

IN THE DISTRICT COURT, HARRIS COUNTY

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

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

**ADDENDUM A:**

**ORIGINAL COUNTERCLAIM 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 A, Original Counterclaim seeking prospective declaratory and injunctive relief.

### **The TXAG Counterclaim**

This counterclaim 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 counterclaim 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 counterclaim, 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 counterclaim.

### **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 counterclaim 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 Counterclaim**

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 Counter-Plaintiffs demand a jury trial.

RESPECTFULLY submitted this 15th 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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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.



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## **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Original Answer and Jury Demand has been forwarded to Plaintiff and Plaintiff's counsel by electronic filing notification and/or electronic mail and/or facsimile and/or certified mail, return receipt requested, this the 15<sup>th</sup> 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 large initial "M" and a long horizontal stroke extending to the right.

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Mark Burke  
State of Texas / Pro Se