

NO. 2015-18947

JAMES LEGGETT,	§	IN THE DISTRICT COURT OF	
	§		
<i>Plaintiff,</i>	§		
	§		
VS.	§	HARRIS COUNTY, TEXAS	
	§		
WFI INTERNATIONAL <i>et al.</i> ,	§		
	§		
<i>Defendants.</i>	§	269TH JUDICIAL DISTRICT	§

ORDER DECLARING JAMES T. LEGGETT TO BE A VEXATIOUS LITIGANT

On April 1, 2015, James T. Leggett (Leggett) filed a pro se civil suit against his former employer, Bonney Forge, LP d/b/a WFI International (WFI) for “wrongful termination.”

On June 26, 2015, the Court held a hearing on Mr. Leggett’s motion to recuse and dismiss WFI’s counsel and on WFI’s motion to dismiss. On June 26, 2015, the Court issued an order in which it denied Mr. Leggett’s motion and reset the hearing on WFI’s motion to dismiss until July 31, 2015. In its order, the Court noted that Mr. Leggett’s “‘Second Motion to Not Dismiss’ contained veiled or explicit threats against opposing counsel and uses abusive, disrespectful, undignified, and filthy language and epithets.” The Court advised the parties that it would “not tolerate such undignified and disrespectful language” and ordered Mr. Leggett’s “Second Motion to Not Dismiss” stricken from the record.

On July 28, 2015, WFI filed a motion in which it advised the Court that Mr. Leggett had filed suit against the attorney for WFI, Larry Simmons and the Germer Law Group.¹ WFI asked the Court to sanction Mr. Leggett and to strike his pleadings in this case.

On August 3, 2015, Mr. Leggett filed a nonsuit in this case. At the time of Mr. Leggett’s nonsuit, WFI’s request for sanctions remained pending. The Court ruled on WFI’s request for

¹ *James Leggett v. Larry James Simmons, et al.*, Cause No. 2015-43353 (127th Dist. Court, Harris County). Mr. Leggett filed a nonsuit in this case on July 31, 2015, and the trial court signed it on August 11, 2015.

sanctions on August 28, 2015, thereby disposing of the sole remaining claim for affirmative relief. The Court still retains plenary jurisdiction at this time.

On September 14, 2015, the Court issued a Show Cause Order requiring Mr. Leggett to show cause why he should not be declared a vexatious litigant under Chapter 11 of the TEXAS CIVIL PRACTICES AND REMEDIES CODE. Mr. Leggett received notice of the Order and appeared as ordered on this date. The Court conducted the Show Cause hearing on the record.

VEXATIOUS LITIGANT STATUTE

Chapter 11 of the Texas Civil Practice and Remedies Code governs suits brought by vexatious litigants. The Court may, on defendant’s motion or sua sponte, designate a party as a vexatious litigant. TEX. CIV. PRAC. REM. CODE § 11.101.

A party may be declared a vexatious litigant if there is *not* a reasonable probability that he will prevail in litigation *and* the party has a history of filing or repeatedly relitigating unsuccessful or frivolous suits. ID. § 11.054. Specifically, the statute applies when, in the preceding seven-year period, a plaintiff has commenced, prosecuted, or maintained *in propria persona* at least five litigations other than in a small-claims court that have been:

- a) finally determined adversely to the plaintiff;
- b) permitted to remain pending at least two years without having been brought to trial or hearing; or
- c) determined by a trial or appellate court to be frivolous or groundless under state or federal laws or rules of procedure.

JAMES LEGGETT’S PREVIOUS LITIGATION

Attached as Exhibit A to “Defendant’s Motion to Dismiss Plaintiff’s Second Amended Original Petition and Motion for Summary Judgment,” which may be found in the Court’s record in this case, is a list of cases that Mr. Leggett pursued as a *pro se* litigant. According to this list, Mr. Leggett has unsuccessfully pursued the following *pro se* actions:

