IN THE DISTRICT COURT, HARRIS COUNTY

189th Judicial District

Robert J. Kruckemeyer Plaintiff vs. Blogger Inc. D/B/A/, LAWIN TEXAS.COM Defendant	DEFENDANTS MARK BURKE & JOANNA BURKE's FIRST AMENDED COUNTERCLAIM /THIRD PARTY PETITION, AND APPLICATION FOR PERMANENT INJUNCTION, ADDENDUM L RE ANDREW PETER LEHMAN No. 2023-11266

ADDENDUM L (re Andrew Peter Lehman):

FIRST AMENDED COUNTERCLAIM/THIRD-PARTY PETITION AND APPLICATION FOR PERMANENT INJUNCTION

The Lehman Third-Party Petition (including Addendum L)

Andrew Peter Lehman, a self-professed paralegal, lawyer, sports

agent, and an individual claiming to hold many other positions and titles, maliciously sued, targeted, threatened, stalked and harassed Joanna Burke, John Burke (deceased), Mark Burke, and Mark's business interests.

Mark Burke individually, and in his business capacity, along with Joanna Burke deny any and all of Lehman's frivolous allegations in his fraudulent, frivolous and vexatious Los Angeles, California State Court complaint (# 23stcv00341).

Indeed, quite the opposite has happened. Upon investigation of public and court records, Andrew P. Lehman is either in JP court and civil court for marital issues, eviction matters, defending debt collection lawsuits, or criminal courts around Texas and beyond. And as the articles well-discussed confirm, he's been party in federal court proceedings with the Consumer Financial Protection Bureau (CFPB), which didn't end well for Lehman.

Lehman is a vexatious pro se litigant who is fraudulently abusing the court in forma pauperis ("IFP") system and which liberally and freely allows him to stalk and harass law abiding citizens because clearly there are no 'checks and balances' performed by the courts prior to issuing these orders granting IFP applications.

For example, Lehman's fraudulently funded IFP case filed in California confirms the lengths he will scheme and deceive in order to abuse and harass his victims, in this case, the Burkes, before, during and after filing of this fraudulent and frivolous lawsuit.

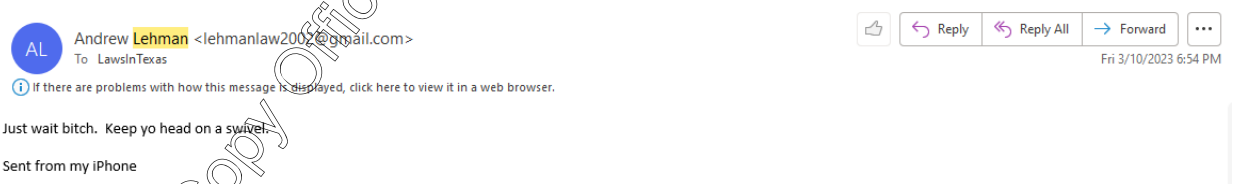
Further background, including evidence of the harassment is provided below and incorporated herein; Lehman_BloggerInc_LA_Quash_Joanna_Burke_20Apr_2023_Letter; Lehman-Bond-Violation-AsstDAPence_27Mar;

The Communications

Thu, May 25, 3:51 AM (The morning of his Criminal Trials)

from: andrew lehman
reply-to: lehmandata22@gmail.com
to: digital@browserweb.com
date: May 25, 2023, 3:51 AM
subject: lawsuit against you Digital Inquiry
Message Body:
hello mark:
you are an internet stalker using proceeds from this company to fund your reign of terror on myself, my family, and the legal community. your time is almost up you fool.
please keep my kingwood house nice and clean so after I foreclose we can move in quickly.
thanks,
ANDREW LEHMAN
harrasment-email-may2023-lehman-burke;

Fri, Mar 10, 2023 at 6.54 PM



Just wait bitch. Keep yo head on a swivel.

Comments on LIT articles by Lehman and/or 'Associates'

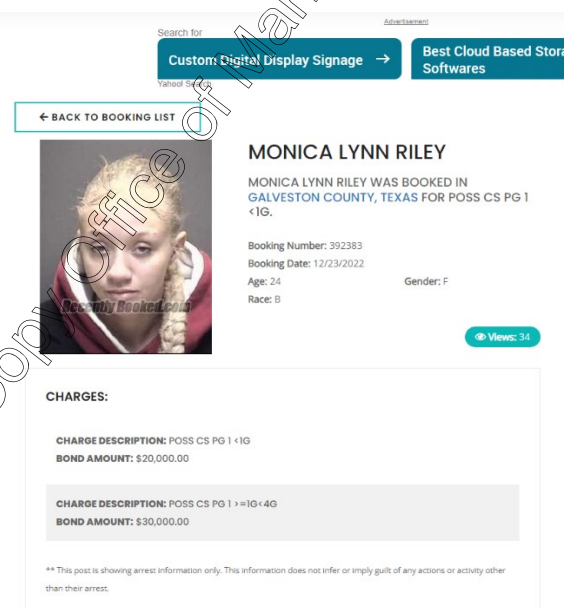
2023/06/06 at 10.07 am

Shawna RILEY
monrileyyy@aol.com
166.199.114.72

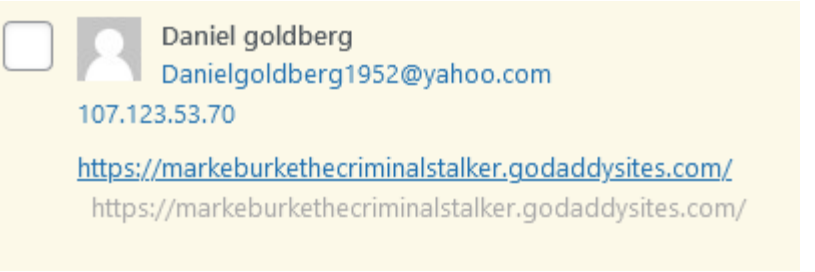
Hello you piece of shit stalker. Andrew got all his bogus cases dismissed but you stalked federal court judges and doctors from his hospital and now Andrew Lehman watch when Andrew Lehman impales you the most you scum bag loser Andrew is a hero and you are a no name loser who spreads lies. Take this shit down ..

