintiff/Counter-Defendants /Third-Parties and counsel by electronic filing notification and/or electronic mail and/or facsimile and/or certified mail, return receipt requested, this the 27th day of June, 2023.



Mark Burke
State of Texas / Pro Se

IN THE DISTRICT COURT, HARRIS COUNTY

189th Judicial District

Robert J. Kruckemeyer	)	DEFENDANTS MARK
	)	BURKE & JOANNA
Plaintiff	)	BURKE's FIRST
	)	AMENDED
	)	COUNTERCLAIM /
vs.	)	THIRD PARTY
	)	PETITION AND
Blogger Inc. D/B/A/, LAWIN	)	APPLICATION FOR
TEXAS.COM	)	PERMANENT
	)	INJUNCTION,
	)	ADDENDUM B,
	)	No. 2023-11266
)	
Defendant)	
)	
)	
)	

ADDENDUM B:

**FIRST AMENDED COUNTERCLAIM/THIRD-PARTY PETITION
AND APPLICATION FOR PERMANENT INJUNCTION**

Defendants and Counter-Plaintiffs Mark Burke, individually, and on

behalf of Blogger Inc., and Joanna Burke (“The Burkes”) file this Addendum B, Counterclaim and Application for Permanent Injunction against Plaintiffs and Counter-Defendants as listed herein.

BHDIC, Lewis Brisbois, Jason Powers, David Oubre and Shane Kotlarsky

On April 10, 2023, Blogger Inc.'s registered office in Delaware officially notified Mark Burke about Bob's lawsuit. The very next day, on April 11, 2023, Mark promptly submitted a claim to his insurer, BHDIC, and received confirmation of its receipt. The deadline for a response was set for 10 am on May 1, 2023. Despite numerous reminders to his insurer about the impending deadline, Mark's appointed counsel astonishingly filed an answer at around 4:55 pm on that very day, without any prior agreement, notice, phone call, or email to inform Mark of their submission. This unfortunate event marked the beginning of the end for Mark's initial claim with his insurer, casting a foreboding shadow over his situation.

What transpired during this period can be legally defined as a conspiracy and an unmistakable case of fraud through impersonation. A concise summary of the events leading to this alarming conclusion includes, but is not limited to, the following:

On May 1, 2023, Lewis, without any legal permission or input from Mark or his entity, appeared late and submitted a motion to withdraw along with related filings on June 6, 2023, effectively terminating their own fraudulent actions within the court during this timeframe. In short;

(1) Mark did not receive any agreements from either Lewis or BHDIC;

(2) Mark never received an email or phone call from Lewis, or signed any agreement before they filed a late response to the complaint;

(3) Mark never received a draft of the response for review and

approval prior to filing;

(4) Jason spoke to Bob before speaking to their alleged client, and on a subsequent call initiated by Mark on Tuesday, May 2, 2023, Jason stated he would have spoken to Bob before Mark's scheduled call on Thursday, anyway;

(5) During Mark's only call with Jason, he directly confronted him about the glaring conflict of interest. Initially, both Jason and the Lewis law firm acknowledged the issue and agreed that a replacement of counsel by BHDIC was necessary. However, to Mark's disbelief, they abruptly backtracked, providing no substantial reasoning or justification for their sudden change of heart.

Law firms check if they have previously represented or are currently representing any parties who may be adverse to the potential new client. This is crucial to prevent situations where the firm could have a conflict of interest due to its prior or ongoing relationships.

Here, Mark explained a Partner in the Houston office, [Shane Lesley Kotlarsky](#) (“Shane”) was also collecting debts in Harris County District Court against individuals as well as corporations without a surety bond, mimicking Bob’s violation of TFC, and the necessity for an active surety bond be on file at Texas Secretary of State; See [LIT article](#);

“Garnishment After Judgment Cases In Harris County Courts (October 2022). LIT’s Garnishment After Judgment Tracker for the Month of October 2022. We’ll be updating this page frequently” and which includes reference to Shane and Lewis.

In addition, Mark inquired why Lewis had failed to uncover this crucial information during their own 'conflict checks,' as a simple search of "Lewis Brisbois" in the blog's search bar would have revealed the aforementioned article. Jason's explanation that searching LIT's blog was not part of their conflict checks was both difficult to believe and, alternatively, negligent, given the content of the article and the fact that the entire complaint revolves around LIT's blog.;

(6) Mark's due diligence and subsequent call with Jason confirmed appointed counsel had no experience in the areas of law subject to this complaint;

(7) On May 30, Lewis filed Defendant's Motion to Dismiss without providing Mark a draft for review and approval prior to filing;

(8) Despite Mark's prompt notification of BHDIC and their appointed counsel regarding his legitimate concerns about the conflict of interest and their insufficient expertise in the relevant areas of law, his pleas fell on deaf ears. Mark also made Ms. Dobson from BHDIC aware that the insurer's position was untenable when considering the comprehensive interpretation of the insurance policy terms. Unfortunately, instead of upholding Mark's defense and constitutional rights to free speech, the oppressive insurer and unscrupulous counsel trampled over them. Throughout the interim period, and despite Mark's attempts to raise these concerns, he has been unjustly subjected

to manipulative tactics employed by the insurer and its counsel set on compromising Mark's position, with their true identity exposed as opposing parties.

(9) Mark made a formal request for the complete legal file from Lewis and the full claim file from BHDIC. However, only Lewis has responded thus far. They provided emails and court pleadings, claiming that it constitutes the entire file. This response from Lewis can be considered disingenuous as several crucial components are conspicuously absent.

The following items should have been included, but are notably missing: Correspondence, Legal Research, Evidence, Work Product, Billing and Invoices, Legal Retainer Agreement, Joint Representation Agreement, Insurance Policy, Appointment Letter/Agreement, Engagement/Retainer Agreement, Conflicts of Interest Disclosure, and Billing Agreement.

The absence of these crucial documents raises serious concerns about the transparency and completeness of the files provided by Lewis.

(10) Within Lewis's motion to withdraw, particularly in the template-driven proposed order, there are explicit provisions addressing attorney fees and liens. These inclusions serve as confirmation that agreements should have been established, yet it becomes evident that such agreements are absent. This glaring inconsistency raises significant doubts about the proper execution and documentation of essential agreements within the legal proceedings.

Furthermore, given the absence of necessary agreements and the discrepancies in the provided documentation, the integrity and honesty of the appointed counsel and the insurer come into question. Their failure to provide a comprehensive and accurate representation of the legal and claim files, along with their questionable actions and

responses throughout the process, cast doubts on their credibility and raises concerns about their adherence to ethical and professional standards.

The Conspiracy and Premeditated Scheme to Willfully and Intentionally Injure Counter-Plaintiffs

In Texas, the legal system acknowledges various state torts that may be applicable in cases involving a conspiracy between an attorney and opposing counsel against their own client. These torts encompass Legal Malpractice, Breach of Fiduciary Duty, Civil Conspiracy, and Fraud. However, it is important to note that claims of legal malpractice and breach of fiduciary duty will not be applicable to Lewis due to their fraudulent impersonation of Blogger Inc. and their collaboration with opposing counsel, Bob, who simultaneously serves as the plaintiff in the case. These actions create a unique circumstance that precludes the application of traditional legal malpractice and breach of fiduciary duty claims against Lewis.

Civil Conspiracy: Is a tort that involves two or more parties working together to commit an unlawful act or achieve an unlawful purpose. Lewis lawyer(s) and opposing counsel conspiring against their own “client” with the intent to harm them, as happened here, it warrants a civil conspiracy claim. See; [*Agar Corp., Inc. v. Electro Circuits Int’l, LLC*](#), 580 S.W.3d 136 (Tex. 2019), setting out elements of civil conspiracy.

Fraud: If Lewis lawyer(s) and/or opposing counsel engage in fraudulent behavior, such as intentionally misrepresenting facts or withholding information to harm the “client’s” interests, as happened here, it warrants a fraud claim.

HBDIC and Lewis Civil Conspiracy and Fraud

Counter-Plaintiffs assert, as separate and distinct claims, that HBDIC and Lewis conspired together to act against the insured and, in the process, committed fraud against the Counter-Plaintiffs. It is crucial to acknowledge that civil conspiracy is considered a theory of vicarious liability in Texas, rather than an independent tort (*Agar*

Corp., Inc. v. Electro Circuits Int'l, LLC, 580 S.W.3d 136, 142 (Tex. 2019)).

In this case, Lewis, including the named attorneys Jason Powers and David Oubre, conspired with HBDIC against their own "client," a clear violation of the policy contract and the law. Mark repeatedly brought these concerns to the attention of both the insurer and the law firm, but each time, these notices were either rejected or disregarded entirely. The willful dismissal of these notices further underscores the gravity of their actions. See;

"The standards of the legal profession require undeviating fidelity of the lawyer to his client. No exceptions can be tolerated." - *Van Dyke v. White*, 55 Wash. 2d 601, 349 P.2d 430 (1960);

The attorney who represents an insured owes him "undeviating and single allegiance" whether the attorney is compensated by the insurer or the insured. - *Newcomb v. Meiss*, 263 Minn. 315, 116 N.W.2d 593 (1962);

But counsel should not be expected to communicate information received in confidence or to betray confidences

lodged in them by trusting clients.

To do so would not only destroy public confidence in the legal profession, but also would make defense attorneys investigators for carriers.

That the company has not satisfied itself concerning coverage by its other, independent methods, is no compelling reason why defense counsel should be asked to betray the trust reposed in him by the insured.

The fact that the company may be required to pay a monetary judgment does not alter the situation, since the company voluntarily has assumed this contractual obligation by virtue of its existence as an insurer.

