

Litigant [Doc. 14] and Motion for Extension of Time to Respond to PHH Mortgage Corporation's Motion to Declare Plaintiff Joanna Burke as a Vexatious Litigant. [Doc. 13].

3. Neither Plaintiff's Motion to Strike nor Plaintiff's Motion for Extension set out any justifiable cause for either striking PHH's motion or allowing Plaintiff further time to respond to the Motion to Declare. This suit is Plaintiff's latest in her over decade long battle to delay the foreclosure of real property, despite PHH's obtaining a foreclosure judgment on November 28, 2019. Plaintiff's attempt to strike PHH's Motion to Declare, and obtain further extension of time, is yet another example of Plaintiff's "scorched earth" litigation tactics aimed at delay. In lieu of responding to the Motion to Declare, Plaintiff's motions allege that the Motion to Declare is improper due to jurisdictional issues, but then Plaintiff goes on argue that she is not a vexatious litigant (by once again trying to re-hash the validity of PHH's foreclosure judgment which was issued by this court). Plaintiff's motion to strike and request for extension have no merit and should be denied.

4. **Motion to Strike.** Plaintiff's Motion to Strike is without merit and displays pro se Plaintiff's proclivity for litigating without regard for the law. Throughout her Motion to Strike, Plaintiff simply argues (once again) why she believes the prior judgments against her were all wrong ... touching only briefly as to why she believes the Motion to Declare should be struck. In short, the Motion to Strike lacks the necessary specifics as to why PHH's motion should be struck.

5. When Plaintiff does briefly get to the point within her Motion to Strike, as to why PHH's Motion to Declare should be struck, it is to claim that PHH failed to provide Plaintiff with 21-day safe harbor notice before filing the vexatious motion. [Doc. 14]. No such 21-day safe harbor notice provision exists with respect to PHH's Motion to Declare Plaintiff vexatious.

6. Plaintiff confuses a motion to declare a litigant as vexatious with a litigant's ability to file a Rule 11 motion for sanctions for filing a pleading or motion that violates Rule 11(b)(1)-(4). In confusing concepts, if Plaintiff believes that PHH has filed a motion in violation of Rule 11(b), it is Plaintiff who would have to provide PHH with 21 days' notice if Plaintiff sought sanctions against PHH under Rule 11(c). *See*, Fed. R. Civ. P. 11(c)(2). PHH's Motion to Declare has nothing to do with whether Plaintiff has violated Rule 11(b). Plaintiff's argument to the contrary is inapposite.

7. PHH requested the Court declare Plaintiff as a vexatious litigant and enjoin Plaintiff from future suit, pursuant to the Court's inherent power and/or under its authority provided by the All Writs Act, 28 U.S.C. §1651(a), not pursuant to Fed. R. Civ. P. 11.

8. **Motion for Extension of Time.** Plaintiff provides no reasoning as to why her motion for an extension of time should be granted. Plaintiff principally asserts that "the extension of time is a cautionary motion" yet does not explain why an extension is necessary. *See* Burke's Motion [Doc. 13]. It is not reasonable to request an extension of time without providing details as to why the extension is needed. Plaintiff was allowed the standard twenty-one days to respond to this motion and has failed to do so while providing no evidence as to why this failure occurred.

9. Second, concurrently with this her motion for an extension of time, Plaintiff filed with the Court a Motion to Strike PHH Corporation's Motion to Declare Plaintiff Joanna Burke as a Vexatious Litigant. [Doc. 13]. It is not reasonable for Plaintiff to obtain an extension of time on the Motion while Plaintiff has been contemporaneously preparing other instruments on the same topic in the same court.

Pursuant to the reasons set out herein, PHH prays that the Court deny Plaintiff's motion for extension of time and motion to strike in their entirety, and grant PHH relief requested in its

Motion to Declare Plaintiff as a vexatious litigant and for such other relief at law or in equity, to which it has shown itself to be justly entitled.

Respectfully submitted,

By: /s/ Mark D. Hopkins
Mark D. Hopkins
State Bar No. 00793975
Shelley L. Hopkins
State Bar No. 00793975
HOPKINS LAW, PLLC
2802 Flintrock Trace, Suite B103
Austin, Texas 78738
(512) 600-4320
mark@hopkinslawtexas.com
shelley@hopkinslawtexas.com

**COUNSEL FOR
PHH MORTGAGE CORPORATION**

CERTIFICATE OF SERVICE

I hereby certify that on the 5th day of June 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:

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

/s/ Mark D. Hopkins
Mark D. Hopkins