Hello you piece of shit stalker. Andrew got all his bogus cases dismissed but you stalked federal court judges and doctors from his hospital and now Andrew Lehman watch when Andrew Lehman impales you the most you scum bag loser Andrew is a hero and you are a no name loser who spreads lies. Take this shit down ..

Note: Discovery will confirm if it's Monica Riley posting and/or Andrew Lehman.



2023/04/09 at 1:55 pm (Daniel Goldberg)

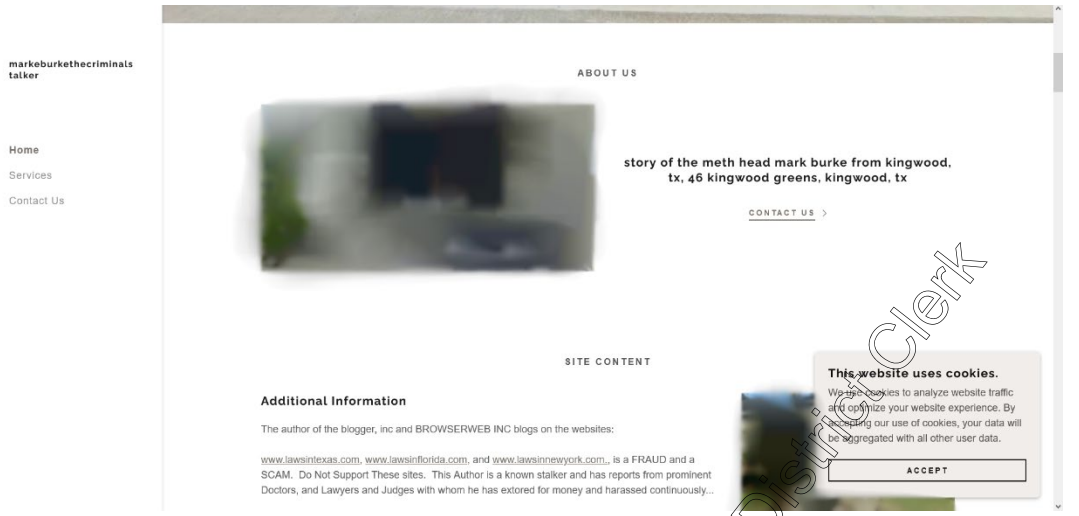


https://markeburkethecriminalstalker.godaddysites.com/

GoDaddy Website Marke Burke The Criminal Stalker

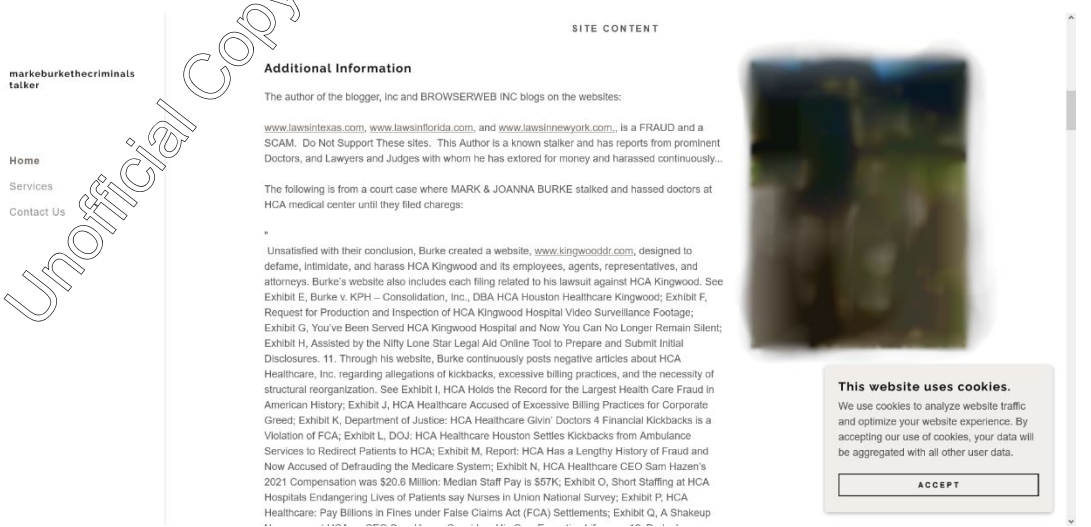
Mark & Joan

Are you being harassed and stalked by Mark Burke the Criminal Stalker and…



story of the meth head mark burke from kingwood tx, 46 kingwood greens, kingwood, tx

While at least half a dozen judges, doctors, and prominent lawyers are looking for this MARK BURKE TO SERVE HIM LEGAL DOCUMENTS HE HIDES BEHIND HIS CARDBOARD BOXED WINDOWS AND PLYWOOD IN HIS MILLION DOLLAR KINGWOOD HOUSE located at 46 Kingwood Greens, Kingwood...