Its contractual obligation, voluntarily assumed, should not be permitted to be used as the basis for converting the defense counsel into something beyond a lawyer defending a client." (Emphasis supplied.) - [*Parsons v. Continental National American Group*](#), 113 Ariz. 223, 227 (Ariz. 1976).

BHDIC should be estopped from denying coverage because;

The company took advantage of the fiduciary relationship between its agent (Lewis) and insured (Blogger Inc.), and; The arguments relied upon by BHDIC are absurd. This includes, but is not

limited to;

Lewis withholding emails during Mark's ongoing dispute with Lewis and BHDIC. Mark requested Blogger Inc.'s legal file from Lewis and claim file from BHDIC.

To date, Mark has received a response from Lewis with copies of outlook emails and pleadings along with a short follow up email from Jason stating this was the "complete file".

Upon review, Mark noticed there was communication between Jason and Bob which Mark was never provided. Specifically, the emails wherein Bob was aware that Lewis had been appointed by the insurer – information which should not have been disclosed, and wherein Jason's email discusses settlement with a 'monetary' amount with Bob – which is at the exact time Mark was privately disputing with BHDIC and Lewis the fact that a 'settlement' offer is not an offer the insurer can accept when it has no monetary amount.

The conflict of interest was raised time and time again and yet both BHDIC and Lewis continued to represent Blogger Inc. Lewis refused to withdraw and BHDIC refused request for replacement legal counsel, all whilst there was no agreements or waivers in place from Blogger Inc., or its agent (Mark). See; [*Hartford Acc. Indem. Co. v. Foster*](#), 528 So. 2d 255, 268 (Miss. 1988).

Who's Being Sued, in What Capacity and Under What Legal Theory?

Jason Powers in his personal capacity for (I) “malicious use of process” (also known as “abuse of process”), (II) civil conspiracy, (III) “intentional infliction of emotional distress”. Further counts include (IV) actual fraud, (V) mental anguish, and (VI) retaliation;

David Oubre in his personal capacity for (I) “malicious use of process” (also known as “abuse of process”), (II) civil conspiracy, (III) “intentional infliction of emotional distress”. Further counts include (IV) actual fraud, (V) mental anguish, and (VI) retaliation;

Lewis Brisbois Bisgaard & Smith LLP (“Lewis”) in their corporate capacity for (I) “malicious use of process” (also known as “abuse of process”), (II) civil conspiracy, (III) “intentional infliction of emotional distress”. Further counts include (IV) actual fraud, (V) mental anguish, and (VI) retaliation;

Berkshire Hathaway Direct Insurance Company (“BHDIC”), in their corporate capacity for (I) “malicious use of process” (also known as “abuse of process”), (II) civil conspiracy, (III) “intentional infliction of emotional distress”. Further counts include (IV) actual fraud, (V) mental anguish, and (VI) retaliation;

Count I

Abuse of Process

Defendants and Counter-Plaintiffs re-allege and incorporate each allegation set forth above and in conjunction with the main counterclaim as

if fully written herein.

“The elements of abuse of process are (1) an illegal, improper, or perverted use of the process, neither warranted nor authorized by the process, (2) an ulterior motive or purpose in exercising such use, and (3) damages as a result of the illegal act. *Bukaty*, 248 S.W.3d at 897.” *LaCore Enters. v. Angles*, No. 05-21-00798-CV, at *29 (Tex. App. Mar. 23, 2023).

All elements apply in this case as described in this complaint and supporting docketed pleadings, motions, and exhibits.

Count II

Civil Conspiracy

Defendants and Counter-Plaintiffs re-allege and incorporate each allegation set forth above and in conjunction with the main counterclaim as if fully written herein.

In Texas, civil conspiracy is a legal claim that arises when two or more

individuals or entities form an agreement to commit an unlawful act or achieve a lawful act through unlawful means.

Agreement: There exists an agreement or understanding between the Counter-Defendants to pursue a common objective. It is important to note that this agreement does not have to be explicit or formal but can be inferred from the actions and conduct of the parties involved.

Unlawful Objective: The parties share an objective that involves engaging in an unlawful act or accomplishing a lawful act through unlawful means. This means that the underlying action or conduct must be illegal or wrongful in nature.

Overt Act: In furtherance of the conspiracy, at least one overt act must be committed. This act does not have to be illegal itself, but it must be carried out with the intention of advancing the unlawful objective of the conspiracy.

Damages: The Defendants and Counter-Plaintiffs have suffered

actual damages as a result of the conspiracy. This includes measurable harm or loss such as financial losses, reputational damage, or other forms of harm.

Summary: The Counter-Defendants have engaged in a clear conspiracy, evident through their coordinated actions and shared objectives. The insurer and counsel's joint mission to deny representation and coverage for a covered event under the policy, especially after underwriting and granting the initial claim, strongly supports the allegation of conspiracy.

All the necessary elements for establishing civil conspiracy apply in this case, as described in this complaint and supported by docketed pleadings, motions, and exhibits.

Count III

Emotional Distress

Defendants and Counter-Plaintiffs re-allege and incorporate each

allegation set forth above and in conjunction with the main counterclaim as if fully written herein.

Intentional Infliction of Emotional Distress: The elements of intentional infliction of emotional distress are that (1) the Defendants acted intentionally or recklessly, (2) the conduct was extreme and outrageous, (3) the actions of the Defendants caused the plaintiff emotional distress, and (4) the emotional distress was severe. *Twyman v. Twyman*, 855 S.W.2d 619, 621 (Tex. 1993).

All elements apply in this case as described in this complaint and supporting docketed pleadings, motions, and exhibits.

Count IV

Actual Fraud

Defendants and Counter-Plaintiffs re-allege and incorporate each allegation set forth above and in conjunction with the main counterclaim as

if fully written herein.

All elements apply in this case as described in this complaint and supporting docketed pleadings, motions, and exhibits.

Count V

Mental Anguish

Defendants and Counter-Plaintiffs re-allege and incorporate each allegation set forth above and in conjunction with the main counterclaim as if fully written herein.

The Texas Supreme Court has defined mental anguish as "emotional pain, torment, and suffering." *Moore v. Lillebo*, 722 S.W.2d 683, 688 (Tex. 1986).

The Burkes, specifically Mark and his business, have become the primary targets of a conspiracy between the insurer and their known preferred biglaw firm.

As a result of the shocking acts by these parties, the pressures on Mark and the growing implications have exponentially increased his emotional pain.

Not only has this situation had a significant material impact, but it has also exposed Jason and the Counter-Defendants vindictive mindset and questionable intentions. Jason initially scheduled a hearing on his motion to withdraw for July 25, 2023. However, to Mark's surprise and dismay, on the same day, he abruptly changed the hearing format to 'by submission' and advanced the date to June 19, 2023. This sudden alteration raises serious doubts about the fairness and integrity of the proceedings.

It is essential to view these actions in light of Jason's disingenuous response in a previous email to Mark, where he asserted his awareness of his professional obligations as a lawyer. Unfortunately, his recent conduct directly contradicts this premise, leaving us deeply concerned

about his true intentions and motivations.

Not only that, but their dilatory acts have also resulted in a non-party, Joanna, being sued who has zero interest or involvement in the case.

The torment inflicted upon The Burkes due to the impending court deadlines which were created by these Counter-Defendants is escalating, leaving them in a constant state of anxiety and psychological anguish.

The Burkes now find themselves subjected to further acts of retaliation and condemnation. The resulting suffering is immense, encompassing profound emotional distress, a sense of powerlessness, and an overwhelming burden on their mental well-being.

All elements necessary to establish mental anguish in this case are described in this complaint, along with supporting docketed pleadings, motions, and exhibits.

Count VI
Retaliation

Defendants and Counter-Plaintiffs re-allege and incorporate each allegation set forth above and in conjunction with the main counterclaim as if fully written herein.

All elements necessary to establish retaliation by the Counter-Defendants in this case are described in this counterclaim, along with supporting docketed pleadings, motions, and exhibits.

Prayer & Relief

Based on the foregoing Plaintiff and Counter-Defendant seeks the following relief:

The Burkes respectfully requests this court in Harris County, Texas, consider the jurisdictional implications and exercise its authority to address the standing issues, which is a constitutional prerequisite to suit and a

determination is sought in this counterclaim;

And after such determination, any such other relief the Court may deem just, proper and /or necessary under the circumstances, including but not limited to;

Specific Performance: Mark Burke on behalf of Blogger Inc., seeks an order from the court compelling the insurer to fulfill its contractual duties and continue providing coverage for the case. This would ensure that they are not left without representation or financial protection during the ongoing litigation.

Declaratory Judgment: Mark Burke on behalf of Blogger Inc., respectfully ask the court to declare that the insurer is estopped from withdrawing from the case, as their actions or representations have given rise to reasonable expectations of continued coverage and support.

Equitable Estoppel: Mark Burke on behalf of Blogger Inc., urges the court

to invoke the principles of equitable estoppel to prevent the insurer from withdrawing from the case. The insured detrimentally relied on the insurer's previous representations or conduct, and it would be unjust and inequitable to allow the insurer to retract their obligations now;

Damages: Additionally, Mark Burke on behalf of Blogger Inc., asks the court to assess and award compensatory and exemplary damages to compensate the Counter-Plaintiffs for any financial losses, emotional distress, or other harm caused by the insurer's actions as detailed.

Jury Trial

Defendants and Counter-Plaintiffs demand a jury trial.


RESPECTFULLY submitted this 27th day of June, 2023.
I declare under penalty of perjury that the foregoing is true and correct.
This declaration under Chapter 132, Civil Practice and Remedies Code.



