

IN THE UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF TEXAS, HOUSTON DIVISION

Kristina Dunn)	CIVIL ACTION No. 4:23-cv-03829
)	
Plaintiff.)	
)	
vs.)	
)	
PHH Mortgage Corporation,)	
)	
)	
Defendants.)	

**MARK STEPHEN BURKE’S REPLY TO DEFENDANTS
RESPONSE IN OPPOSITION TO INTERVENTION**

“A party's lack of standing deprives the court of subject matter jurisdiction and renders subsequent trial court action void.”

Intervenor, Mark Stephen Burke has standing and interest to pursue intervention as a non-party. However, Plaintiff(s) lack standing - *In re K. J.*, No. 12-23-00128-CV, at *2 (Tex. App. Aug. 23, 2023).

Intervenor Mark Stephen Burke

Mark intervenes as the owner of Blogger Inc., a non-profit, and a private individual facing illegal foreclosure of his residence. He wears two hats, advocating for civil rights through his non-profit and defending his property as a tenant.

Defendants

PHH Ocwen and their counsel responded to Mark's motion, but their rambling response lacks substance, waiving objections. Mark highlights their history of deception, referencing their recent failed attempt to snap-remove a wrongful foreclosure complaint in *Regina Nachael Howell Foster v. Mackie Wolf Zientz & Mann, P.C.* (4:23-cv-00800), District Court, N.D. Texas, per final court order, Nov. 28, 2023, and PHH's censure by S.D. Texas Bankruptcy Judge Marvin Isgur in *PHH Mortg. Corp. v. Johnson*, Civil Action 4:20-cv-01968 (S.D. Tex. Sep. 23, 2021), "*I didn't get any motion to allow you to vary from the proof of claim form. I got a motion to allow*

you to amend the proof of claim to something that is false. That's despicable. It's denied." – transcript doc no. 2, 7/22/2020.

Plaintiff(s)

Kristana Dunn appears as the distressed homeowner, but the property is vacant, marketed by Epiphany Properties LLC. The lawsuit is a fraudulent scheme by Kevin Pawlowski, Susan Casias, Epiphany, and lawyer Jason LeBoeuf. Epiphany lacks standing, and Dunn did not file the lawsuit, nor is she actively contributing to the ongoing litigation.

Texas lawyer David Medearis has also filed a complaint against these individuals, terming them as “con artists” in a recent state court amended petition with supporting exhibits filed on 7/13/2023 in Harris County District Court, 202322179 - NGUYEN, MAI-LINH vs. CHRISTIAN CONSULTANTS OF TEXAS LLC (Court 270), where Pawlowski, Casias, and LeBoeuf are representing, as David asserts, alter ego CCTX. Moreover, numerous other cases have been filed by and against both

Epiphany and CCTX, revealing the extensive nature of this ongoing fraudulent activity within Texas courts.

Assumed Short Sale Stance

Epiphany has no legal standing in any purported short sale process, and their involvement is illegal. Mark emphasizes the absurdity of allowing known fraudsters to continue these actions in court.

Key Issues

Mark, as Intervenor, has standing and a real interest in these proceedings. The real homeowner, Dunn, is not the filer, and the case is part of an ongoing scam by Epiphany, CCTX, and their counsel. Mark underlines the defendants' track record of deception, emphasizing the recent failed attempt to snap-remove a wrongful foreclosure complaint and PHH's censure by Judge Marvin Isgur. Additionally, Mark filed a formal complaint with the US Trustee Program (US Department of

Justice) on Jan. 3, 2024, exposing the fraudulent activities of the plaintiffs, and alleged conspiracy with the remaining parties.

Legal Authority

Mark's intervention aligns with legal precedents like *Franciscan All., Inc. v. Azar*, 414 F. Supp. 3d 928, 936 (N.D. Tex. 2019) ("Legally Protectable Interest"), supporting his non-profit and private individual interests: "Motions to intervene are judged under the liberal pleading standard, and all "allegations are accepted as true." He further draws attention to *Hooker v. Dallas Independent School District*, Civil Action No. 3:09-CV-1289-D, emphasizing his fundamental liberty interest in his property. Additionally, the doctrine of "unclean hands" is pertinent in this case, as Mark contends that the plaintiffs have engaged in fraudulent activities and a potential conspiracy. The application of "unclean hands" is supported by cases such as *Compaq Computer Corp. v. Procom Tech., Inc.*,

908 F. Supp. 1409, 1428 (S.D. Tex. 1995), emphasizing the importance of equitable relief being denied to parties involved in wrongdoing.

Intervention Elements

As previously mentioned, and acknowledged by all parties in these proceedings, Mark has fulfilled all necessary conditions to intervene, including demonstrating a valid interest, taking timely action, and establishing a clear need for intervention, especially in light of the fraudulent actions of the plaintiffs. The inadequacy of representation by the existing parties further justifies Mark's intervention. His arguments are substantiated by evidence of damages incurred as a non-party, supported by pertinent legal references. This fortifies his case for seeking fair and just resolutions, commonly known as equitable relief.

Conclusion

Defendants' objections to Mark's intervention lack substance, and Mark's intervention meets the necessary requisite to grant intervention.

Alternatively, as the entire case is based on a fraudulent premise, it warrants dismissal and further investigation by the relevant authorities.

RESPECTFULLY submitted this day, 5th of January, 2024

A handwritten signature in black ink that reads "Mark Burke". The signature is written in a cursive style with a large, sweeping initial "M".

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CERTIFICATE OF COMPLIANCE

This motion complies with Senior United States District Judge Sim Lake's court procedures and motion practice, specifically 5(H). This motion

complies with the typeface requirements because it has been prepared in a proportionally spaced typeface using Microsoft Word in 14 point font.

CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of January 2024, I filed the foregoing with the Clerk of the Court by posting the pleading via US Mail, email, and to the named parties in these proceedings, in compliance with Fed. R. Civ. P. 5.

A handwritten signature in black ink, appearing to read "Mark Burke", with a horizontal line underneath the name.

Mark Stephen Burke
Harris County, State of Texas