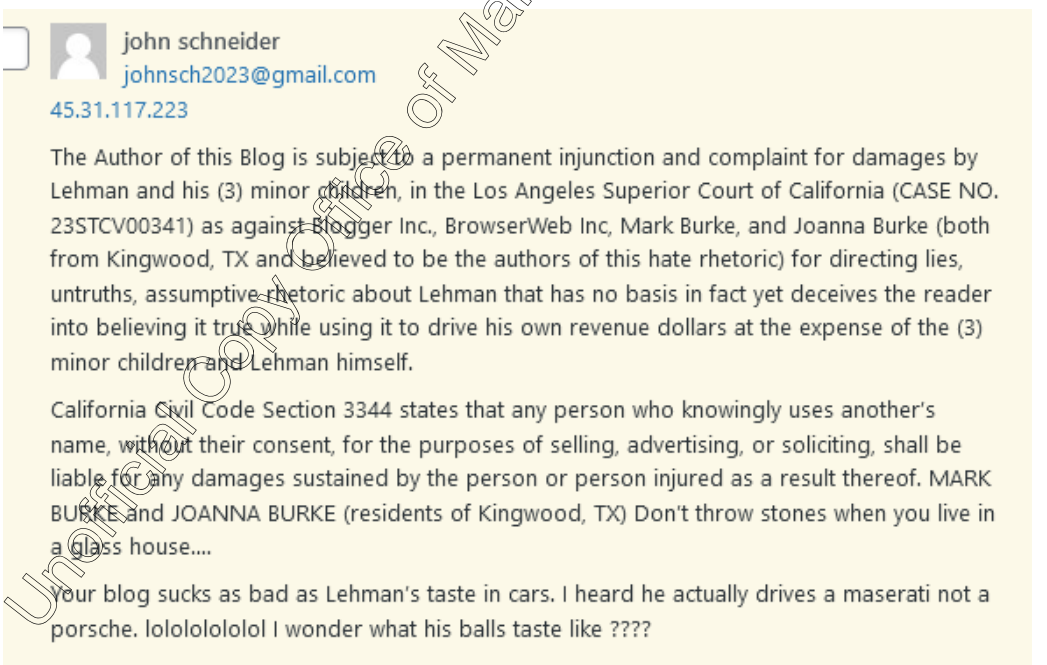


The author of blogger, inc and BROWSERWEB INC blogs on the websites:

www.lawsintexas.com, www.lawsinflorida.com, www.lawsinnewyork.com is a FRAUD and a SCAM. Do Not Support These Sites. The Author is a known stalker and has reports from prominent Doctors, and Lawyers and Judges with whom he has extored for money and harassed continually...

The following is from a court case where MARK and JOANNA BURKE stalked and hassed doctors at HCA medical center until they filed charges...

2023/03/28 at 6:50 pm



john schneider
johnsch2023@gmail.com
45.31.117.223

The Author of this Blog is subject to a permanent injunction and complaint for damages by Lehman and his (3) minor children, in the Los Angeles Superior Court of California (CASE NO. 23STCV00341) as against Blogger Inc., BrowserWeb Inc, Mark Burke, and Joanna Burke (both from Kingwood, TX and believed to be the authors of this hate rhetoric) for directing lies, untruths, assumptive rhetoric about Lehman that has no basis in fact yet deceives the reader into believing it true while using it to drive his own revenue dollars at the expense of the (3) minor children and Lehman himself.

California Civil Code Section 3344 states that any person who knowingly uses another's name, without their consent, for the purposes of selling, advertising, or soliciting, shall be liable for any damages sustained by the person or person injured as a result thereof. MARK BURKE and JOANNA BURKE (residents of Kingwood, TX) Don't throw stones when you live in a glass house....

Your blog sucks as bad as Lehman's taste in cars. I heard he actually drives a maserati not a porsche. lolololololol I wonder what his balls taste like ????

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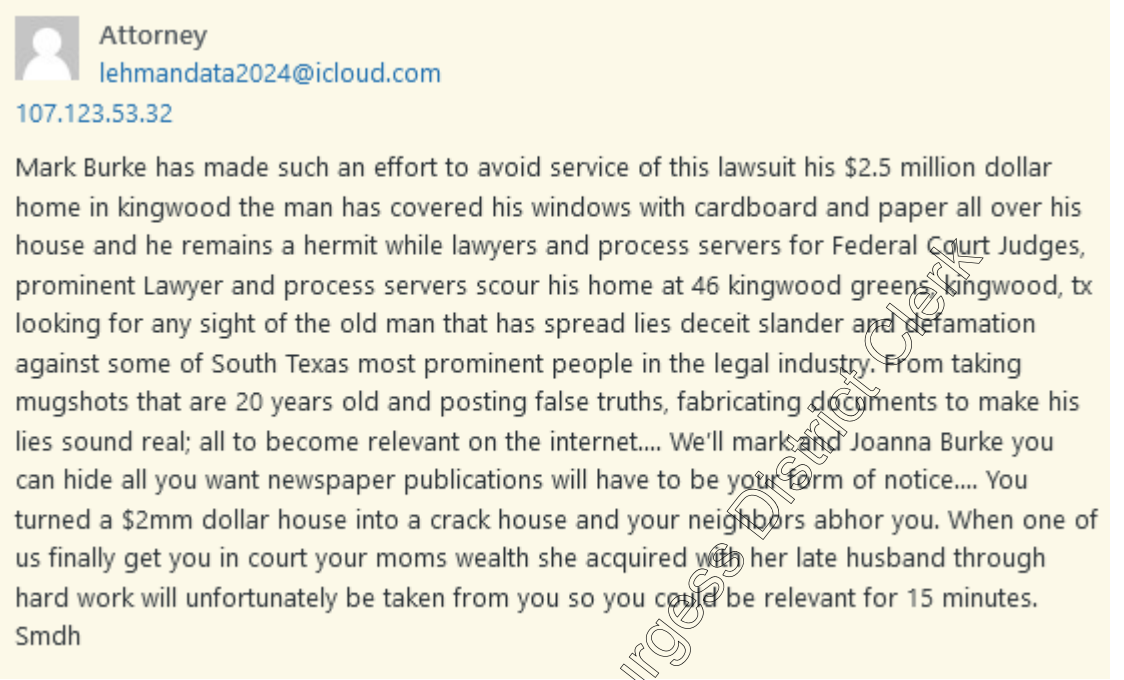
I wonder what his balls taste like ????

