

CAUSE NO. 1997-48526

PATRICK OLAJIDE AKINWAMIDE § IN THE DISTRICT COURT OF
VS. § HARRIS COUNTY, TEXAS
TRANSPORTATION INSURANCE §
COMPANY § 80TH JUDICIAL DISTRICT

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ORDER

On October 24, 2014 this Court heard the Defendant's Motion for Sanctions, Defendant's Motion to Declare the Plaintiff a Vexatious Litigant, and held a Show Cause hearing as to why the Plaintiff should not be sanctioned under the Texas Rules of Civil Procedure and/or Texas Civil Practices and Remedies Code. The Court heard opening statements from counsel for the Defendants and from the Pro Se Plaintiff. The Court took judicial notice of the history of the filings by the Plaintiff in this lawsuit dating back to 1997 and Plaintiff's numerous attempts to set aside/vacate an adverse judgment dated August 9, 2000. Counsel for the Defendant also admitted into evidence the docket sheet for the above styled lawsuit that showed the history of this case, as well as the docket sheets of Plaintiff's subsequent attempts to relitigate these same claims. Defendant's exhibit showed the Plaintiff's subsequent lawsuit filed shortly after the 2000 judgment in this case; a Bill of Review and a litany of appeals in both lawsuits and Bill of Review that all attempted to relitigate the Plaintiff's claim that he suffered injur/illness as a result of his employment at Automatic Data Processing.

The Court further heard testimony from the Plaintiff who admitted to filing two lawsuits; a Bill of Review; numerous motions to set aside/vacate the 2000 judgment; and numerous unsuccessful attempts to relitigate same claims. The Plaintiff admitted that he had previously been warned by this Court back in 2012 not to file further motions in attempt to set aside or vacate the 2000 judgment as this court no longer has plenary power over that judgment. Yet, the

RECORDER'S MEMORANDUM
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Plaintiff ignored this Court's warning and filed yet another motion in August 2014. Further, on October 3, 2014 this Court denied the Plaintiff's latest motion to set aside the 2000 judgment and this Court sua spontae set a show cause hearing for the Plaintiff to show why he should not be sanctioned for filing frivolous pleadings. On the same date that this Court denied the Plaintiff's motion to set aside and ordered a show cause hearing be held, the Plaintiff, per his own testimony, then left the courtroom and went to the clerk and obtained a hearing date to file yet another motion regarding the 2000 judgment.

Further, this Court takes judicial notice of the Court of Appeals record in this case in which the most recent decision from the Court of Appeals sets forth the history of this Plaintiff's other filings in this lawsuit and subsequent suits regarding the same subject matter and same parties and in which a mandate was issued on the very same subject matter on May 16, 2013.

The Court finds that the recent pleadings filed by the Plaintiff, including but not limited to, the most recent 81-page filing on August 6, 2014 -- entitled in part "Plaintiff's Motion to Set Aside the Final Judgment in Cause No. 1997-48526" is a frivolous pleading filed in violation of Texas Rule of Civil Procedure 13, Texas Civil Practices and Remedies Code Section 10 and 11.

The Court finds that the 81 page pleading was filed for an improper purpose to include but not limited to harass the Defendant.

The Court finds that Defendant's motion to Declare the Plaintiff a Vexatious Litigant was included in the Defendant's response to the pleading and filed with the court on October 3, 2014, well within the 90 day filing requirement.

The Court finds that there is no reasonable probability that the Plaintiff will prevail in the litigation against the Defendant and that after the litigation has been finally determined against this Plaintiff, the Plaintiff repeatedly relitigates or attempts to relitigate, in propria persona the

validity of the determination against the same Defendant as to whom the litigation was finally determined; and/or the cause of action, claim, controversy, or any of the issues of fact or law determined or concluded by the final determination against the same defendant as to whom the litigation was finally determined.

THEREFORE, the Court finds that the Defendant's motions for sanctions, attorney fees and to declare the Plaintiff a vexatious litigant are meritorious and are hereby **GRANTED**.

Additionally, the Court does find that Plaintiff has not shown good cause why he should not be determined to be a vexatious litigant, and has not shown good cause as to why he should not be sanctioned; again, under provisions of Texas Rules of Civil Procedure 13 and Section 10 and 11, and other relevant sections of the Civil Practice and Remedies Code.

The Court also finds that under Texas Civil Practice and Remedies Code, Section 11.051 and the following sections, including but not limited to Civil Practice and Remedies Code, Section 11.054 that the Plaintiff is **DECLARED** to be a vexatious litigant.

The Court finds that the appropriate security and/or sanction, including the award of reasonable expenses and cost including reasonable attorney's fees to the Defendant is \$2,500.00.

The Plaintiff is hereby **ORDERED** to pay \$2,500.00 to the Defendant no later than December 1, 2014.

The Court also finds under Section 10.004 an additional public sanction against Plaintiff is warranted.

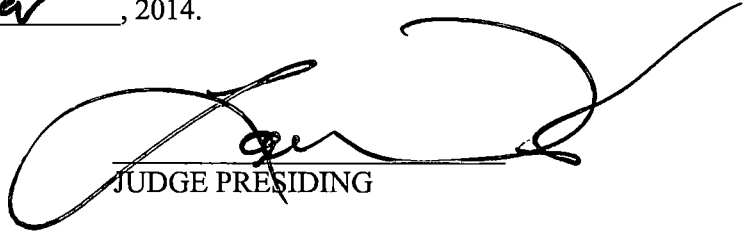
The Plaintiff is hereby **ORDERED** to pay the amount of \$500.00 to to the Clerk of the Court no later than December 1, 2014.

It is further hereby **ORDERED** that the Plaintiff is prohibited from filing, in propria persona, a new litigation in a court in this state without first obtaining permission from a local

administrative judge under Texas Civil Practices Remedies Code section 11.101. If Plaintiff continues to file new litigation in propria persona, he will be subject to contempt of court.

Signed this the 4th day of November, 2014.

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JUDGE PRESIDING



I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.

Witness my official hand and seal of office this November 4, 2014

Certified Document Number: 63043513 Total Pages: 4

Chris Daniel, DISTRICT CLERK
HARRIS COUNTY, TEXAS

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