Mark Burke
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Mark Burke
State of Texas / Pro Se

IN THE DISTRICT COURT, HARRIS COUNTY

189th Judicial District

Robert J. Kruckemeyer	)	DEFENDANTS MARK
	)	BURKE & JOANNA
Plaintiff	)	BURKE's FIRST
	)	AMENDED
	)	COUNTERCLAIM /
vs.	)	THIRD PARTY
	)	PETITION AND
Blogger Inc. D/B/A/, LAWIN	)	APPLICATION FOR
TEXAS.COM	)	PERMANENT
	)	INJUNCTION,
	)	ADDENDUM A,
	)	No. 2023-11266
)	
Defendant)	
)	
)	
)	

ADDENDUM A:

**FIRST AMENDED COUNTERCLAIM/THIRD-PARTY PETITION
AND APPLICATION FOR PERMANENT INJUNCTION**

Defendants and Third-Party Plaintiffs, Mark Burke, individually,

and on behalf of Blogger Inc., and Joanna Burke ("The Burkes"), file this Addendum A, Third-Party Petition seeking prospective declaratory and injunctive relief.

The TXAG Third-Party Petition

This Third-Party Petition is initiated by The Burkes against the Acting Attorney General and recent Secretary of State. The dispute centers around the legal rights and obligations of the parties involved. It is also a Constitutional question.

Jurisdiction

This Third-Party Petition is being filed in the Harris County District Court, Texas, in response to the service of process on The Burkes in a defamation claim within Harris County, Texas.

The Texas Attorney General ("TXAG") holds jurisdiction to respond to this Third-Party Petition, as it involves a constitutional question that falls within the TXAG's mandated responsibilities.

Texas law unequivocally states that the State's chief legal officer, who

is sworn to "preserve, protect, and defend" Texas law, must be permitted to fulfill this duty. Any attempts to bypass this requirement by courts or court officers are unacceptable when litigating significant constitutional matters.

In the case of [*In re State*](#), 489 S.W.3d 454 (Tex. 2016), it was established that the TXAG's right to be heard is imperative, regardless of whether their position is ultimately deemed correct or incorrect. The TXAG's perspective and arguments must be given due consideration.

Therefore, it is evident that no jurisdictional issues arise in this addendum, as the TXAG's jurisdiction and authority are clear in responding to the Third-Party Petition.

Texas Finance Code and Surety Bonds for Debt Collectors

In the aftermath of the 2008 financial crisis, which led to the largest recorded theft of residential properties in the history of Texas, The Burkes are seeking answers from John Scott, the State's prominent lawyer and former Secretary of State ("TXSOS"), regarding Surety Bonds.

Through extensive investigations conducted by LawsInTexas.com ("LIT"), Mark Burke has uncovered alarming data concerning the widespread violation of the Texas Finance Code by numerous lawyers and law firms. Specifically, these entities have failed to comply with the legal requirement of maintaining an active Surety Bond, which should be on file with the TXSOS and easily accessible to consumers on the TXSOS website.

The evidence strongly suggests that the monetary value of unlawfully obtained judgments and debts, garnished and/or recovered illegally by these lawyers and law firms over an extended period, likely amounts to billions of dollars.

Despite LIT's diligent investigations and direct attempts to bring attention to these issues through social media, including notifications to various government and agency accounts such as [@TXAG](#), and [@TXsecofstate](#), these notices have gone unnoticed. Alarming, the status quo persists, further highlighting the ongoing investigation conducted by LIT into the pervasive problem of illegal debt collection in Texas.

It is worth noting that over the past decade, Joanna Burke has repeatedly sought answers to the same questions from the Texas Attorney General (TXAG) in pleadings filed with the Houston Federal Court. Unfortunately, these requests have been disregarded.

The present Third-Party Petition and related addendums, with specific focus on addendums K and B, provide an ideal opportunity to obtain the sought-after answers based on the facts presented.

Prospective Declaratory and Injunctive Relief Not Available

The Burkes assert that they are unable to seek prospective declaratory relief or prospective injunctive relief from a judicial determination in this matter.

The judges in Harris County District Court, responsible for overseeing this case, have consistently misapplied the laws intended to safeguard consumers in Texas against unlawful debt collection practices.

LIT possesses substantial evidence to support the contention that the judges in Harris County District Court are complicit in this misapplication

of laws, effectively hindering the protection of consumer rights.

The evidence supporting the assertion of judicial complicity is publicly available on LIT's blog, establishing the credibility and transparency of the provided information.

COUNT I

Unconstitutionality of Texas Finance Code

The Texas Finance Code, as it stands, is alleged to be unconstitutional as it allows unbonded lawyers and law firms to engage in the illegal collection of debts within the state of Texas.

The unconstitutional provisions of the Texas Finance Code result in a violation of consumers' rights and protections against unlawful debt collection practices.

In the case of [*In re State*](#), 489 S.W.3d 454 (Tex. 2016) and the concurring opinion by then Texas Supreme Court Justice Willett, it was made clear that the Texas Attorney General, as the State's chief legal officer, has a mandate to appear and answer in matters related to the

preservation, protection, and defense of Texas law.

The circumvention of Texas law, whether by courts or officers of courts, undermines the proper litigation of significant constitutional issues and is an unacceptable practice.

It is essential that the Texas Attorney General is given the opportunity to be heard and present arguments regarding the alleged unconstitutionality of the Texas Finance Code and the implications for consumer rights.

Abatement is Mandatory in this Case and Third-Party Petition

The Burkes request that the Court acknowledges the unconstitutionality of the Texas Finance Code, particularly concerning the allowance of unbonded lawyers and law firms to collect debts illegally in Texas.

Furthermore, the Burkes assert that the Texas Attorney General should be permitted to appear and answer in this matter, in line with their mandated role of preserving, protecting, and defending Texas law.

Prayer & Relief

The Constitution of the Republic of Texas, Declaration of Rights Section 4 (1836), guarantees every citizen the liberty to freely express their opinions through speech, writing, or publication.

However, this freedom is subject to responsibility and accountability for any misuse of this privilege.

The same constitutional provision explicitly prohibits the passage of any law that would restrict the liberty of speech or the press.

Additionally, in cases involving libel, the truth may be presented as evidence, and the jury holds the right to determine both the law and the facts, guided by the court's instructions.

The Burkes firmly assert their constitutional rights, which are being infringed upon by an unconstitutional Act which enables unbonded Texas debt collectors to trample upon the rights of both the Burkes and others who encounter them.

In light of these circumstances, the Burkes challenge the

constitutionality of the Texas Finance Code, and initially seek a determination from the Texas Attorney General (TXAG) regarding the Act's compliance with the guarantees enshrined in the Constitution.

Wherefore, the Burkes respectfully request the Court to consider the following relief:

- a. Declaration of the unconstitutionality of the Texas Finance Code as it allows unbonded Texas debt collectors to violate citizens' constitutional rights.
- b. An initial determination by the Texas Attorney General regarding the Act's compatibility with the Constitution.
- c. Any additional relief deemed just and appropriate by the Court.

Jury Trial

Defendants and Third-Party Plaintiffs demand a jury trial.


RESPECTFULLY submitted this 27th day of June, 2023.
I declare under penalty of perjury that the foregoing is true and correct.
This declaration under Chapter 132, Civil Practice and Remedies Code.



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vs.)	THIRD PARTY
)	PETITION AND
Blogger Inc. D/B/A/, LAWIN)	APPLICATION FOR
TEXAS.COM)	PERMANENT
)	INJUNCTION,
)	ADDENDUM C
)	No. 2023-11266
)	
Defendant)	
)	
)	
)	

ADDENDUM C:

**FIRST AMENDED COUNTERCLAIM/THIRD-PARTY PETITION
AND APPLICATION FOR PERMANENT INJUNCTION**

Defendants and Third-party plaintiffs, Mark Burke, individually, and

on behalf of Blogger Inc., and Joanna Burke ("The Burkes"), file this Addendum C, Third-Party Petition seeking prospective declaratory relief in The Superior Court of California, County of Los Angeles.

Jurisdiction

This Third-Party Petition is filed in the Harris County District Court, Texas, as The Burkes have been served process in a defamation claim in Harris County, Texas, and are defendants in the related case pending in Los Angeles Superior Court, California. See; ANDREW LEHMAN, ET AL. VS MARK BURKE, ET AL., Case No.23STCV00341, Jan. 9, 2023 before Judge Gail Killefer.

The Burkes respectfully request this court in Harris County, Texas, consider the jurisdictional implications and exercise its authority to address the prospective declaratory relief sought in this counterclaim.

The resolution of the matters raised in this counterclaim is essential to the proper adjudication of the defamation claim in Harris County, Texas, where The Burkes have been served and are defending their interests. By

addressing these matters, the Harris County District Court Judge can provide clarity on the constitutional violations alleged.

Furthermore, the Harris County District Court Judge can provide clarity on the constitutional violations alleged by The Burkes, ensuring that their constitutional rights are protected and preserved during the ongoing litigation in Harris County, Texas and preventing a potential miscarriage of justice in California courts that could lead to a default judgment enforceable in Texas.

This Third-Party Petition is initiated by The Burkes against the [Chief Judge](#) and Chairman of The Judicial Council California, concerning Government Code Section 68634(a) which pertains to the processing and determination of fee waiver applications in the trial courts. The dispute centers around the legal rights and obligations of the parties involved.

The Burkes seek declaratory relief to obtain a judicial determination on the legal status or validity of Lehman's complaint against them. By seeking prospective declaratory relief, The Burkes aim to obtain the court's

authoritative interpretation or declaration regarding their legal rights before any harm or damages occur.