2023/03/17 at 4:39 pm (Friday, the day Lehman was in Kingwood in his Gold Porsche Cayenne, and leaving the envelope marked "poor white trash") on the front door;

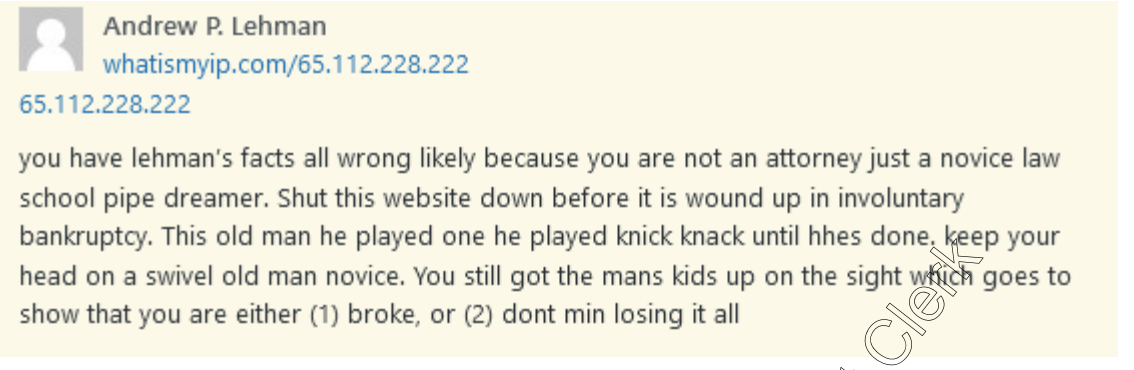
Mark Burke has made such an effort to avoid service of this lawsuit his $2.5 million dollar home in kingwood the man has covered his windows with cardboard and paper all over his house and he remains a hermit while lawyers and process servers for Federal Court Judges, prominent Lawyer and process servers scour his home at 46 kingwood greens, kingwood, tx looking for any sight of the old man that has spread lies deceit slander and defamation against some of South Texas most prominent people in the legal industry.



From taking mugshots that are 20 years old and posting false truths, fabricating documents to make his lies sound real; all to become relevant on the internet.... We'll mark and Joanna Burke you can hide all you want newspaper publications will have to be your form of notice.... You turned a $2mm dollar house into a crack house and your neighbors abhor you. When one of us finally get you in court your moms wealth she acquired with her late husband through hard work will unfortunately be taken from you so you could be relevant for 15 minutes. Smdh (Shaking my damn head)

2023/02/27 at 2:17 am (Andrew P. Lehman)

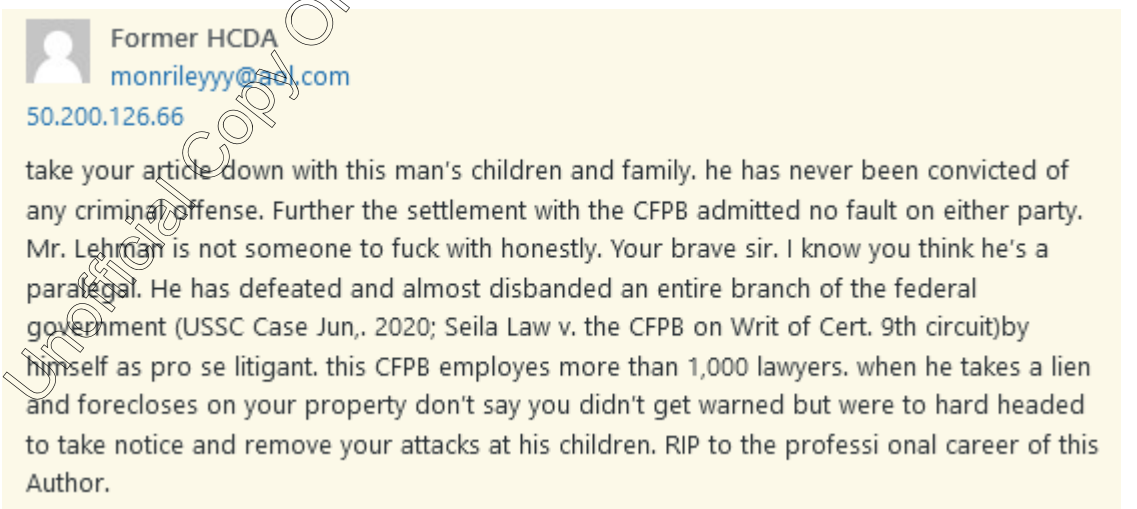
you have lehman's facts all wrong likely because you are not an attorney just a novice law school pipe dreamer. Shut this website down before it is wound up in involuntary bankruptcy.



This old man he played one he played knick knack until hhes done. keep your head on a swivel old man novice. You still got the mans kids up on the sight which goes to show that you are either (1) broke, or (2) dont min losing it all

2023/02/02 at 6:06 am ("Former Harris County DA")

take your article down with this man's children and family. he has never been convicted of any criminal offense. Further the settlement with the CFPB admitted no fault on either party. Mr. Lehman is not someone to fuck with honestly. Your brave sir.



I know you think he's a paralegal. He has defeated and almost

disbanded an entire branch of the federal government (USSC Case Jun,. 2020; Seila Law v. the CFPB on Writ of Cert. 9th circuit) by himself as pro se litigant. this CFPB employes more than 1,000 lawyers. when he takes a lien and forecloses on your property don't say you didn't get warned but were to hard headed to take notice and remove your attacks at his children. RIP to the professional career of this Author.

2023/01/28 at 11:09 pm (Lehman 'Data')

hahahahahahahahahaha what a fool is this man that started this website JOHN BURKE and JOANNA BURKE at 46 KINGWOOD GREENS DRIVE, KINGWOOD, TX 77339.


Interested Persons
lehmandata2002@gmail.com
50.215.115.17
hahahahahahahahahaha what a fool is this man that started this website JOHN BURKE and JOANNA BURKE at 46 KINGWOOD GREENS DRIVE, KINGWOOD, TX 77339. One would think that a man who owns such a nice home wouldn't be so willing to part with it in a lawsuit that he could have avoided but refused to take down his riddiculous publication exploiting Mr. Lehman's children

