

CAUSE NO. 33786

**SHERYL LEE WALKER and  
KERWIN STEPHENS**

**VS.**

**BYRON EARL WALKER**

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**IN THE DISTRICT COURT OF**

**YOUNG COUNTY, TEXAS**

**90TH JUDICIAL DISTRICT COURT**

**ORDER FINDING COUNTER-PLAINTIFF  
BYRON WALKER A VEXATIOUS LITIGANT**

On the 18th day of October, 2019, came on to be heard Counter-Defendants' Motion to Declare Counter-Plaintiff a Vexatious Litigant and to Require Counter-Plaintiff to Furnish Security; and came all parties by and through their attorneys of record; and the Court, having considered Counter-Defendants' motion, Counter-Plaintiff's written response, Counter-Defendants' written reply, the sworn testimony of the witnesses, the evidence admitted into the record, and the arguments of counsel, makes the following findings:

- (1) There is not a reasonable probability that Counter-Plaintiff Byron Walker, will prevail in his counterclaim against the Counter-Defendants.
- (2) Counter-Plaintiff Byron Walker, in the seven-year period immediately preceding the date the Counter-Defendants made their motion under Section 11.051 of the Texas Civil Practice & Remedies Code, commenced, prosecuted, or maintained at least five litigations as a pro se litigant other than in small claims court that have been finally determined adversely to Counter-Plaintiff Byron Walker.
- (3) After a litigation (that determined the question of whether Byron Walker's and Sheryl Walker's marital estate owned cattle at the time of their divorce in 2013) had been finally determined against Counter-Plaintiff, Byron Walker, has repeatedly relitigated or attempted to relitigate, pro se, the validity of the determination against Sheryl Walker, the same Counter-Defendant as to whom the litigation was finally determined.
- (4) After a litigation (that determined the question of whether Byron Walker's and Sheryl Walker's marital estate owned cattle at the time of their divorce

in 2013) has been finally determined against Counter-Plaintiff Byron Walker, he repeatedly relitigated or attempted to relitigate, pro se, the cause of action, claim, controversy, and issues of fact and law determined or concluded by the final determination against Sheryl Walker, the same Counter-Defendant as to whom the litigation was finally determined.

(5) Counter-Plaintiff Byron Walker is a vexatious litigant. It is therefore

**ORDERED** that Counter-Defendants' Motion to Declare Counter-Plaintiff a Vexatious Litigant and to Require Counter-Plaintiff to Furnish Security be, and the same is, in all things **GRANTED**; and that Counter-Plaintiff Byron Walker is hereby declared a vexatious litigant.

**ORDERED** that Counter-Plaintiff Byron Walker shall furnish security for the benefit of Counter-Defendants in the amount of \$ 25,000.00. Such security must be furnished on or before Nov. 29, 2019, and deposited with the Clerk of the Court. The security is an undertaking by the Counter-Plaintiff to assure payment to the Counter-Defendants of the Counter-Defendants' reasonable expenses incurred in or in connection with the counterclaim commenced by the Counter-Plaintiff, including costs and attorney's fees. It is further

**ORDERED** that Byron Walker is prohibited from filing, pro se, a new litigation in any court in this state without the permission of the appropriate local administrative judge.

**SIGNED** this 30 day of Oct., 2019.



Judge Presiding

**Sitting By Assignment**