

CAUSE NO. D-1-GN-08-003831

(JOHN) KOO-HYUN KIM

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§
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IN THE DISTRICT COURT

v.

353RD JUDICIAL DISTRICT

DAVID EVANS, et al.

TRAVIS COUNTY, TEXAS

Filed in the District Court
of Travis County, Texas

JL MAR 02 2009

AL 3:53 P

M.
Amalia Rodriguez-Mendoza, Clerk

**ORDER DETERMINING *PRO SE* PLAINTIFF (JOHN) KOO-HYUN KIM
A VEXATIOUS LITIGANT**

On this day came to be considered in the above-entitled and numbered cause Defendant Mark Tammen's Motion for Order Determining (John) Koo-Hyun Kim ("Plaintiff") a Vexatious Litigant and Requesting Security and Stay of Litigation, filed pursuant to Chapter 11, TEX. CIV. PRAC. & REM. CODE and hearing on the evidence and argument presented by all parties, the Court finds the following:

- (1) Defendant Mark Tammen ("Defendant") timely filed his Motion for Order Determining Plaintiff a Vexatious Litigant pursuant to Tex. Civ. Prac. & Rem. Code, §11.051;
- (2) There is not a reasonable probability that Plaintiff will prevail in the litigation against Defendant;
- (3) In the seven-year period immediately preceding the date Defendant filed his Motion for Order Determining Plaintiff a Vexatious Litigant Plaintiff has commenced, prosecuted, or maintained, in propria persona, at least five litigations other than in small claims court that have either been finally determined adversely to Plaintiff or have been determined by a trial or appellate court to be frivolous or groundless under state or federal laws or rules of procedure; and
- (4) Based on the evidence presented, the Court finds that Plaintiff is a vexatious litigant

IT IS THEREFORE DETERMINED that Plaintiff (John) Koo-Hyun Kim is declared by this Court to be a vexatious litigant pursuant to Chapter 11, TEX. CIV. PRAC. & REM. CODE.

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IT IS THEREFORE ORDERED that Plaintiff shall furnish security to the Court in the amount of \$ 26,000.00 for the benefit of Defendant based upon Defendant's reasonable expenses incurred, including costs and attorney's fees, in this litigation.

IT IS FURTHER ORDERED that Plaintiff shall furnish security in the amount described above on or before March 16, 2009.


IT IS FURTHER ORDERED that fails to timely furnish security as ordered herein, Plaintiff's case against defendant shall be dismissed.

IT IS FURTHER ORDERED that Plaintiff is prohibited from filing, in propria persona, a new litigation in any court in the state of Texas unless the local administrative judge of the court in which Plaintiff intends to file the litigation has granted Plaintiff permission to do so in accordance with Tex. Civ. Prac. & Rem. Code, §11.102.

IT IS FURTHER ORDERED that the clerk of this court shall provide of this Order to the Office of Court Administration of the Texas Judicial System.

IT IS FURTHER ORDERED that defendant have judgment for his costs against Plaintiff.

SIGNED on this 2nd day of March, 2009.


DISTRICT JUDGE PRESIDING

COPY

Filed in The District Court
of Travis County, Texas

MAR 06 2009

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at 3:02 PM.
Amalia Rodriguez-Mendoza, Clerk

CAUSE NO. D-1-GN-08-003831

(JOHN) KOO-HYUN KIM	§	IN THE DISTRICT COURT
v.	§	353 RD JUDICIAL DISTRICT
DAVID EVANS, et al.	§	TRAVIS COUNTY, TEXAS

**SUPPLEMENTAL ORDER REGARDING DETERMINATION OF *PRO SE*
PLAINTIFF (JOHN) KOO-HYUN KIM AS A
A VEXATIOUS LITIGANT**

On the 2nd day of March 2009, the Court entered the following determination and orders after considering the evidence and argument presented by all parties with respect to Defendant Mark Tammen's Motion for Order Determining (John) Koo-Hyun Kim ("Plaintiff") a Vexatious Litigant, filed pursuant to Chapter 11, TEX. CIV. PRAC. & REM. CODE:

1. That Plaintiff (John) Koo-Hyun Kim is declared to be a vexatious litigant pursuant to Chapter 11, TEX. CIV. PRAC. & REM. CODE;
2. That Plaintiff shall furnish security to the Court in the amount of \$26,000.00 for the benefit of Defendant based upon Defendant's reasonable expenses incurred, including costs and attorney's fees, in this litigation;
3. That Plaintiff shall furnish security in the amount of \$26,000.00 on or before March 16, 2009;
4. That if Plaintiff fails to timely furnish security as ordered herein, Plaintiff's case against Defendant shall be dismissed;
5. That Plaintiff is prohibited from filing, *in propria persona*, a new litigation in any court in the state of Texas unless the local administrative judge of the court in which

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Plaintiff intends to file the litigation has granted Plaintiff permission to do so in accordance with Tex. Civ. Prac. & Rem. Code, §11.102;

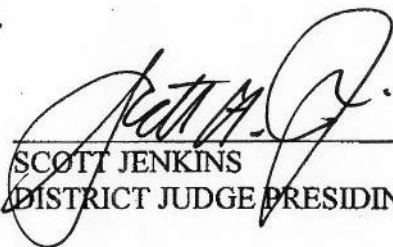
6. That the clerk of this court shall provide of this Order to the Office of Court Administration of the Texas Judicial System; and
7. That defendant have judgment for his costs against Plaintiff.

The Court enters the following further orders in supplementation and addition to the orders included in the Courts March 2, 2009 ORDER:

IT IS FURTHER ORDERED that all proceedings in this case are STAYED in accordance with Tex. Civ. Prac. & Rem. Code, §11.052.

IT IS FURTHER ORDERED that no party shall file any pleadings or other documents or attempt to conduct any discovery in this case without leave of this Court with the exception that Defendant may file his Motion to Dismiss if Plaintiff fails to timely furnish security as previously ordered.

SIGNED on this 6th day of March, 2009.


SCOTT JENKINS
DISTRICT JUDGE PRESIDING