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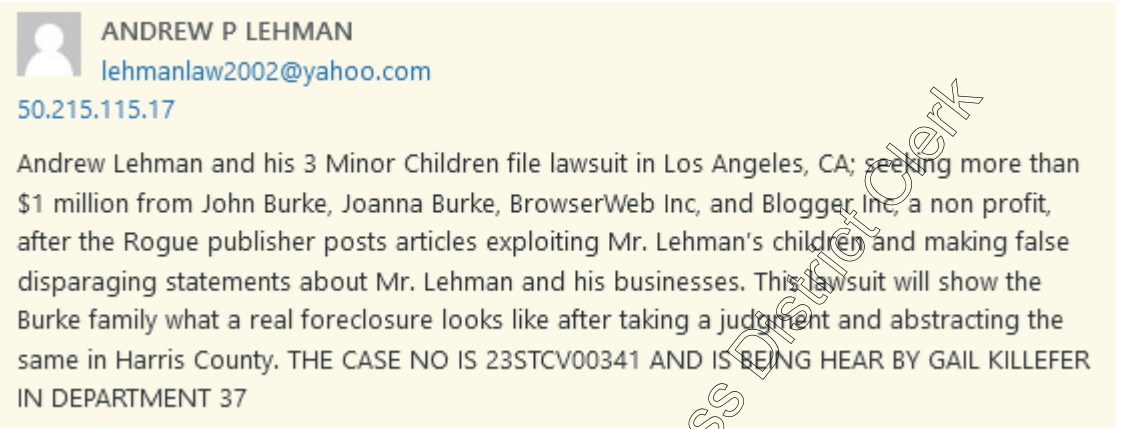
2023/01/28 at 11:04 pm (Lehman 'Law')

Andrew Lehman and his 3 Minor Children file lawsuit in Los Angeles, CA; seeking more than $1 million from John Burke, Joanna Burke, BrowserWeb Inc, and Blogger Inc, a non profit, after the Rogue

publisher posts articles exploiting Mr. Lehman's children and making false disparaging statements about Mr. Lehman and his businesses.


ANDREW P LEHMAN
lehmanlaw2002@yahoo.com
50.215.115.17

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Lehman's angst is over the following two articles on LIT which republish a portion of his lengthy civil and criminal history with supporting evidence;

LIT's follow-up article on Lehman:

"2022 Ends with Investigation into Andrew P. Lehman, CFLA, Lehman Brothers LLC, Lehman Data Analytics et al This is a new article. It will be updated frequently. Bookmark as LIT reviews Andrew Lehman, post CFPB settlement";

LIT's first article on Lehman:

"The CFPB Claim $3m Restitution from Forensic Loan Scam Co. The Fact is the $3M is Suspended. These Two Thieves Should be In Jail. Andrew Lehman and Michael Carrigan haven't got $30k never mind $3 million and that's why it's a fully suspended payment. It's a CFPB PR stunt".

But the issues with Lehman's judge/judicial shopping by fraud on the court and by claiming to be a pauper in a Porsche are exacerbated by the earlier threats of litigation by an associate by the name of Daniel Goldstein, CPA, esq.

He also sent the following document via email to LIT titled "LAWS IN TEXAS DEMAND PAYMENT" dated December 15, 2022. Included in this document were emails from Lehman, one dated Feb. 11, 2022 which included the following extract;

> "In conclusion, Mr. Lehman will file a lawsuit **in the Harris County District Court** on February 15th, 2022 if this article is not removed, and then you will see if Mr. Lehman has $30,000.00 or not."

At that time the one year statute of limitations for alleged defamation claims had already expired for the CFPB article in question.

Mark Burke

Amidst the intricate landscape of the online world, Mark Burke, a dedicated and principled publisher of the truth, serves as the sole director for Blogger Inc. and assumes the role of editor for lawsintexas.com, a not-for-profit blogging platform.

Fueled by his passion for shedding light on lawsuits, public concerns regarding the legal community, and exposing instances of public corruption, Mark aims to provide valuable insights to his readers.

However, within the vast expanse of the virtual realm, Mark becomes an unwilling target, subjected to a relentless campaign of threats, abusive communications, and a calculated scheme designed to undermine his work.

Since 2021, Mark has been bombarded with a barrage of derogatory and defamatory comments originating from a certain individual named Andrew Peter Lehman, and potentially others who conspire with him.

These attacks, coupled with the filing of a fraudulent and frivolous lawsuit in a distant state in January 2023, showcase the extent to which Lehman and his cohorts are willing to go to silence Mark's voice.

With unwavering determination, Mark remains committed to his mission of promoting accurate information and fostering meaningful discussions.

However, the emotional toll inflicted by Lehman's relentless harassment cannot be overlooked. Lehman's comments, dripping with vitriol and hostility, aim to tarnish Mark's reputation and undermine the credibility of his blog.

Andrew Peter Lehman's behavior reveals a deeply disturbing obsession and a malevolent agenda. Trough his investigations, Mark uncovers Lehman's involvement in criminal cases and a troubling propensity for violence, including incidents involving the use of vehicles, firearms, and physical altercations.

Such revelations heighten Mark's unease, as he comes face-to-face with the potential danger posed by this unhinged individual.

Among the onslaught of untruthful, scurrilous, and emotionally distressing comments, a particularly menacing message stands out, directed squarely at Mark Burke.

Lehman's words insinuate a personal vendetta, baselessly accusing Mark of being a criminal stalker and implicating him in a fictitious campaign of terror against Lehman, his family, judges, lawyers, doctors, and the legal community at large.

The sheer falsehoods and inaccuracies contained within these claims serve only to underscore Lehman's warped perspective and the malevolent intent that drives his actions. The emotional torment and suffering inflicted upon Mark are further compounded by the inclusion of his mother (alive) and deceased father in the lawsuit, despite their lack of involvement or interest in Mark's business affairs.

Mark Burke finds himself ensnared in an unrelenting storm of emotional turmoil, his unwavering dedication to promoting knowledge and fostering meaningful conversations overshadowed by the distress caused by Lehman's incessant attacks.

As he confronts this dark chapter, Mark clings to the hope that justice will ultimately prevail, shining a light on the truth and allowing him to reclaim his peace of mind and the unwavering integrity that his blog, lawsintexas.com, embodies.

Joanna Burke

In the depths of emotional pain and torment, Joanna Burke, an elderly sick woman finds herself engulfed in a sea of suffering, unable to find solace in the midst of her overwhelming circumstances. Her heart, already heavy with grief from the loss of her beloved husband of 64 years, is burdened further by the weight of her deteriorating health and the numerous medical surgeries she is enduring over an extended period of time. Each passing day seems to add to her already unbearable emotional load, leaving her feeling depressed, sad, and emotionally ragged.