The Burkes argue that access to justice for indigent litigants without financial audits may lead to fraud on the court, and it denies defendants without access to justice. They cite [*Aronow v. The Superior Court*](#), No. A162662 (Cal. Ct. App. Apr. 22, 2022), where it was recognized that judicial discretion can be exercised to facilitate equal access to justice and not just limited to excusing payment of government fees.

The Third-Party Petition also highlights alleged in forma pauperis (IFP) fraud committed by Andrew Peter Lehman, who obtained fraudulent IFP applications and filed a baseless civil complaint. The Burkes assert that only indigent individuals have the right to pursue a civil action in forma pauperis, as stated in [*Alexander v. Superior Court*](#), 29 Cal.App.2d 538, 539 (Cal. Ct. App. 1938). They argue that the current code allows applicants like Lehman to self-declare their financial status without verification, relying solely on the "penalty of perjury" clause.

The Third-Party Petition further alleges domicile fraud by Lehman, who falsely claims residence in California while actually residing in Harris County, Texas. The Burkes assert that fraud on the court and lack of jurisdiction render Lehman's lawsuit baseless.

The Third-Party Petition also challenges the constitutionality of the defendants' initial appearance fee, which imposes a financial burden on defendants even in defending against a fraudulent lawsuit. The Burkes argue that being charged court fees to defend against a vexatious and harassing litigant like Lehman is unconstitutional.

The Burkes cite [*Mahler v. Judicial Council of California*](#), 67 Cal.App.5th 82, 110 (Cal. Ct. App. 2021), which supports the view that declaratory relief is not foreclosed by judicial immunity, and they seek prospective declaratory relief under both the California Constitution and Section 1983.

**COUNT I: CALIFORNIA CONSTITUTION - PROSPECTIVE
DECLARATORY RELIEF**

The Burkes reallege and incorporate all previous allegations as if fully written herein. Under California law, individuals can bring claims for violations of their constitutional rights, including freedom of speech, due process, privacy, and equal protection, under the California Constitution. The Burkes seek a declaration from the Court clarifying the legal rights and responsibilities of the parties involved and any other declaratory relief deemed appropriate under the California Constitution.

**COUNT II: SECTION 1983 - PROSPECTIVE DECLARATORY
RELIEF**

The Burkes reallege and incorporate all previous allegations as if fully written herein. Section 1983 of Title 42 of the United States Code allows individuals to bring civil lawsuits against state or local government officials who violate their constitutional rights while acting under color of law. The Burkes seek a declaration from the Court regarding the legal status or validity of Lehman's complaint against them and any other

declaratory relief deemed appropriate under Section 1983.

Prayer & Relief

In light of the foregoing allegations, Defendants and Third-party plaintiffs Mark Burke, individually, and on behalf of Blogger Inc., and Joanna Burke ("The Burkes") respectfully request the following relief from the Court:

Prospective Declaratory Relief under the California Constitution:

- a. A declaration from the Court clarifying the legal rights and responsibilities of the parties involved in the potential or ongoing controversy regarding Government Code Section 68634(a) and its application to fee waiver applications in the trial courts.
- b. Any other declaratory relief the Court deems appropriate to resolve the uncertainty or dispute related to the legal rights and obligations of the parties under the California Constitution.

Prospective Declaratory Relief under Section 1983:

- a. A declaration from the Court regarding the legal status or validity of

Lehman's complaint against The Burkes, specifically addressing the alleged fraudulent and baseless nature of the lawsuit.

b. Any other declaratory relief the Court deems appropriate to resolve the uncertainty or dispute related to the legal rights and obligations of the parties under Section 1983.

Such further relief as the Court deems just and proper under the circumstances.

The Burkes respectfully request that the Court grant the prospective declaratory relief sought herein to provide clarity and guidance on the legal rights and responsibilities of the parties involved, ensuring their rights are protected and preventing future disputes or conflicts. The Burkes also request any other relief the Court finds appropriate to address the issues raised in this Third-Party Petition.

Jury Trial

Defendants and Third-party plaintiffs demand a jury trial.

RESPECTFULLY submitted this 27th day of June, 2023.
I declare under penalty of perjury that the foregoing is true and correct.
This declaration under Chapter 132, Civil Practice and Remedies Code.



Mark Burke
State of Texas / Pro Se

46 Kingwood Greens Dr
Kingwood, Texas 77339
Phone Number: (346) 763-2074
Fax: (866) 705-0576
Email: browserweb@gmail.com

I declare under penalty of perjury that the foregoing is true and correct.
This declaration under Chapter 132, Civil Practice and Remedies Code.



Joanna Burke
State of Texas / Pro Se

46 Kingwood Greens Dr

Kingwood, Texas 77339
Phone Number: (281) 812-9591
Fax: (866) 705-0576
Email: joanna@2dobermans.com

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing First Amended Counterclaim/Third Party Petition with an application for a Permanent Injunction has been forwarded to Plaintiff/Counter-Defendants /Third-Parties and counsel by electronic filing notification and/or electronic mail and/or facsimile and/or certified mail, return receipt requested, this the 27th day of June, 2023.



Mark Burke
State of Texas / Pro Se

IN THE DISTRICT COURT, HARRIS COUNTY

189th Judicial District

Robert J. Kruckemeyer	)	DEFENDANTS MARK
	)	BURKE & JOANNA
Plaintiff	)	BURKE's FIRST
	)	AMENDED
	)	COUNTERCLAIM
vs.	)	/THIRD PARTY
	)	PETITION, AND
	)	APPLICATION FOR
Blogger Inc. D/B/A/, LAWIN	)	PERMANENT
TEXAS.COM	)	INJUNCTION,
	)	ADDENDUM L RE
	)	ANDREW PETER
	)	LEHMAN
Defendant	)	No. 2023-11266
)	
)	
)	
)	

ADDENDUM L (re Andrew Peter Lehman):

**FIRST AMENDED COUNTERCLAIM/THIRD-PARTY PETITION
AND APPLICATION FOR PERMANENT INJUNCTION**

The Lehman Third-Party Petition (including Addendum L)

Andrew Peter Lehman, a self-professed paralegal, lawyer, sports

agent, and an individual claiming to hold many other positions and titles, maliciously sued, targeted, threatened, stalked and harassed Joanna Burke, John Burke (deceased), Mark Burke, and Mark's business interests.

Mark Burke individually, and in his business capacity, along with Joanna Burke deny any and all of Lehman's frivolous allegations in his fraudulent, frivolous and vexatious Los Angeles, California State Court complaint (# 23stcv00341).

Indeed, quite the opposite has happened. Upon investigation of public and court records, Andrew P. Lehman is either in JP court and civil court for marital issues, eviction matters, defending debt collection lawsuits, or criminal courts around Texas and beyond. And as the articles well-discussed confirm, he's been party in federal court proceedings with the Consumer Financial Protection Bureau (CFPB), which didn't end well for Lehman.

Lehman is a vexatious pro se litigant who is fraudulently abusing the court in forma pauperis (“IFP”) system and which liberally and freely allows him to stalk and harass law abiding citizens because clearly there are no ‘checks and balances’ performed by the courts prior to issuing these orders granting IFP applications.

For example, Lehman’s fraudulently funded IFP case filed in California confirms the lengths he will scheme and deceive in order to abuse and harass his victims, in this case, the Burkes, before, during and after filing of this fraudulent and frivolous lawsuit.

Further background, including evidence of the harassment is provided below and incorporated herein;

[Lehman BloggerInc LA Quash Joanna Burke 20Apr 2023 Letter;](#)

[Lehman-Bond-Violation-AsstDAPence 27Mar;](#)

The Communications

Thu, May 25, 3:51 AM (The morning of his Criminal Trials)

from: andrew lehman
reply-to: lehmandata22@gmail.com
to: digital@browserweb.com
date: May 25, 2023, 3:51 AM
subject: lawsuit against you Digital Inquiry

Message Body:

hello mark:

you are an internet stalker using proceeds from this company to fund your reign of terror on myself, my family, and the legal community. your time is almost up you fool.

please keep my kingwood house nice and clean so after I foreclose we can move in quickly.

thanks,

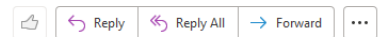
ANDREW LEHMAN

[harrasment-email-may2023-lehman-burke;](#)

Fri, Mar 10, 2023 at 6.54 PM



Andrew Lehman <lehmanlaw2002@gmail.com>
To: LawsinTexas



Fri 3/10/2023 6:54 PM

ⓘ If there are problems with how this message is displayed, click here to view it in a web browser.

Just wait bitch. Keep yo head on a swivel.

Sent from my iPhone

Just wait bitch. Keep yo head on a swivel.

Comments on LIT articles by Lehman and/or 'Associates'

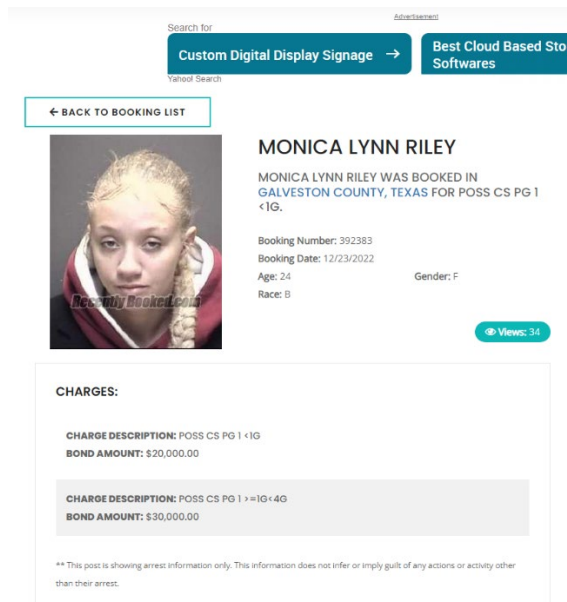
2023/06/06 at 10.07 am

]  **Shawna RILEY**
monrileyyy@aol.com
166.199.114.72

Hello you piece of shit stalker. Andrew got all his bogus cases dismissed but you stalked federal court judges and doctors from his hospital and now Andrew Lehman watch when Andrew Lehman impales you the most you scum bag loser Andrew is a hero and you are a no name loser who spreads lies. Take this shit down ..

