

Cause No. DC-21-08738

TONY LAMAR VANN	§	IN THE DISTRICT COURT
	§	
VS.	§	DALLAS COUNTY, TEXAS
	§	
COURT CLERKS OFFICE ET AL	§	162 <sup>ND</sup> JUDICIAL DISTRICT

**ORDER ON VEXATIOUS LITIGANT MOTION**

On September 8, 2021, the Court considered the *Vexatious Litigant Motion* (*Motion*) filed by Defendants Court Clerk's Office, Michele Morneault, Tenesa Shaw, Terri Kilgore, John Harris, and Margaret Doe (collectively, Defendants), against Plaintiff Tony Lamar Vann (Plaintiff). Defendants appeared by and through their counsel of record. Plaintiff was given proper notice of the hearing and appeared.

The Court takes judicial notice that Defendants' *Motion* was originally filed on August 2, 2021, and a supplement thereto was filed on August 5, 2021.

After considering the evidence, the arguments of the parties, and all documents on file with the Court, the Court is of the opinion that the *Motion* is well-taken and should be GRANTED.

The Court finds that Plaintiff is a Plaintiff who has commenced or maintained a litigation, as defined in section 11.001(5) of the Texas Civil Practice and Remedies Code, and that Defendants are persons against whom Plaintiff has commenced or maintained a litigation as defined by section 11.001(1) of the Civil Practice and Remedies Code.

The Court finds that Defendants' *Motion* was timely filed under section 11.051(1) of the Civil Practice and Remedies Code.

The Court finds that there is no reasonable probability that Plaintiff will prevail in the current litigation before the Court.

The Court finds that Plaintiff has, under section 11.054(1) of the Texas Civil Practice and Remedies Code, in the seven (7) year period immediately preceding the filing of Defendants' *Motion*, commenced, prosecuted, or maintained, in propria persona, at least five litigations other than in small claims court that have been finally determined adversely to Plaintiff.

IT IS THEREFORE ORDERED, ADJUDGED, and DECREED that Defendants' *Vexatious Litigant Motion* is hereby GRANTED.

IT IS FURTHER ORDERED that the Court declares Plaintiff Tony Lamar Vann to be a vexatious litigant under Chapter 11 of the Texas Civil Practice and Remedies Code.

IT IS FURTHER ORDERED that under section 11.055 of the Texas Civil Practice and Remedies Code, Plaintiff must furnish security in the amount of \$ 1000 for the benefit of Defendants, which sum is reasonably necessary to assure payment to Defendants of Defendants' reasonable expenses incurred in or in connection with the litigation commenced, caused to be commenced, or maintained by Plaintiff.

IT IS FURTHER ORDERED that reasonable security shall consist of cash to be paid in the registry of the Court for the benefit of Defendants, or a bond in favor of Defendants filed with the Clerk of the Court undertaken by persons who demonstrate ownership of liquid and unencumbered assets that are non-exempt under federal or state law of at least twice the amount of the security ordered to be furnished by the Court, payable for the benefit of Defendants, subject only to Plaintiff's prevailing in a final determination of his claims as set forth in his pleadings on file with the Court.

IT IS FURTHER ORDERED that before any bond provided by Plaintiff shall be accepted, an application for the approval of said bond shall be filed with notice to Defendants, and at hearing upon such application, the Court shall determine the adequacy of the undertaking.

IT IS FURTHER ORDERED that if Plaintiff fails to post adequate security with the Court within 15 days of the signing of this *Order*, Plaintiff's suit will be dismissed in its entirety pursuant to section 11.056 of the Texas Civil Practice and Remedies Code.

IT IS FURTHER ORDERED that if Plaintiff timely provides the security herein required and the litigation is later decided on the merits against Plaintiff, Defendants shall have recourse to the security furnished under this order.

IT IS FURTHER ORDERED that Plaintiff is prohibited from filing, *in propria persona*, any new litigation in a court in this State without the written permission of a local administrative judge in the jurisdiction where he attempts to file such litigation. The local administrative judge may condition pre-filing permission on the furnishing of security for the benefit of defendant(s) or other conditions as provided by Subchapter B of Chapter 11 of the Texas Civil Practice and Remedies Code.

IT IS FURTHER ORDERED that the Clerk of the Court is directed to notify the Office of Court Administration of this Court's declaration of Plaintiff Tony Lamar Vann as a vexatious litigant.

IT IS FURTHER ORDERED that this suit shall remain in abatement until Plaintiff complies with this order or until it is dismissed by further order of this Court.

A violation of this *Order* may be punished by contempt of court in addition to other remedies provided by the Texas Civil Practice and Remedies Code.

DATE: \_\_\_\_\_, 2021

**9/17/2021 10:20:12 AM**

*Marcia Moore*

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PRESIDING JUDGE