In the midst of her fragile state, a sudden and unexpected turn of events plunges her into a world of fear and uncertainty. A man she has never met, Andrew Peter Lehman, emerges and serves her with a lawsuit from a distant state. This intrusion into her life, this legal battle imposed upon her, feels like a cruel twist of fate. She wonders why someone she has no connection with would choose to target her during this vulnerable time.

To compound her distress, she discovers unsettling details about this man, Andrew Peter Lehman. His history of criminal cases, his penchant for violence, and his propensity for using a vehicle as a weapon strike fear deep within her fragile heart. The knowledge that he discharged a shotgun in the direction of another person only intensifies her trepidation. The weight of her emotional suffering grows heavier still as she learns of his admitted abuse of alcohol and drugs, casting shadows of uncertainty and danger upon her already troubled existence.

As if his menacing history weren't enough, Andrew Peter Lehman crosses yet another line. He arrives uninvited at her home, his imposing 300-pound frame banging on her doors, a haunting sound that echoes through the chambers of her already fragile soul. Peering into her windows, he invades the sanctity of her personal space, leaving her feeling violated and exposed. The flash of his camera captures images of her home, which he shamelessly shares on the internet

accompanied by defamatory and vile statements. Her sense of security shattered, she now lives in constant fear for her safety and even her life.

In this convergence of emotional pain, torment, and suffering, the elderly sick woman's existence becomes a harrowing battleground. The weight of her grief, the burden of her failing health, and the unrelenting torment inflicted upon her by an unknown assailant have left her emotionally battered and teetering on the precipice of despair. Her only solace lies in the hope that justice will prevail, that the light of compassion and empathy will guide her through this dark and treacherous path, and that she will once again find peace in the twilight of her life.

Who's Being Countersued, in What Capacity and Under What Legal Theory?

Andrew Peter Lehman in his personal capacity for (I) "malicious use of process" (also known as "abuse of process"), (II) civil conspiracy, (III) "intentional infliction of emotional distress", (IV) harassment and

(V) stalking against The Burkes, who both seek permanent injunctive relief. Further counts include (VI) defamation, due to libel by written word(s) or communication(s), and; (VII) mental anguish.

Count I

Abuse of Process

Defendants and Third-Party Plaintiffs re-allege and incorporate each allegation set forth above and in conjunction with the main third party petition as if fully written herein. Third-Party Plaintiffs assert Andrew Peter Lehman's fraudulent acts and improper use *after* obtaining IFP status includes;

Filing frivolous lawsuits: Lehman repeatedly files baseless lawsuits or claims without any legal merit, using the IFP status to avoid paying court fees and costs, an improper use of the legal process. This includes situations like in the underlying case involving the Third-party plaintiffs and where the lawsuits are filed solely to harass, intimidate, or burden the Burkes.

Harassment or intimidation: Lehman misuses the IFP status to engage in persistent harassment, intimidation, or other abusive tactics against the Burkes, an improper use of the legal process. This includes threatening and filing lawsuits and pleadings without a legitimate legal basis, solely to cause distress or harm to the Burkes.

Manipulating the legal system: Lehman is misrepresenting his financial circumstances and providing false information to maintain his IFP status, with the intention of gaining an unfair advantage or manipulating the legal system, an improper use of the process.

See; *Graves v. Evangelista-Ysasaga*, No. 14-22-00137-CV, at *9 (Tex. App. Jan. 24, 2023); The elements of abuse of process are:

(1) the defendant made an illegal, improper, or perverted use of the process, a use neither warranted nor authorized by the process; In this case, Lehman submitted fraudulent IFP applications in Los Angeles Superior Court in California, after which the court accepted his complaint, waiving

fees and costs, which includes the process of service.

(2) the defendant had an ulterior motive or purpose in exercising such illegal, perverted, or improper use of the process; Lehman's scheme involved judge/judicial shopping and application fraud to commence a frivolous lawsuit out-of-state, against persons that have no interest in the allegations made by Lehman or are deceased, where the evidence shows that in prior threats of litigation, Lehman stated that he would be filing a lawsuit in Harris County, Texas, where he is domiciled, and is further proof of Lehman's scheme to file in California for the purposes of abuse, harassment, stalking, intimidation, fear, distress, financial losses and costs, and is a clear and obvious abuse of the legal system, and;

(3) damage resulted to the Defendants and Third-party plaintiffs as a result of such illegal act; see above and the damages are ongoing and increasing every day the case in California is active and/or an adverse and unconstitutional default judgment is issued.

Implicit in the elements is the requirement that the process in question be improperly used *after* it was issued. All these elements are satisfied here.

Count II

Civil Conspiracy

Defendants and Third-party plaintiffs re-allege and incorporate each allegation set forth above and in conjunction with the main third-party petition as if fully written herein. In Texas, civil conspiracy is a legal claim that involves two or more individuals or entities forming an agreement to commit an unlawful act or to accomplish a lawful act by unlawful means.

Lehman's conspiracy count will require further discovery to obtain the names and addresses of the unknown Jane and John Does involved. Due to these present circumstances, the court and the parties are on notice that The Burkes will be amending their third-party petition in due course.

Count III

Emotional Distress

Defendants and Third-party plaintiffs re-allege and incorporate each allegation set forth above and in conjunction with the main third-party petition as if fully written herein.

Intentional Infliction of Emotional Distress: The elements of intentional infliction of emotional distress are that (1) the Defendants acted intentionally or recklessly, (2) the conduct was extreme and outrageous, (3) the actions of the Defendants caused the plaintiff emotional distress, and (4) the emotional distress was severe. *Twyman v. Twyman*, 855 S.W.2d 619, 621 (Tex. 1993).

(1) Andrew Peter Lehman, acted intentionally or recklessly by engaging in a series of alarming and harassing behaviors directed towards the plaintiff.