Hello you piece of shit stalker. Andrew got all his bogus cases dismissed but you stalked federal court judges and doctors from his hospital and now Andrew Lehman watch when Andrew Lehman impales you the most you scum bag loser Andrew is a hero and you are a no name loser who spreads lies. Take this shit down ..

Note: Discovery will confirm if it's Monica Riley posting and/or Andrew Lehman.




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← BACK TO BOOKING LIST



MONICA LYNN RILEY

MONICA LYNN RILEY WAS BOOKED IN GALVESTON COUNTY, TEXAS FOR POSS CS PG 1 < 1G.

Booking Number: 392383
Booking Date: 12/23/2022
Age: 24
Race: B
Gender: F

Views: 34


CHARGES:

CHARGE DESCRIPTION: POSS CS PG 1 < 1G
BOND AMOUNT: \$20,000.00

CHARGE DESCRIPTION: POSS CS PG 1 >= 1G < 4G
BOND AMOUNT: \$30,000.00

** This post is showing arrest information only. This information does not infer or imply guilt of any actions or activity other than their arrest.

2023/04/09 at 1:55 pm (Daniel Goldberg)

 **Daniel goldberg**
Danielgoldberg1952@yahoo.com
107.123.53.70
<https://markeburkethecriminalstalker.godaddysites.com/>
<https://markeburkethecriminalstalker.godaddysites.com/>

<https://markeburkethecriminalstalker.godaddysites.com/>



GoDaddy Website Marke Burke The Criminal Stalker

Mark & Joan

Are you being harassed and stalked by Mark Burke the Criminal Stalker and...

ABOUT US



story of the meth head mark burke from kingwood tx, 46 kingwood greens, kingwood, tx

[CONTACT US >](#)

SITE CONTENT

Additional Information

The author of the blogger, inc and BROWSERWEB INC blogs on the websites:

www.lawsintexas.com, www.lawsinflorida.com, and www.lawsinnewyork.com, is a FRAUD and a SCAM. Do Not Support These sites. This Author is a known stalker and has reports from prominent Doctors, and Lawyers and Judges with whom he has extorted for money and harassed continuously...

This website uses cookies.

We use cookies to analyze website traffic and optimize your website experience. By accepting our use of cookies, your data will be aggregated with all other user data.

story of the meth head mark burke from kingwood tx, 46 kingwood greens, kingwood, tx

While at least half a dozen judges, doctors, and prominent lawyers are looking for this MARK BURKE TO SERVE HIM LEGAL DOCUMENTS HE HIDES BEHIND HIS CARDBOARD BOXED WINDOWS AND PLYWOOD IN HIS MILLION DOLLAR KINGWOOD HOUSE located at 46 Kingwood Greens, Kingwood...

SITE CONTENT

Additional Information

The author of the blogger, inc and BROWSERWEB INC blogs on the websites:

www.lawsintexas.com, www.lawsinflorida.com, and www.lawsinnewyork.com, is a FRAUD and a SCAM. Do Not Support These sites. This Author is a known stalker and has reports from prominent Doctors, and Lawyers and Judges with whom he has extorted for money and harassed continuously...

The following is from a court case where MARK & JOANNA BURKE stalked and hassed doctors at HCA medical center until they filed charegs:

Unsatisfied with their conclusion, Burke created a website, www.kingwoodfr.com, designed to defame, intimidate, and harass HCA Kingwood and its employees, agents, representatives, and attorneys. Burke's website also includes each filing related to his lawsuit against HCA Kingwood. See Exhibit E, Burke v. KPH - Consolidation, Inc., DBA HCA Houston Healthcare Kingwood; Exhibit F, Request for Production and Inspection of HCA Kingwood Hospital Video Surveillance Footage; Exhibit G, You've Been Served HCA Kingwood Hospital and Now You Can No Longer Remain Silent; Exhibit H, Assisted by the Nifty Lone Star Legal Aid Online Tool to Prepare and Submit Initial Disclosures. 11. Through his website, Burke continuously posts negative articles about HCA Healthcare, Inc. regarding allegations of kickbacks, excessive billing practices, and the necessity of structural reorganization. See Exhibit I, HCA Holds the Record for the Largest Health Care Fraud in American History; Exhibit J, HCA Healthcare Accused of Excessive Billing Practices for Corporate Greed; Exhibit K, Department of Justice: HCA Healthcare Givin' Doctors 4 Financial Kickbacks Is a Violation of FCA; Exhibit L, DOJ: HCA Healthcare Houston Settles Kickbacks from Ambulance Services to Redired Patients to HCA; Exhibit M, Report: HCA Has a Lengthy History of Fraud and Now Accused of Defrauding the Medicare System; Exhibit N, HCA Healthcare CEO Sam Hazen's 2021 Compensation was \$20.6 Million: Median Staff Pay Is \$67K; Exhibit O, Short Staffing at HCA Hospitals Endangering Lives of Patients say Nurses in Union National Survey; Exhibit P, HCA Healthcare: Pay Billions in Fines under False Claims Act (FCA) Settlements; Exhibit Q, A Shakeup

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The author of blogger, inc and BROWSERWEB INC blogs on the websites:

www.lawsintexas.com, www.lawsinflorida.com, www.lawsinnewyork.com is a FRAUD and a SCAM. Do Not Support These Sites. The Author is a known stalker and has reports from prominent Doctors, and Lawyers and Judges with whom he has extored for money and harassed continually...

The following is from a court case where MARK and JOANNA BURKE stalked and hassed doctors at HCA medical center until they filed charges...

2023/03/28 at 6:50 pm

 john schneider
johnsch2023@gmail.com
45.31.117.223

The Author of this Blog is subject to a permanent injunction and complaint for damages by Lehman and his (3) minor children, in the Los Angeles Superior Court of California (CASE NO. 23STCV00341) as against Blogger Inc., BrowserWeb Inc, Mark Burke, and Joanna Burke (both from Kingwood, TX and believed to be the authors of this hate rhetoric) for directing lies, untruths, assumptive rhetoric about Lehman that has no basis in fact yet deceives the reader into believing it true while using it to drive his own revenue dollars at the expense of the (3) minor children and Lehman himself.

California Civil Code Section 3344 states that any person who knowingly uses another's name, without their consent, for the purposes of selling, advertising, or soliciting, shall be liable for any damages sustained by the person or person injured as a result thereof. MARK BURKE and JOANNA BURKE (residents of Kingwood, TX) Don't throw stones when you live in a glass house....

Your blog sucks as bad as Lehman's taste in cars. I heard he actually drives a maserati not a porsche. lololololol I wonder what his balls taste like ????

The Author of this Blog is subject to a permanent injunction and complaint for damages by Lehman and his (3) minor children, in the

Los Angeles Superior Court of California (CASE NO. 23STCV00341) as against Blogger Inc., BrowserWeb Inc, Mark Burke, and Joanna Burke (both from Kingwood, TX and believed to be the authors of this hate rhetoric) for directing lies, untruths, assumptive rhetoric about Lehman that has no basis in fact yet deceives the reader into believing it true while using it to drive his own revenue dollars at the expense of the (3) minor children and Lehman himself.

California Civil Code Section 3344 states that any person who knowingly uses another's name, without their consent, for the purposes of selling, advertising, or soliciting, shall be liable for any damages sustained by the person or person injured as a result thereof. MARK BURKE and JOANNA BURKE (residents of Kingwood, TX) Don't throw stones when you live in a glass house....

Your blog sucks as bad as Lehman's taste in cars. I heard he actually drives a maserati not a porsche. lolololololol

I wonder what his balls taste like ????

2023/03/17 at 4:39 pm (Friday, the day Lehman was in Kingwood in his Gold Porsche Cayenne, and leaving the envelope marked "poor white trash") on the front door;



Mark Burke has made such an effort to avoid service of this lawsuit his \$2.5 million dollar home in kingwood the man has covered his windows with cardboard and paper all over his house and he remains a hermit while lawyers and process servers for Federal Court Judges, prominent Lawyer and process servers scour his home at 46 kingwood greens, kingwood, tx looking for any sight of the old man that has spread lies deceit slander and defamation against some of South Texas most prominent people in the legal industry.



Attorney

lehmandata2024@icloud.com

107.123.53.32

Mark Burke has made such an effort to avoid service of this lawsuit his \$2.5 million dollar home in kingwood the man has covered his windows with cardboard and paper all over his house and he remains a hermit while lawyers and process servers for Federal Court Judges, prominent Lawyer and process servers scour his home at 46 kingwood greens, kingwood, tx looking for any sight of the old man that has spread lies deceit slander and defamation against some of South Texas most prominent people in the legal industry. From taking mugshots that are 20 years old and posting false truths, fabricating documents to make his lies sound real; all to become relevant on the internet.... We'll mark and Joanna Burke you can hide all you want newspaper publications will have to be your form of notice.... You turned a \$2mm dollar house into a crack house and your neighbors abhor you. When one of us finally get you in court your moms wealth she acquired with her late husband through hard work will unfortunately be taken from you so you could be relevant for 15 minutes. Smdh

From taking mugshots that are 20 years old and posting false truths, fabricating documents to make his lies sound real; all to become relevant on the internet.... We'll mark and Joanna Burke you can hide all you want newspaper publications will have to be your form of notice.... You turned a \$2mm dollar house into a crack house and your neighbors abhor you. When one of us finally get you in court your moms wealth she acquired with her late husband through hard work will unfortunately be taken from you so you could be relevant for 15 minutes. Smdh (Shaking my damn head)

2023/02/27 at 2:17 am (Andrew P. Lehman)

you have lehman's facts all wrong likely because you are not an attorney just a novice law school pipe dreamer. Shut this website down before it is wound up in involuntary bankruptcy.