- 1) Cause No. 2007-50614, *James Leggett v. State of Texas* (269th Dist. Court, Harris County). After notice, the Court dismissed Mr. Leggett's case on February 13, 2009 for want of prosecution;
- 2) Cause No. 4:09-cv-00814, H-09-814, *James Leggett v. Federal Public Defenders Office* (U.S. Dist. Ct. for the Southern Dist. of Texas). The Court dismissed Mr. Leggett's complaint as frivolous on April 9, 2009;
- 3) Cause No. 4:09-cv-00341, H-09-0341, *James T. Leggett v. Brent Newton et al.* (U.S. Dist. Ct. for the Southern Dist. of Texas). The Court dismissed Mr. Leggett's claims with prejudice on April 27, 2009;
- 4) Cause No. 1:09-cv-00559-JDB, #09-0558 (JDB), *James Leggett v. Jeffrey D. Powers* (U.S. Dist. Ct. for the Dist. of Columbia). Finding it lacked subject-matter jurisdiction, the court dismissed Mr. Leggett's case on November 20, 2009;
- 5) Cause No. 5:09-CT-3041-BO, *James Leggett v. Dr. Robert Lucking* (U.S. Dist. Ct. for the Eastern Dist. North Carolina). Finding there was no genuine issue of material fact and that Dr. Lucking was entitled to summary judgment as a matter of law, the Court dismissed Mr. Leggett's suit on February 9, 2010;
- 6) Cause No. 05:09-CT-3057-D, *James Leggett v. Federal Medical Center et al.* (U.S. Dist. Ct. for the Eastern Dist. of North Carolina). For various reasons, the Court dismissed Mr. Leggett's claims against all defendants on February 12, 2010;
- 7) Cause No. 4:09-cv-00812-cv, H-09-0812, *James Leggett v. U.S. Attorney General* (U.S. Dist. Ct. for the Southern Dist. of Texas). Finding Mr. Leggett's complaint failed to state a claim, the Court dismissed the case on September 10, 2009;
- 8) Cause No. 09-20432, *James T. Leggett v. Brent Newton; et al.* (U.S. Court of Appeals for the 5th Circuit). The Court dismissed as frivolous Mr. Leggett's appeal of the District Court's dismissal of his case in 4:09-cv-341 on June 29, 2010;
- 9) Cause No. 09-20673, *James Leggett v. U.S. Attorney General* (U.S. Court of Appeals for the 5th Circuit). The appellate court dismissed as frivolous Mr. Leggett's appeal of the District Court's dismissal of his case in 4:09-cv-00812 on August 3, 2010; and
- 10) Cause No. 1038119, *James Leggett v. Texas Workforce Commission, et al.* (Harris County Civil Court at Law No. 3). The Court dismissed Mr. Leggett's claim with prejudice on September 24, 2014.

FINDINGS

The Court FINDS:

1. Mr. Leggett filed a civil suit against Bonney Forge LP d/b/a WFI International (Bonney Forge) for wrongful termination;

2. After being admonished by the Court not to amend his pleadings without leave, Mr. Leggett filed:
 - a. a “Motion to Suppress Evidence”;
 - b. a “Motion to Strike Federal Documents”;
 - c. a “Motion to Appeal Recusal of [opposing] Counsel”;
 - d. a “Motion for Discovery”;
 - e. “Plaintiff’s Amended Second Motion to Not Dismiss”; and
 - f. a lawsuit against the attorneys for Bonney Forge on July 27, 2015: Cause No. 2015-43353; *James Leggett v. Larry James Simmons and Germer Law Group, PLLC* (127th Dist. Ct. Harris County).²
3. After Bonney Forge had filed a motion for sanctions and, in the alternative, a motion to strike, Mr. Leggett filed a nonsuit “without prejudice” in this matter.
4. Mr. Leggett has, in the preceding seven-year period commenced, prosecuted, or maintained *in propria persona* ten litigations in courts other than in a small claims court that have been finally determined against him or have been determined by a trial or appellate court to be frivolous or groundless under state or federal laws or rules of procedure.

Accordingly, after reviewing the record and all the pleadings in the case, this Court **FINDS** that, since Mr. Leggett has nonsuited his claims, there *is not* a reasonable probability that he will prevail in this matter.

After reviewing the record and considering the motions, the court **FINDS** James T. Leggett is a vexatious litigant.

² Mr. Leggett subsequently filed a nonsuit in 2015-43353 on August 11, 2015.

ORDER

The Court **ORDERS** that **JAMES T. LEGGETT** is adjudicated to be a vexatious litigant.

The Court further **ORDERS** that **JAMES T. LEGGETT** is prohibited from filing *in propria persona* any new litigation in Texas without first being granted permission to file by the local administrative judge. Such permission shall be granted only if the litigation appears to have merit and is not filed for purposes of harassment or delay. Such permission may also be conditioned on the furnishing of a security.

JAMES T. LEGGETT is hereby **NOTIFIED** that he is subject to punishment for contempt or sanctions if he fails to obey this order.

The Court further **ORDERS** Defendant to serve a copy of this Order on James Leggett by certified mail, return-receipt requested as well as by first-class mail under the requirements of TEX. R. CIV. P. 21a by October 2, 2015. The Court further **ORDERS** Defendant to file a certificate of service reflecting how and when it served Mr. Leggett with a copy of this Order.

SIGNED at Houston, Texas on September 25, 2015.



Hon. Dan Hinde
Judge, 269th District Court



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 September 28, 2015

Certified Document Number: 67198398 Total Pages: 5

Chris Daniel, DISTRICT CLERK
HARRIS COUNTY, TEXAS

In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail support@hcdistrictclerk.com