

PHH and Deutsche Bank revised and refiled the Motion to ensure that all citations to legal authority were moved from footnotes into the body of the Motion. The Court has already accepted the refiled Motion which undercuts any argument that it is non-compliant. Moreover, Ms. Burke's objection to the absence of an "Amended" label is a red herring. Ms. Burke cites no legal authority suggesting this is a valid basis for the Court to strike the Motion for Summary Judgment.

II. Defendants' Motion for Summary Judgment is timely.

2. Ms. Burke also argues that Defendants' Motion for Summary Judgment is premature and untimely because this Court lacks jurisdiction over her claims. To the contrary, PHH and Deutsche Bank filed their Motion for Summary Judgment by the deadline set forth in this Court's Scheduling Order. Ms. Burke should have raised any argument as to jurisdiction in a motion to remand as Plaintiff did immediately after PHH and Deutsche Bank removed the case to this Court. In fact, it is her objections to subject matter jurisdiction that are untimely.

3. With that said, Ms. Burke states in her Motion to Strike that she will be filing a Motion to Dismiss (Doc. 46, Page 5). PHH and Deutsche Bank would be opposed to any attempt to remand this case to state court - which would be untimely - but are unopposed to dismissal.

III. Ms. Burke's allegations of "gamesmanship" are unfounded.

4. In her Motion to Strike, Ms. Burke alleges "gamesmanship" by the undersigned counsel for PHH and Deutsche Bank but provides no specific facts to support this. Ms. Burke also includes allegations against a former shareholder of Baker Donelson completely unrelated to this litigation. The undersigned counsel for PHH and Deutsche Bank wish to inform the Court that neither has ever been sanctioned or subject to any disciplinary proceeding and both are in good standing with the State Bar of Texas. Ms. Burke's references regarding a former shareholder are irrelevant and inflammatory.

IV. Conclusion

PHH and Deutsche Bank respectfully ask the Court to deny Ms. Burke's Motion to Strike (Doc. 46). To the extent Ms. Burke proceeds with filing a Motion to Dismiss as stated in her Motion to Strike, PHH and Deutsche Bank are opposed to any untimely request for remand but are unopposed to dismissal.

Respectfully submitted,

By: /s/ Emily Stroope

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been served upon counsel of record pursuant to the Federal Rules of Civil Procedure on May 29, 2025 as indicated below:

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