Andrew P. Lehman

whatismyip.com/65.112.228.222

65.112.228.222

you have lehman's facts all wrong likely because you are not an attorney just a novice law school pipe dreamer. Shut this website down before it is wound up in involuntary bankruptcy. This old man he played one he played knick knack until hhes done. keep your head on a swivel old man novice. You still got the mans kids up on the sight which goes to show that you are either (1) broke, or (2) dont min losing it all

This old man he played one he played knick knack until hhes done. keep your head on a swivel old man novice. You still got the mans kids up on the sight which goes to show that you are either (1) broke, or (2) dont min losing it all

2023/02/02 at 6:06 am (“Former Harris County DA”)

take your article down with this man’s children and family. he has never been convicted of any criminal offense. Further the settlement with the CFPB admitted no fault on either party. Mr. Lehman is not someone to fuck with honestly. Your brave sir.



Former HCDA

monrileyyy@aol.com

50.200.126.66

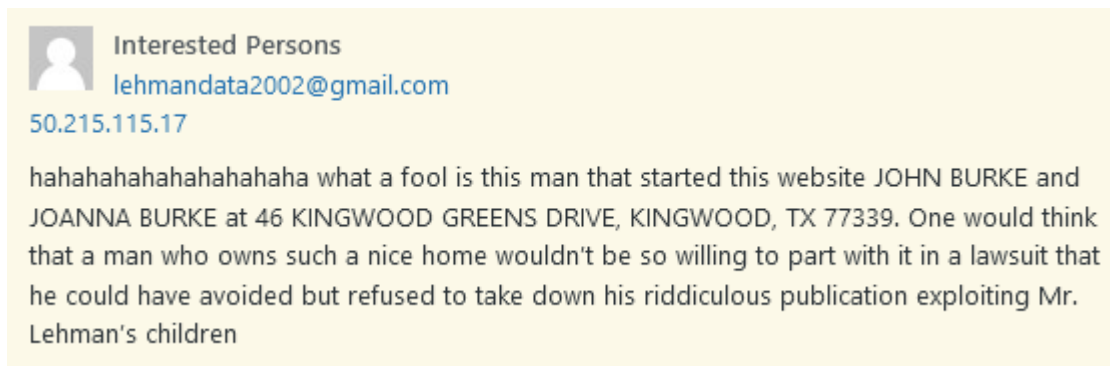
take your article down with this man's children and family. he has never been convicted of any criminal offense. Further the settlement with the CFPB admitted no fault on either party. Mr. Lehman is not someone to fuck with honestly. Your brave sir. I know you think he's a paralegal. He has defeated and almost disbanded an entire branch of the federal government (USSC Case Jun., 2020; Seila Law v. the CFPB on Writ of Cert. 9th circuit)by himself as pro se litigant. this CFPB employes more than 1,000 lawyers. when he takes a lien and forecloses on your property don't say you didn't get warned but were to hard headed to take notice and remove your attacks at his children. RIP to the professi onal career of this Author.

I know you think he’s a paralegal. He has defeated and almost

disbanded an entire branch of the federal government (USSC Case Jun., 2020; Seila Law v. the CFPB on Writ of Cert. 9th circuit) by himself as pro se litigant. this CFPB employes more than 1,000 lawyers. when he takes a lien and forecloses on your property don't say you didn't get warned but were to hard headed to take notice and remove your attacks at his children. RIP to the professional career of this Author.

2023/01/28 at 11:09 pm (Lehman 'Data')

hahahahahahahahaha what a fool is this man that started this website JOHN BURKE and JOANNA BURKE at 46 KINGWOOD GREENS DRIVE, KINGWOOD, TX 77339.



Interested Persons
lehmandata2002@gmail.com
50.215.115.17


hahahahahahahahaha what a fool is this man that started this website JOHN BURKE and JOANNA BURKE at 46 KINGWOOD GREENS DRIVE, KINGWOOD, TX 77339. One would think that a man who owns such a nice home wouldn't be so willing to part with it in a lawsuit that he could have avoided but refused to take down his riddiculous publication exploiting Mr. Lehman's children

One would think that a man who owns such a nice home wouldn't be so willing to part with it in a lawsuit that he could have avoided but refused to take down his riddiculous publication exploiting Mr. Lehman's children

2023/01/28 at 11:04 pm (Lehman 'Law')

Andrew Lehman and his 3 Minor Children file lawsuit in Los Angeles, CA; seeking more than \$1 million from John Burke, Joanna Burke, BrowserWeb Inc, and Blogger Inc, a non profit, after the Rogue

publisher posts articles exploiting Mr. Lehman's children and making false disparaging statements about Mr. Lehman and his businesses.



ANDREW P LEHMAN
lehmanlaw2002@yahoo.com
50.215.115.17

Andrew Lehman and his 3 Minor Children file lawsuit in Los Angeles, CA; seeking more than \$1 million from John Burke, Joanna Burke, BrowserWeb Inc, and Blogger Inc, a non profit, after the Rogue publisher posts articles exploiting Mr. Lehman's children and making false disparaging statements about Mr. Lehman and his businesses. This lawsuit will show the Burke family what a real foreclosure looks like after taking a judgment and abstracting the same in Harris County. THE CASE NO IS 23STCV00341 AND IS BEING HEAR BY GAIL KILLEFER IN DEPARTMENT 37

This lawsuit will show the Burke family what a real foreclosure looks like after taking a judgment and abstracting the same in Harris County. THE CASE NO IS 23STCV00341 AND IS BEING HEAR BY GAIL KILLEFER IN DEPARTMENT 37

Lehman's angst is over the following two articles on LIT which republish a portion of his lengthy civil and criminal history with supporting evidence;

[LIT's follow-up article on Lehman:](#)

"2022 Ends with Investigation into Andrew P. Lehman, CFLA, Lehman Brothers LLC, Lehman Data Analytics et al This is a new article. It will be updated frequently. Bookmark as LIT reviews Andrew Lehman, post CFPB settlement";

[LIT's first article on Lehman:](#)

“The CFPB Claim \$3m Restitution from Forensic Loan Scam Co. The Fact is the \$3M is Suspended. These Two Thieves Should be In Jail. Andrew Lehman and Michael Carrigan haven’t got \$30k never mind \$3 million and that’s why it’s a fully suspended payment. It’s a CFPB PR stunt”.

But the issues with Lehman’s judge/judicial shopping by fraud on the court and by claiming to be a pauper in a Porsche are exacerbated by the earlier threats of litigation by an associate by the name of Daniel Goldstein, CPA, esq.

He also sent the following document via email to LIT titled [“LAWS IN TEXAS DEMAND PAYMENT”](#) dated December 15, 2022. Included in this document were emails from Lehman, one dated Feb. 11, 2022 which included the following extract;

“In conclusion, Mr. Lehman will file a lawsuit **in the Harris County District Court** on February 15th, 2022 if this article is not removed, and then you will see if Mr. Lehman has \$30,000.00 or not.”

At that time the one year statute of limitations for alleged defamation claims had already expired for the CFPB article in question.

Mark Burke

Amidst the intricate landscape of the online world, Mark Burke, a dedicated and principled publisher of the truth, serves as the sole director for Blogger Inc. and assumes the role of editor for lawsintexas.com, a not-for-profit blogging platform.

Fueled by his passion for shedding light on lawsuits, public concerns regarding the legal community, and exposing instances of public corruption, Mark aims to provide valuable insights to his readers.

However, within the vast expanse of the virtual realm, Mark becomes an unwilling target, subjected to a relentless campaign of threats, abusive communications, and a calculated scheme designed to undermine his work.

Since 2021, Mark has been bombarded with a barrage of derogatory and defamatory comments originating from a certain individual named Andrew Peter Lehman, and potentially others who conspire with him.

These attacks, coupled with the filing of a fraudulent and frivolous lawsuit in a distant state in January 2023, showcase the extent to which Lehman and his cohorts are willing to go to silence Mark's voice.

With unwavering determination, Mark remains committed to his mission of promoting accurate information and fostering meaningful discussions.

However, the emotional toll inflicted by Lehman's relentless harassment cannot be overlooked. Lehman's comments, dripping with vitriol and hostility, aim to tarnish Mark's reputation and undermine the credibility of his blog.

Andrew Peter Lehman's behavior reveals a deeply disturbing obsession and a malevolent agenda. Through his investigations, Mark uncovers Lehman's involvement in criminal cases and a troubling propensity for violence, including incidents involving the use of vehicles, firearms, and physical altercations.

Such revelations heighten Mark's unease, as he comes face-to-face with the potential danger posed by this unhinged individual.

Among the onslaught of untruthful, scurrilous, and emotionally distressing comments, a particularly menacing message stands out, directed squarely at Mark Burke.

Lehman's words insinuate a personal vendetta, baselessly accusing Mark of being a criminal stalker and implicating him in a fictitious campaign of terror against Lehman, his family, judges, lawyers, doctors, and the legal community at large.

