

Copy

CAUSE NO. 98-0233

THOMAS V. MILLER	§	IN THE DISTRICT COURT
	§	
vs.	§	
	§	336TH JUDICIAL DISTRICT
FIRST NATIONAL BANK OF	§	
VAN ALSTYNE AND PRESIDENT	§	
AND CEO ROBERT H. HYNDS	§	GRAYSON COUNTY, TEXAS

FINAL JUDGMENT AND ORDER IMPOSING SANCTIONS

On March 16, 1998 came on for hearing the Motion For Sanctions filed herein by First National Bank of Van Alstyne and President and CEO Robert H. Hynds (hereinafter sometimes referred to as "Defendants").

Defendants appeared by attorney of record and representative and announced ready. Plaintiff THOMAS V. MILLER did not appear.

The Court notes that Plaintiff had, prior to March 16, 1998, filed a Motion For Continuance of the hearing on Defendants' Motion For Sanctions. After giving due consideration to Plaintiff's Motion For Continuance, Plaintiff's failure to request a hearing on such motion, and Plaintiff's failure to appear, the Court finds that the Motion For Continuance should be and it is hereby DENIED.

After receiving the evidence submitted in support of the Motion For Sanctions and the argument of counsel, the Court finds:

1. THOMAS V. MILLER received proper and adequate notice of the allegations contained in the Motion For Sanctions and was afforded a reasonable opportunity to respond to the allegations therein;

2. THOMAS V. MILLER, proceeding pro se, has signed each and every pleading filed herein on his behalf;
3. THOMAS V. MILLER filed this suit and filed all pleadings herein for improper purposes, including but not limited to, harassment of Defendants, and needlessly increasing the cost of litigation;
4. None of the claims of THOMAS V. MILLER set forth in this suit and none of the pleadings signed and filed by him herein are warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of a new law;
5. The sanctions imposed hereinafter are limited to what is sufficient to deter repetition of the conduct of THOMAS V. MILLER or comparable conduct by others similarly situated; and
6. The Motion For Sanctions should be GRANTED.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED that:

1. This suit is DISMISSED with prejudice to Plaintiff's right to refile the same;
2. THOMAS V. MILLER is ordered to pay a penalty of FIVE THOUSAND AND NO/100 DOLLARS (\$5,000.) into the registry of this Court;
3. FIRST NATIONAL BANK OF VAN ALSTYNE shall have and recover of and from THOMAS V. MILLER judgment of the sum of ONE THOUSAND FIVE HUNDRED AND NO/100 DOLLARS (\$1,500.00), for reasonable expenses, including reasonable attorney's fees; and

4. All costs of this proceeding are hereby adjudged against THOMAS V. MILLER, for all of which let execution issue.

IT IS FURTHER ORDERED that the District Clerk of Grayson County, Texas and the Clerks of all other Courts of the State of Texas are hereby ORDERED to refrain and refuse to accept from THOMAS V. MILLER the filing of any additional suit or cause of action against THE FIRST NATIONAL BANK OF VAN ALSTYNE, its present or former, officers, employees, directors, board members, shareholders, attorneys or agents, including but not limited to ROBERT H. HYNDS, WITHOUT LEAVE BEING FIRST OBTAINED FROM THIS COURT.

SIGNED this 27 day of March, 1998.




JUDGE PRESIDING

APPROVED AS TO FORM:



J. DON GORDON
Attorney for Defendants

FILED FOR RECORD
BY 
98 MAR 27 PM 6: 04
CYRIL H. SPENCER
DISTRICT CLERK
GRAYSON COUNTY