(2) The conduct of Andrew Peter Lehman was extreme and

outrageous. Despite his menacing history, he persistently violated boundaries by arriving uninvited at Joanna Burkes home. His imposing 300-pound frame relentlessly banged on Joanna's doors, producing a haunting sound that reverberated through the chambers of her already fragile soul. Moreover, he invaded the sanctity of her personal space by peering into her windows, leaving her with a profound sense of violation and exposure. Additionally, he shamelessly captured images of her home with his camera, subsequently disseminating them on the internet accompanied by inaccurate, defamatory and vile statements about the Burkes. These actions collectively demonstrate the extreme and outrageous nature of the Defendant's conduct.

(3) The actions of Andrew Peter Lehman caused the Burkes significant emotional distress. As a result of his intrusive behavior, the

Burkes sense of security has been shattered, leaving them in a constant state of fear for their safety and even lives. The relentless invasion of their personal space, combined with the falsehoods disseminated online, accompanied by defamatory and vile statements and communications, inflicted substantial emotional harm upon the Burkes.

(4) The emotional distress suffered by the Burkes is severe. The relentless and intrusive actions of Andrew Peter Lehman leaves the Burkes traumatized, emotionally scarred, and living in constant fear. The plaintiff's daily life has been profoundly impacted, and her overall well-being has significantly deteriorated as a direct result of the Defendant's conduct.

Furthermore, it is important to note that Andrew Peter Lehman filed a fraudulent in forma pauperis (IFP) lawsuit against the Burkes in California.

This lawsuit was pursued with fraudulent intent, as Joanna Burke has no interest in the matter, and John Burke, her husband, was deceased prior to the filing. The fraudulent lawsuit was initiated with the malicious intent of increasing stress and expenses.

Lehman seeks to illegitimately finch a “free home”, aided and abetted by the judiciary.

Additionally, it is evident that the filing of the lawsuit in California, despite Lehman's residence in Texas, amounts to judicial shopping, seeking an advantageous jurisdiction for his harassing and damaging actions.

Therefore, based on the elements of intentional infliction of emotional distress, it is evident that Andrew Peter Lehman's unlawful behavior meets the legal criteria for a complaint alleging intentional infliction of emotional distress.

Count IV

Harassment

Defendants and Third-party plaintiffs re-allege and incorporate each allegation set forth above and in conjunction with the main third-party petition as if fully written herein.

Lehman has repeatedly engaged in conduct that "constitutes an offense under Section 42.07," the penal statute criminalizing harassment. See PENAL § 42.072(a) (stalking consists of repeatedly committing offense of harassment or repeatedly engaging in conduct actor knows or reasonably should know victim will regard as threatening bodily injury, death, or property offense). The offense of harassment, in turn, criminalizes the following specified conduct:

> A person commits an offense if, with intent to harass, annoy, alarm, abuse, torment, or embarrass another, the person:
>
> (1) initiates communication and in the course of the communication makes a comment, request, suggestion, or proposal that is obscene;
>
> (2) threatens, in a manner reasonably likely to alarm the

person receiving the threat, to inflict bodily injury on the person or to commit a felony against the person, a member of the person's family or household, or the person's property;

(3) conveys, in a manner reasonably likely to alarm the person receiving the report, a false report, which is known by the conveyor to be false, that another person has suffered death or serious bodily injury;

(4) causes the telephone of another to ring repeatedly or makes repeated telephone communications anonymously or in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend another;

(5) makes a telephone call and intentionally fails to hang up or disengage the connection;

(6) knowingly permits a telephone under the person's control to be used by another to commit an offense under this section;

(7) sends repeated electronic communications in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend another; or

(8) publishes on an Internet website, including a social media platform, repeated electronic communications in a manner reasonably likely to cause emotional distress, abuse, or torment to another person, unless the communications are made in connection with a matter of public concern.

Id. § 42.07(a).

Here, Lehman's persistent and disturbing harassing communications, stalking the Burke's residence and leaving further harassing

communications on the property, displaying the property on a website with more libelous and harassing communications and content, either created and controlled by Lehman and/or that of his co-conspirators to be determined during the lawsuit, along with his criminal history, including the current and pending criminal case in Galveston, wherein Lehman is accused of discharging a shotgun pointed at an individual, combined with his drug and alcohol dependency, his obvious lack of anger management and resulting quick temper, which has led to several arrests with documented reports by police officers as to his repeated infractions and ability to threaten individuals, commit assault and battery, domestic and family violence including minor(s), assault with a deadly weapon, and continues to use drugs and alcohol while on bond, on a tether (ankle monitor) and while awaiting trial in related criminal cases, leaves the Burkes in fear for their safety and lives.

See; *Dessens v. Argeroplos*, 658 S.W.3d 438 (Tex. App. 2022) and relevant here, the Burkes are seeking a lifetime protective order against

Lehman, the court orders Lehman to submit to a psychological evaluation and alcohol assessment, and as the Burkes claims provide irrefutable and sufficient proof and evidence, the court prohibits Lehman from "possessing a firearm" during his lifetime.

See; *Act of May 17, 2013*, 83rd Leg., R.S., ch. 760, § 2, 2013 *Tex. Gen. Laws 1928, 1928-29* (repealed 2019).

Count V

Stalking

Defendants and Third-party plaintiffs re-allege and incorporate each allegation set forth above and in conjunction with the main third-party petition as if fully written herein.

The Texas Code of Criminal Procedure allows victims of certain criminal offenses, including the offense of stalking under Section 42.072 of the Penal Code, to obtain a protective order if the court finds there are reasonable grounds to believe that the person against whom the protective

order is sought committed the offense.

Former Tex. Code Crim. Proc. art. 7A.03(a) (repealed and recodified without substantive change in Chapter 7B, effective January 1, 2021) (Act of May 21, 2019, 86th Leg., R.S., ch. 469, § 3.01(2), 2019 Tex. Gen. Laws 1065, 1152); see Tex. Penal Code § 42.072 (elements of stalking).

Although a protective order under the Code of Criminal Procedure is predicated on the applicant being a victim of a criminal offense, the proceedings on the application are civil proceedings.