The sheer falsehoods and inaccuracies contained within these claims serve only to underscore Lehman's warped perspective and the malevolent intent that drives his actions. The emotional torment and suffering inflicted upon Mark are further compounded by the inclusion of his mother (alive) and deceased father in the lawsuit, despite their lack of involvement or interest in Mark's business affairs.

Mark Burke finds himself ensnared in an unrelenting storm of emotional turmoil, his unwavering dedication to promoting knowledge and fostering meaningful conversations overshadowed by the distress caused by Lehman's incessant attacks.

As he confronts this dark chapter, Mark clings to the hope that justice will ultimately prevail, shining a light on the truth and allowing him to reclaim his peace of mind and the unwavering integrity that his blog, lawsintexas.com, embodies.

Joanna Burke

In the depths of emotional pain and torment, Joanna Burke, an elderly sick woman finds herself engulfed in a sea of suffering, unable to find solace in the midst of her overwhelming circumstances. Her heart, already heavy with grief from the loss of her beloved husband of 64 years, is burdened further by the weight of her deteriorating health and the numerous medical surgeries she is enduring over an extended period of time. Each passing day seems to add to her already unbearable emotional load, leaving her feeling depressed, sad, and emotionally ragged.

In the midst of her fragile state, a sudden and unexpected turn of events plunges her into a world of fear and uncertainty. A man she has never met, Andrew Peter Lehman, emerges and serves her with a lawsuit from a distant state. This intrusion into her life, this legal battle imposed upon her, feels like a cruel twist of fate. She wonders why someone she has no connection with would choose to target her during this vulnerable time.

To compound her distress, she discovers unsettling details about this man, Andrew Peter Lehman. His history of criminal cases, his penchant for violence, and his propensity for using a vehicle as a weapon strike fear deep within her fragile heart. The knowledge that he discharged a shotgun in the direction of another person only intensifies her trepidation. The weight of her emotional suffering grows heavier still as she learns of his admitted abuse of alcohol and drugs, casting shadows of uncertainty and danger upon her already troubled existence.

As if his menacing history weren't enough, Andrew Peter Lehman crosses yet another line. He arrives uninvited at her home, his imposing 300-pound frame banging on her doors, a haunting sound that echoes through the chambers of her already fragile soul. Peering into her windows, he invades the sanctity of her personal space, leaving her feeling violated and exposed. The flash of his camera captures images of her home, which he shamelessly shares on the internet

accompanied by defamatory and vile statements. Her sense of security shattered, she now lives in constant fear for her safety and even her life.

In this convergence of emotional pain, torment, and suffering, the elderly sick woman's existence becomes a harrowing battleground. The weight of her grief, the burden of her failing health, and the unrelenting torment inflicted upon her by an unknown assailant have left her emotionally battered and teetering on the precipice of despair. Her only solace lies in the hope that justice will prevail, that the light of compassion and empathy will guide her through this dark and treacherous path, and that she will once again find peace in the twilight of her life.

Who's Being Countersued, in What Capacity and Under What Legal Theory?

Andrew Peter Lehman in his personal capacity for (I) "malicious use of process" (also known as "abuse of process"), (II) civil conspiracy, (III) "intentional infliction of emotional distress", (IV) harassment and

(V) stalking against The Burkes, who both seek permanent injunctive relief. Further counts include (VI) defamation, due to libel by written word(s) or communication(s), and; (VII) mental anguish.

Count I

Abuse of Process

Defendants and Third-Party Plaintiffs re-allege and incorporate each allegation set forth above and in conjunction with the main third party petition as if fully written herein. Third-Party Plaintiffs assert Andrew Peter Lehman's fraudulent acts and improper use *after* obtaining IFP status includes;

Filing frivolous lawsuits: Lehman repeatedly files baseless lawsuits or claims without any legal merit, using the IFP status to avoid paying court fees and costs, an improper use of the legal process. This includes situations like in the underlying case involving the Third-party plaintiffs and where the lawsuits are filed solely to harass, intimidate, or burden the Burkes.

Harassment or intimidation: Lehman misuses the IFP status to engage in persistent harassment, intimidation, or other abusive tactics against the Burkes, an improper use of the legal process. This includes threatening and filing lawsuits and pleadings without a legitimate legal basis, solely to cause distress or harm to the Burkes.

Manipulating the legal system: Lehman is misrepresenting his financial circumstances and providing false information to maintain his IFP status, with the intention of gaining an unfair advantage or manipulating the legal system, an improper use of the process.

See; *Graves v. Evangelista-Ysasaga*, No. 14-22-00137-CV, at *9 (Tex. App. Jan. 24, 2023); The elements of abuse of process are:

(1) the defendant made an illegal, improper, or perverted use of the process, a use neither warranted nor authorized by the process; In this case, Lehman submitted fraudulent IFP applications in Los Angeles Superior Court in California, after which the court accepted his complaint, waiving

fees and costs, which includes the process of service.

(2) the defendant had an ulterior motive or purpose in exercising such illegal, perverted, or improper use of the process; Lehman's scheme involved judge/judicial shopping and application fraud to commence a frivolous lawsuit out-of-state, against persons that have no interest in the allegations made by Lehman or are deceased, where the evidence shows that in prior threats of litigation, Lehman stated that he would be filing a lawsuit in Harris County, Texas, where he is domiciled, and is further proof of Lehman's scheme to file in California for the purposes of abuse, harassment, stalking, intimidation, fear, distress, financial losses and costs, and is a clear and obvious abuse of the legal system, and;

(3) damage resulted to the Defendants and Third-party plaintiffs as a result of such illegal act; see above and the damages are ongoing and increasing every day the case in California is active and/or an adverse and unconstitutional default judgment is issued.

Implicit in the elements is the requirement that the process in question be improperly used *after* it was issued. All these elements are satisfied here.

Count II

Civil Conspiracy

Defendants and Third-party plaintiffs re-allege and incorporate each allegation set forth above and in conjunction with the main third-party petition as if fully written herein. In Texas, civil conspiracy is a legal claim that involves two or more individuals or entities forming an agreement to commit an unlawful act or to accomplish a lawful act by unlawful means.

Lehman's conspiracy count will require further discovery to obtain the names and addresses of the unknown Jane and John Does involved. Due to these present circumstances, the court and the parties are on notice that The Burkes will be amending their third-party petition in due course.

Count III

Emotional Distress

Defendants and Third-party plaintiffs re-allege and incorporate each allegation set forth above and in conjunction with the main third-party petition as if fully written herein.

Intentional Infliction of Emotional Distress: The elements of intentional infliction of emotional distress are that (1) the Defendants acted intentionally or recklessly, (2) the conduct was extreme and outrageous, (3) the actions of the Defendants caused the plaintiff emotional distress, and (4) the emotional distress was severe. *Twyman v. Twyman*, 855 S.W.2d 619, 621 (Tex. 1993).

(1) Andrew Peter Lehman, acted intentionally or recklessly by engaging in a series of alarming and harassing behaviors directed towards the plaintiff.

(2) The conduct of Andrew Peter Lehman was extreme and

outrageous. Despite his menacing history, he persistently violated boundaries by arriving uninvited at Joanna Burkes home. His imposing 300-pound frame relentlessly banged on Joanna's doors, producing a haunting sound that reverberated through the chambers of her already fragile soul. Moreover, he invaded the sanctity of her personal space by peering into her windows, leaving her with a profound sense of violation and exposure. Additionally, he shamelessly captured images of her home with his camera, subsequently disseminating them on the internet accompanied by inaccurate, defamatory and vile statements about the Burkes. These actions collectively demonstrate the extreme and outrageous nature of the Defendant's conduct.

(3) The actions of Andrew Peter Lehman caused the Burkes significant emotional distress. As a result of his intrusive behavior, the

Burkes sense of security has been shattered, leaving them in a constant state of fear for their safety and even lives. The relentless invasion of their personal space, combined with the falsehoods disseminated online, accompanied by defamatory and vile statements and communications, inflicted substantial emotional harm upon the Burkes.

(4) The emotional distress suffered by the Burkes is severe. The relentless and intrusive actions of Andrew Peter Lehman leaves the Burkes traumatized, emotionally scarred, and living in constant fear. The plaintiff's daily life has been profoundly impacted, and her overall well-being has significantly deteriorated as a direct result of the Defendant's conduct.

Furthermore, it is important to note that Andrew Peter Lehman filed a fraudulent in forma pauperis (IFP) lawsuit against the Burkes in California.

This lawsuit was pursued with fraudulent intent, as Joanna Burke has no interest in the matter, and John Burke, her husband, was deceased prior to the filing. The fraudulent lawsuit was initiated with the malicious intent of increasing stress and expenses.

Lehman seeks to illegitimately finish a “free home”, aided and abetted by the judiciary.

Additionally, it is evident that the filing of the lawsuit in California, despite Lehman's residence in Texas, amounts to judicial shopping, seeking an advantageous jurisdiction for his harassing and damaging actions.

Therefore, based on the elements of intentional infliction of emotional distress, it is evident that Andrew Peter Lehman's unlawful behavior meets the legal criteria for a complaint alleging intentional infliction of emotional distress.

Count IV

Harassment

Defendants and Third-party plaintiffs re-allege and incorporate each allegation set forth above and in conjunction with the main third-party petition as if fully written herein.

