

IN THE UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF TEXAS, HOUSTON DIVISION

Joanna Burke )  
Plaintiff ) **CIVIL ACTION No.**  
 ) **4:24-cv-00897**  
 )  
 vs. )  
 )  
 Deutsche Bank National Trust Company, PHH )  
 Mortgage Corporation, AVT Title Services, )  
 LLC, Mackie Wolf Zientz & Mann, PC, Judge )  
 Tami Craft aka Judge Tamika Craft-Demming, )  
 Judge Elaine Palmer, Sashagaye Prince, Mark D )  
 Hopkins, Shelley L Hopkins, Hopkins Law, )  
 PLLC, John Doe, and/or Jane Doe )  
 )  
 Defendants )  
 )  
 )

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**MOTION FOR LEAVE TO SUPPLEMENT PLAINTIFF’S RESPONSE TO PHH  
MORTGAGE CORPORATION’S MOTION FOR SUMMARY JUDGMENT**

TO THE HONORABLE JUDGE, AND ALL INTERESTED PARTIES:

**INTRODUCTION & NECESSITY OF SUPPLEMENT**

The Plaintiff was unsure if a motion is even necessary, as the Defendants' unauthenticated motion is procedurally deficient, including its unauthorized expansion beyond the word limit of 5,000 words by 147% (7,330 words), violating federal local rules and court procedures. Despite deficiencies, the motion has not been stricken to date. See; Court Procedures, Hon. Charles R. Eskridge III, 18c; *Cole v. Sandel Med. Ind., L.L.C*, 413 F. App'x 683, 688 (5th Cir. 2011) (“On March 31, the district court struck Sandel's motion for summary judgment for failure to comply with the local rule limiting such filings to ten pages.”); *Whatley v. CreditWatch Servs., Ltd.*, No.

4:11CV493, at \*1 (E.D. Tex. July 13, 2012) (“Plaintiff has also filed a motion seeking leave to file a summary judgment response in excess of the page limits.”). In these proceedings, the Defendants have filed no such motion.

That stated, erring on the side of caution, and in compliance with local rules and court procedures, the pro se Plaintiff now files this motion for leave to supplement her response (Doc. 35, Oct. 7, 2024). The “VERIFIED SUPPLEMENT TO PLAINTIFF’S RESPONSE TO PHH MORTGAGE CORPORATION’S MOTION FOR SUMMARY JUDGMENT” is attached to this motion and which explains the reasons for this motion and why the supplementary pleading is necessary.

### **CONCLUSION**

The Plaintiff respectfully requests that the Court grant this Supplement, responding to Count IV, Fraud which addressed the HOW question. To the extent this court maintains the opinion it has jurisdiction in these proceedings, the Motion for Summary Judgment should be DENIED. A proposed order is enclosed.

RESPECTFULLY submitted this 11th day of November, 2024.

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## CERTIFICATE OF CONFERENCE

Pursuant to Local Rule 7.1, I attest to conferring by emailing counsel for all the parties in these proceedings on Sunday, Nov. 10, 2024. At the time of preparing for print and posting on Monday, November 11, 2024, no response has been received. It is assumed that Defendants are opposed.

## CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served on November 11, 2024 as stated below on the following:

### **VIA U.S. Mail:**

Nathan Ochsner  
Clerk of Court  
P. O. Box 61010  
Houston, TX 77208

### **VIA e-Mail:**

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PHH MORTGAGE CORPORATION

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