

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**JOANNA BURKE and JOHN BURKE,**

*Plaintiffs,*

v.

**PHH MORTGAGE CORPORATION,  
SUCCESSOR BY MERGER TO  
OCWEN LOAN SERVICING, LLC,  
MARK DANIEL HOPKINS, SHELLEY  
HOPKINS, and HOPKINS LAW, PLLC,**

*Defendants.*

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**Civil Action No. 4:24-cv-00897**

**DEFENDANT PHH MORTGAGE CORPORATION’S MOTION TO CLARIFY,  
OR IN THE ALTERNATIVE, MOTION FOR EXTENSION OF TIME.**

Defendant PHH Mortgage Corporation (“PHH”) files this Motion to Clarify, or in the alternative, Motion for Extension of time in response to Plaintiff Joanna Burke (“Plaintiff” or “Burke”) motion for summary judgment filed in state court prior to removal. In support thereof, PHH would respectfully show unto the Court as follows:

1. PHH filed its Notice of Removal on March 12, 2024. [Doc. 1].
2. Three days prior to the removal, Plaintiff filed a motion for partial summary judgment in state court. [Doc. 1-4, P. 565]. Plaintiff set that motion for hearing in state court on Monday, April 15, 2024.
3. As the Local Rules of the Southern District of Texas are silent as to whether the pending state court motion must be re-urged at the federal level, PHH requests the Court clarify if the partial motion for summary judgment is pending. If so, PHH requests that the Court set a briefing schedule for the Motion, as the timeline for response in state court was governed by the hearing date, and not the date of filing.

4. In the alternative, should the Court determine that the partial motion for summary judgment is pending and response is due, PHH respectfully requests the Court extend PHH's response deadline to April 15, 2024.

Pursuant to the reasons set out herein, PHH request that the Court clarify whether Plaintiff's partial motion for summary judgment is pending and if so, set briefing deadlines or extend PHH's response, and for any further relief, at law or in equity, to which PHH shows themselves justly entitled.

Respectfully submitted,

By: /s/ Shelley L. Hopkins  
Shelley L. Hopkins  
State Bar No. 00793975  
Mark D. Hopkins  
State Bar No. 00793975  
**HOPKINS LAW, PLLC**  
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shelley@hopkinslawtexas.com

**COUNSEL FOR  
PHH MORTGAGE CORPORATION**

**CERTIFICATE OF CONFERENCE**

I hereby certify that on 29<sup>th</sup> day of March, 2024, I e-mailed Pro Se Plaintiff regarding this motion to clarify or motion for extension of time. As of filing, no response was received, therefore this motion is filed as opposed.

/s/ Shelley L. Hopkins  
Shelley L. Hopkins

**CERTIFICATE OF SERVICE**

I hereby certify that on the 29<sup>th</sup> day of March, 2024, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF filing system, and will send a true and correct copy to the following:

Joanna Burke  
46 Kingwood Greens Drive  
Kingwood, Texas 77339  
joanna@2dobermans.com  
**PRO SE PLAINTIFF**

/s/ Shelley L. Hopkins  
Shelley L. Hopkins

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**MARK DANIEL HOPKINS, SHELLEY** §

**HOPKINS, and HOPKINS LAW, PLLC,** §

*Defendants.* §

**ORDER ON PHH MORTGAGE CORPORATION’S MOTION TO CLARIFY,  
OR IN THE ALTERNATIVE, MOTION FOR EXTENSION OF TIME.**

On this day, the Court considered Defendant PHH Mortgage Corporation (“PHH”) files this Motion to Clarify, or in the alternative, Motion for Extension of time in response to Plaintiff Joanna Burke motion for summary judgment filed in state court prior to removal. After considering the Motion, the Court orders as follows:

IT IS HEREBY ORDERED that Plaintiff’s partial motion for summary judgment, filed with the state court, is moot and Plaintiff must re-file same if Plaintiff wishes to move for partial summary judgment.

SIGNED this the \_\_\_\_ day of \_\_\_\_\_ 2024.

\_\_\_\_\_  
UNITED STATES DISTRICT JUDGE