Lehman has repeatedly engaged in conduct that "constitutes an offense under Section 42.07," the penal statute criminalizing harassment. See PENAL § 42.072(a) (stalking consists of repeatedly committing offense of harassment or repeatedly engaging in conduct actor knows or reasonably should know victim will regard as threatening bodily injury, death, or property offense). The offense of harassment, in turn, criminalizes the following specified conduct:

A person commits an offense if, with intent to harass, annoy, alarm, abuse, torment, or embarrass another, the person:

(1) initiates communication and in the course of the communication makes a comment, request, suggestion, or proposal that is obscene;

(2) threatens, in a manner reasonably likely to alarm the

person receiving the threat, to inflict bodily injury on the person or to commit a felony against the person, a member of the person's family or household, or the person's property;

(3) conveys, in a manner reasonably likely to alarm the person receiving the report, a false report, which is known by the conveyor to be false, that another person has suffered death or serious bodily injury;

(4) causes the telephone of another to ring repeatedly or makes repeated telephone communications anonymously or in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend another;

(5) makes a telephone call and intentionally fails to hang up or disengage the connection;

(6) knowingly permits a telephone under the person's control to be used by another to commit an offense under this section;

(7) sends repeated electronic communications in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend another; or

(8) publishes on an Internet website, including a social media platform, repeated electronic communications in a manner reasonably likely to cause emotional distress, abuse, or torment to another person, unless the communications are made in connection with a matter of public concern.

Id. § 42.07(a).

Here, Lehman's persistent and disturbing harassing communications, stalking the Burke's residence and leaving further harassing

communications on the property, displaying the property on a website with more libelous and harassing communications and content, either created and controlled by Lehman and/or that of his co-conspirators to be determined during the lawsuit, along with his criminal history, including the current and pending criminal case in Galveston, wherein Lehman is accused of discharging a shotgun pointed at an individual, combined with his drug and alcohol dependency, his obvious lack of anger management and resulting quick temper, which has led to several arrests with documented reports by police officers as to his repeated infractions and ability to threaten individuals, commit assault and battery, domestic and family violence including minor(s), assault with a deadly weapon, and continues to use drugs and alcohol while on bond, on a tether (ankle monitor) and while awaiting trial in related criminal cases, leaves the Burkes in fear for their safety and lives.

See; *Dessens v. Argeroplos*, 658 S.W.3d 438 (Tex. App. 2022) and relevant here, the Burkes are seeking a lifetime protective order against

Lehman, the court orders Lehman to submit to a psychological evaluation and alcohol assessment, and as the Burkes claims provide irrefutable and sufficient proof and evidence, the court prohibits Lehman from "possessing a firearm" during his lifetime.

See; *Act of May 17, 2013*, 83rd Leg., R.S., ch. 760, § 2, 2013 *Tex. Gen. Laws 1928, 1928-29* (repealed 2019).

Count V

Stalking

Defendants and Third-party plaintiffs re-allege and incorporate each allegation set forth above and in conjunction with the main third-party petition as if fully written herein.

The Texas Code of Criminal Procedure allows victims of certain criminal offenses, including the offense of stalking under Section 42.072 of the Penal Code, to obtain a protective order if the court finds there are reasonable grounds to believe that the person against whom the protective

order is sought committed the offense.

Former Tex. Code Crim. Proc. art. 7A.03(a) (repealed and recodified without substantive change in Chapter 7B, effective January 1, 2021) (Act of May 21, 2019, 86th Leg., R.S., ch. 469, § 3.01(2), 2019 Tex. Gen. Laws 1065, 1152); see Tex. Penal Code § 42.072 (elements of stalking).

Although a protective order under the Code of Criminal Procedure is predicated on the applicant being a victim of a criminal offense, the proceedings on the application are civil proceedings.

Beach v. Beach, No. 01-19-00123-CV, 2020 WL 1879553, at *4 (Tex. App.-Houston [1st Dist.] Apr. 16, 2020, pet. dismissed w.o.j.) (mem. op.); *Ex parte Garza*, 603 S.W.3d 492, 496-97 (Tex. App.-Corpus Christi-Edinburg 2020, no pet.) (concluding that there was no constitutional right to counsel in chapter 7A protective-order proceedings).

There is no doubt, and considering the alarming facts recanted here, and as a reminder, it would be remiss not to illuminate Andrew Peter Lehman's

disturbing history, where he once again crosses a severe boundary whilst on bond for several pending cases. He intrudes upon Joanna Burke's residence without invitation, forcefully pounding on her doors with his imposing 300-pound frame, creating an eerie and unsettling resonance that resonates within the depths of her already fragile being. By peering into her windows, he invades the sacredness of her personal space, leaving her with an overwhelming sense of violation and exposure.

He shamelessly captures images of her home with his camera, which he callously disseminates on the internet, accompanied by defamatory and abhorrent remarks. As a result, her perception of security has been shattered, plunging her into a perpetual state of apprehension for her safety, and even her life.

Count VI

Defamation Per Se

Defendants and Third-party plaintiffs re-allege and incorporate each

allegation set forth above and in conjunction with the main third-party petition as if fully written herein.

It is without doubt, and with the benefit of a full review of this Addendum with facts, evidence, supporting case law and unsworn declarations from the Burkes they have been defamed *per se* by Lehman. Defamation *per se* refers to statements or statements with clear and obvious meanings that are inherently harmful to a person's reputation. In other words, these statements are so obviously damaging that their harmful nature does not need to be proven.

In this defamation *per se* case, the Burkes do not need to prove that they suffered specific damages as a result of the defamation since the harm is presumed. In relation to damages for the injury to the Burke's reputation caused by Lehman's defamatory statements in this *defamation per se* Third-party petition, and noting that under presumption of damages applicable to *libel per se*, damages "are within the jury's discretion, are purely personal,

and cannot be measured by any fixed rule or standard. See; *Aldous v. Bruss*, No. 14-11-01108-CV, at *20-22 (Tex. App. Apr. 4, 2013).

Count VII

Mental Anguish

Defendants and Third-party plaintiffs re-alleges and incorporates each allegation set forth above as if fully written herein. The Texas Supreme Court has defined mental anguish as "emotional pain, torment, and suffering." *Moore v. Lillebo*, 722 S.W.2d 683, 688 (Tex. 1986).

Emotional Pain: The Burkes have become the primary targets of Lehman's relentless and malicious cyberbullying campaign.

Lehman's tactics go beyond online harassment as he and/or his co-conspirators consistently bombard the Burkes with hurtful and malicious messages.

They further amplify the damage by posting defamatory comments on lawsintexas.com, sending emails filled with insults and

derogatory language, and even leaving letters at the Burkes' residence with nasty comments.

To intensify the ordeal, Lehman and/or his co-conspirators have gone as far as creating a dedicated website solely designed to target the Burkes and their homestead, inundating it with false and inaccurate untruths.

As a result, the Burkes experience profound emotional pain, feeling deeply hurt, distressed, and emotionally drained by the relentless attacks on their reputation and well-being.

The continuous barrage of hurtful content across various channels takes a heavy toll on their mental and emotional state, leaving them grappling with feelings of sadness, anxiety, and an overwhelming sense of despair.

Torment: Lehman, fueled by a personal vendetta, launches a malicious online campaign against the Burkes. Using various online

methods of communication, including blogs and websites, Lehman spreads false rumors, concocts damaging stories, and encourages others to harass and intimidate the Burkes. The torment they experience is unrelenting, leaving them in a constant state of fear, anxiety, and psychological anguish.

Suffering: The relentless online harassment orchestrated by Lehman takes a heavy toll on the Burkes. They find themselves subjected to a barrage of hate messages, threats, and public humiliation. The resulting suffering is immense, encompassing profound emotional distress, a sense of powerlessness, and an overwhelming burden on their mental well-being.

Permanent Injunction (re Andrew Peter Lehman)

The Burkes request the Court set its Application for Permanent Injunction for a full trial on the merits and, after the trial, issue a permanent injunction against Andrew Peter Lehman. The Burkes are

seeking a lifetime protective order against Lehman, the court orders Lehman to submit to a psychological evaluation and alcohol assessment, and the court prohibits Lehman from "possessing a firearm" during his lifetime.

Prayer & Relief

Based on the foregoing and in conjunction with Addendum C, Defendants and Third-party plaintiffs seeks the following relief:

A permanent injunction as described against Lehman;

The Burkes respectfully request this court in Harris County, Texas, consider the jurisdictional implications and exercise its authority to address the prospective declaratory relief sought in this third-party petition;

And after such determination, any such other relief the Court may deem just, proper and /or necessary under the circumstances, including;

Damages: The Third-party plaintiffs asks the court to assess and award

compensatory and exemplary damages to compensate the Third-party plaintiffs for any financial losses, emotional distress, or other harm caused by the insurer's actions as detailed.

Jury Trial

Defendants and Third-party plaintiffs, the Burkes, demand a jury trial.

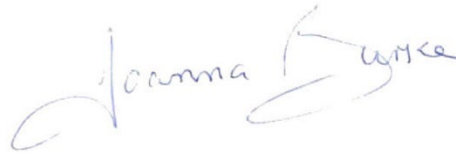
RESPECTFULLY submitted this 27th day of June, 2023.
I declare under penalty of perjury that the foregoing is true and correct.
This declaration under Chapter 132, Civil Practice and Remedies Code.



Mark Burke
State of Texas / Pro Se

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I declare under penalty of perjury that the foregoing is true and correct.
This declaration under Chapter 132, Civil Practice and Remedies Code.

A handwritten signature in blue ink that reads "Joanna Burke". The signature is cursive and somewhat stylized.

Joanna Burke
State of Texas / Pro Se

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing First Amended Counterclaim/Third Party Petition with an application for a Permanent Injunction has been forwarded to Plaintiff/Counter-Defendants /Third-Parties and counsel by electronic filing notification and/or electronic mail and/or facsimile and/or certified mail, return receipt requested, this the 27th day of June, 2023.

A handwritten signature in black ink, appearing to read "Mark Burke". The signature is written in a cursive style with a prominent vertical stroke on the left side.

Mark Burke
State of Texas / Pro Se