Beach v. Beach, No. 01-19-00123-CV, 2020 WL 1879553, at *4 (Tex. App.-Houston [1st Dist.] Apr. 16, 2020, pet. dism'd w.o.j.) (mem. op.); *Ex parte Garza*, 603 S.W.3d 492, 496-97 (Tex. App.-Corpus Christi-Edinburg 2020, no pet.) (concluding that there was no constitutional right to counsel in chapter 7A protective-order proceedings).

There is no doubt, and considering the alarming facts recanted here, and as a reminder, it would be remiss not to illuminate Andrew Peter Lehman's

disturbing history, where he once again crosses a severe boundary whilst on bond for several pending cases. He intrudes upon Joanna Burke's residence without invitation, forcefully pounding on her doors with his imposing 300-pound frame, creating an eerie and unsettling resonance that resonates within the depths of her already fragile being. By peering into her windows, he invades the sacredness of her personal space, leaving her with an overwhelming sense of violation and exposure.

He shamelessly captures images of her home with his camera, which he callously disseminates on the internet, accompanied by defamatory and abhorrent remarks. As a result, her perception of security has been shattered, plunging her into a perpetual state of apprehension for her safety, and even her life.

Count VI

Defamation Per Se

Defendants and Third-party plaintiffs re-allege and incorporate each

allegation set forth above and in conjunction with the main third-party petition as if fully written herein.

It is without doubt, and with the benefit of a full review of this Addendum with facts, evidence, supporting case law and unsworn declarations from the Burkes they have been defamed *per se* by Lehman. Defamation *per se* refers to statements or statements with clear and obvious meanings that are inherently harmful to a person's reputation. In other words, these statements are so obviously damaging that their harmful nature does not need to be proven.

In this defamation per se case, the Burkes do not need to prove that they suffered specific damages as a result of the defamation since the harm is presumed. In relation to damages for the injury to the Burke's reputation caused by Lehman's defamatory statements in this *defamation per se* Third-party petition, and noting that under presumption of damages applicable to *libel per se*, damages "are within the jury's discretion, are purely personal,

and cannot be measured by any fixed rule or standard. See; *Aldous v. Bruss*, No. 14-11-01108-CV, at *20-22 (Tex. App. Apr. 4, 2013).

Count VII

Mental Anguish

Defendants and Third-party plaintiffs re-alleges and incorporates each allegation set forth above as if fully written herein. The Texas Supreme Court has defined mental anguish as "emotional pain, torment, and suffering." *Moore v. Lillebo,* 722 S.W.2d 683, 688 (Tex. 1986).

Emotional Pain: The Burkes have become the primary targets of Lehman's relentless and malicious cyberbullying campaign.

Lehman's tactics go beyond online harassment as he and/or his co-conspirators consistently bombard the Burkes with hurtful and malicious messages.

They further amplify the damage by posting defamatory comments on lawsintexas.com, sending emails filled with insults and

derogatory language, and even leaving letters at the Burkes' residence with nasty comments.

To intensify the ordeal, Lehman and/or his co-conspirators have gone as far as creating a dedicated website solely designed to target the Burkes and their homestead, inundating it with false and inaccurate untruths.

As a result, the Burkes experience profound emotional pain, feeling deeply hurt, distressed, and emotionally drained by the relentless attacks on their reputation and well-being.

The continuous barrage of hurtful content across various channels takes a heavy toll on their mental and emotional state, leaving them grappling with feelings of sadness, anxiety, and an overwhelming sense of despair.

Torment: Lehman, fueled by a personal vendetta, launches a malicious online campaign against the Burkes. Using various online

methods of communication, including blogs and websites, Lehman spreads false rumors, concocts damaging stories, and encourages others to harass and intimidate the Burkes. The torment they experience is unrelenting, leaving them in a constant state of fear, anxiety, and psychological anguish.

Suffering: The relentless online harassment orchestrated by Lehman takes a heavy toll on the Burkes. They find themselves subjected to a barrage of hate messages, threats, and public humiliation. The resulting suffering is immense, encompassing profound emotional distress, a sense of powerlessness, and an overwhelming burden on their mental well-being.

Permanent Injunction (re Andrew Peter Lehman)

The Burkes request the Court set its Application for Permanent Injunction for a full trial on the merits and, after the trial, issue a permanent injunction against Andrew Peter Lehman. The Burkes are

seeking a lifetime protective order against Lehman, the court orders Lehman to submit to a psychological evaluation and alcohol assessment, and the court prohibits Lehman from "possessing a firearm" during his lifetime.

Prayer & Relief

Based on the foregoing and in conjunction with Addendum C, Defendants and Third-party plaintiffs seeks the following relief:

A permanent injunction as described against Lehman;

The Burkes respectfully request this court in Harris County, Texas, consider the jurisdictional implications and exercise its authority to address the prospective declaratory relief sought in this third-party petition;

And after such determination, any such other relief the Court may deem just, proper and /or necessary under the circumstances, including;

Damages: The Third-party plaintiffs asks the court to assess and award

compensatory and exemplary damages to compensate the Third-party plaintiffs for any financial losses, emotional distress, or other harm caused by the insurer's actions as detailed.

Jury Trial

Defendants and Third-party plaintiffs, the Burkes, demand a jury trial.

RESPECTFULLY submitted this 27th 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.

Mark Burke
State of Texas / Pro Se

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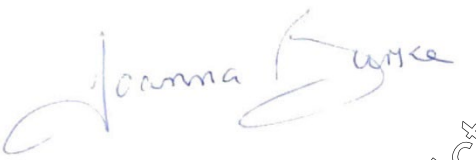
I declare under penalty of perjury that the foregoing is true and correct. This declaration under Chapter 132, Civil Practice and Remedies Code.



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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing First Amended Counterclaim/Third Party Petition with an application for a Permanent Injunction has been forwarded to Plaintiff/Counter-Defendants /Third-Parties and counsel by electronic filing notification and/or electronic mail and/or facsimile and/or certified mail, return receipt requested, this the 27th day of June, 2023.

Mark Burke
State of Texas / Pro Se