

IN THE DISTRICT COURT, HARRIS COUNTY

**189<sup>th</sup> Judicial District**

Robert J. Kruckemeyer	)	MOTION TO STRIKE
	)	<del>DEFENDANT's</del>
Plaintiff	)	IMPOSTERS' ORIGINAL
	)	ANSWER AND TCPA
	)	MOTION TO DISMISS
vs.	)	No. 2023-11266
	)	
Blogger Inc. D/B/A/, LAWIN	)	
TEXAS.COM	)	
	)	
	)	
Defendant	)	
	)	
	)	
	)	

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**MOTION TO STRIKE ~~DEFENDANT's~~ IMPOSTERS' ORIGINAL  
ANSWER AND TCPA MOTION TO DISMISS**

Defendants, Counter-Plaintiffs and Third-Party Plaintiffs Mark  
Burke, individually, and on behalf of Blogger Inc., ~~and Joanna Burke~~ ("The  
Burkes"), file this Motion to Strike for the following reasons;

## **TIMELINE OF EVENTS**

**On Feb 21, 2023**, the Plaintiff's Original Petition And Application For Permanent Injunction [docketed](#).

**On May 1, 2023**, "Defendant's Original Answer and Jury Demand" was filed by Imposters and Co-Conspirators David Oubre and Jason Powers of Lewis Brisbois on behalf of Berkshire Hathaway Direct Insurance Company ("Imposters and Co-Conspirators") allegedly representing Blogger, Inc. without capacity, nor any documented authority to do so.

**On May 11, 2023**, Bob registered "The Kruckemeyer Law Firm" as a DBA in Harris County.

**On May 30, 2023**, "Defendant's Motion to Dismiss Pursuant to the Texas Anti-Slapp Law, Texas Civil Practice & Remedies Code 27.001 et seq." was filed by Imposters and Co-Conspirators David Oubre and Jason Powers of Lewis Brisbois on behalf of Berkshire Hathaway Direct Insurance Company ("Imposters and Co-Conspirators") allegedly representing Blogger, Inc. without capacity, nor any documented

authority to do so.

**On Jun 5, 2023**, “Plaintiff’s First Amended Original and Application for Permanent Injunction” [docketed](#), adding new parties. The causes of action remain the same.

**On Jun 6, 2023**, Imposters and Co-Conspirators file “Motion to Withdraw” with a hearing scheduled for July 25, 2023, walked back mid-afternoon the same day to a setting by submission (date, Jun 19, 2023).

**On Jun 15, 2023**, “Defendants Mark Burke and Joanna Burkes’ Original Answer and Jury Demand” and “ORIGINAL COUNTERCLAIM AND APPLICATION FOR PERMANENT INJUNCTION” by the real parties in interest docketed.

**On Jun 26, 2023**, Plaintiffs Notice of Dismissal of Joanna Burke without Prejudice filed.

**On Jun 27, 2023**, the “First Amended Counterclaim/Third Party Petition and Application for Permanent Injunction” by the real parties in interest docketed.

## **FACTS, ARGUMENT AND AUTHORITIES**

Relying upon real parties in interest The Burkes appearance, pleadings including addendums, verifications, and declarations, the “Defendant’s Motion to Dismiss Pursuant to the Texas Anti-Slapp Law, Texas Civil Practice & Remedies Code 27.001 et seq.” as docketed on Jun 5, 2023 should be stricken from the record relying upon the truth of the real parties in interest’s allegations that assert Lewis Brisbois and their attorneys, acting in bad faith and in consort with BHDIC did file these pleadings without capacity, authority and as imposters.

In The Burkes pleadings, they assert debt collecting Texas Lawyer Robert Kruckemeyer (“Bob”) and Texas Lawyer Randall Sorrels (“Randy”) lack authority and capacity, along with David Oubre, Jason Powers, Lewis Brisbois and BHDIC.

In their pleadings, The Burkes specifically asked the court to set a hearing or rule on this matter. To date, the court has not set any hearings, requested briefing, nor released any Orders related to this civil action.

The Burkes rely upon their operative “Original Answer and Jury Demand” and “First Amended Counterclaim/Third Party Petition and Application for Permanent Injunction” as well as *Perez v. Kleinert*, No. 13-05-118-CV, at \*1 (Tex. App. Aug. 31, 2006) for the proposition and reasoning that; “A party in a suit or proceeding pending in a court of this state may, by sworn written motion stating that he believes the suit or proceeding is being prosecuted or defended without authority, cause the attorney to be cited to appear before the court and show his authority to act.” Tex. R. Civ. P. 12.

**Although rule 12 now applies equally to both sides of the bar, we question whether its application would serve any legitimate purpose in a situation such as this, where the record conclusively establishes the attorney's lack of authority.”** (emphasis added).

### **REQUEST FOR A MOTION HEARING**

The Burkes formally request a motion hearing be set. In anticipation, they will confer with the parties after obtaining dates two available dates

from the court, and upon agreement of the parties will notice the same formally on the docket.

### **CONCLUSION**

The Burkes Motion to Strike Defendant's Imposters' Original Answer and TCPA Motion to Dismiss should be GRANTED.

RESPECTFULLY submitted this 10th day of July, 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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Mark 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 motion 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 10<sup>th</sup> day of July, 2023.

A handwritten signature in black ink, appearing to read "Mr. Burke", is written above a horizontal line.

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Mark Burke  
State of Texas / Pro Se

### Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

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Status as of 7/10/2023 9:47 AM CST

#### Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
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Joanna Burke		joanna@2dobermans.com	7/10/2023 7:53:09 AM	SENT
Mark Burke		browserweb@gmail.com	7/10/2023 7:53:09 AM	SENT



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**189<sup>th</sup> Judicial District**

Robert J. Kruckemeyer	)	CASE No. 2023-11266
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Plaintiff	)	
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vs.	)	
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Blogger Inc. D/B/A/, LAWIN	)	
TEXAS.COM	)	
	)	
Defendant	)	
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	)	
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**ORDER**

On this day came for consideration the MOTION TO STRIKE ~~DEFENDANT'S~~ IMPOSTERS ORIGINAL ANSWER and TCPA MOTION TO DISMISS filed by real parties in interest and Defendants, Blogger Inc., Mark Burke and Joanna Burke.

The Court finds that after considering the Motions, responses, if any, the pleadings on file and applicable legal authorities, the Court concludes the real parties in interest and Defendant's Motion is well-taken and hereby GRANTED.

IT IS THEREFORE

ORDERED, that the ~~DEFENDANT's~~ IMPOSTERS ORIGINAL ANSWER and TCPA MOTION TO DISMISS is hereby STRICKEN.

SIGNED this the        day of        , 2023.

SIGNATURE \_\_\_\_\_  
Presiding Judge