

P 4
VEXAO

NO. 2016-02771

REYNALDO MORALES,
Plaintiff

vs.

TRAVELERS INDEMNITY CO. OF
CONNECTICUT,
Defendant

§
§
§
§
§
§
§
§
§

IN THE DISTRICT COURT OF
HARRIS COUNTY, TEXAS
165th JUDICIAL DISTRICT

FILED
Chris Daniel
District Clerk
MAR 28 2015
Time: _____
By _____
Deputy
Harris County, Texas

ORDER

On January 15, 2016, the Plaintiff, Reynaldo Morales (Morales) filed a petition in propria persona in this Court in which seeks judicial review of the Division of Workers' Compensation decision in Docket No. 00166571. That decision was final on March 6, 2009.

The Defendant, Travelers Indemnity Company of Connecticut (Travelers), filed a motion asking the Court to find and adjudicate Mr. Morales a vexatious litigant. The Court heard this motion on March 7, 2016 and took the matter under advisement.

On March 8, 2016, this Court granted Defendant's "Plea to the Jurisdiction and Motion to Dismiss" and signed a final judgment on that date. In the absence of a motion for new trial, the Court has plenary power over this matter until Thursday, April 7, 2016.

BACKGROUND

Mr. Morales has filed five (5) different lawsuits arising from the same workers' compensation matter. He has unsuccessfully appealed to the Texas Courts of Appeals, and he has had a petition for review denied by the United States Supreme Court.

PLAINTIFF'S LITIGATION HISTORY

A review of Court files and Westlaw reveals that Mr. Morales has commenced, prosecuted or maintained at least five lawsuits as a *pro se* litigant (excluding filings in small claims court) in the seven-year period immediately preceding the date of this motion. Of those cases, five were finally determined adverse to Plaintiff. TEX. CIV. PRAC. & REM. CODE §11.054(1)(A).

- (1) Cause No. DC-09-12253-B; *Reynaldo Morales v. Travelers Indemnity Company of Connecticut*; 44th Judicial District Court, Dallas County, Texas filed September 11, 2009. Judgment rendered for Defendant.

- (2) Cause No. DC-10-16356-K; *Reynaldo Morales v. Travelers Indemnity Co. of Connecticut*; 192nd Judicial District Court, Dallas County, Texas filed December 20, 2010. Judgment rendered for Defendant.
- (3) Cause No. DC-13-00310; *Reynaldo Morales v. Travelers Indemnity Co. of Connecticut*; 101st Judicial District Court, Dallas County, Texas filed January 9, 2013. Judgment rendered for Defendant.
- (4) Cause No. 2013-54065-7; *Reynaldo Morales v. Travelers Indemnity Co. of Connecticut*; 234th Judicial District Court, Harris County, Texas filed September 13, 2013. Judgment rendered for Defendant.
- (5) No. 01-14-00429-CV; *Reynaldo Morales, Appellant v. Travelers Indemnity Company of Connecticut, Appellee*; In The Court of Appeals For The First District of Texas; Appeal from the 165th Judicial District Court, Harris County, Texas; Trial Court Case No. 2013-54065. Affirmation of the Trial Court. A Judgment and Mandate was issued in favor of Travelers affirming the District Court's ruling.

Mr. Morales also filed the following suits against Travelers on the same issues in the following cases:

- (6) Cause No. 2012-17847; *Reynaldo Morales v. Travelers Indemnity Co. of Connecticut*; 165th Judicial District, Harris County, Texas filed March 6, 2012. Order of Dismissal signed on June 12, 2012 based on Mr. Morales's letter stating he wanted the "cancellation" of this matter.)
- (7) Cause No. D-1-GN-12-001877; *Reynaldo Morales v. Travelers Indemnity Company of Connecticut*; 201st Judicial District, Travis County, Texas filed June 21, 2012. Mr. Morales dismissed the case on October 30, 2012.

THE VEXATIOUS LITIGANT STATUTE

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

A Court may declare a party to be 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 re-litigating unsuccessful or frivolous suits. TEX. CIV. PRAC. & REM. CODE § 11.054. Specifically, during the seven year period immediately preceding the date the defendant files its motion to declare the plaintiff a vexatious litigant, the plaintiff has "commenced, prosecuted, or maintained at least five litigations as a pro se litigant" that have been "finally determined adversely to the

plaintiff” or have been determined “by a trial or appellate court to be frivolous or groundless under state or federal law or rules of procedure.” *See Id.* Finally, a court may find a plaintiff to be a vexatious litigant if the party has previously been declared to be a vexatious litigant by state or federal in an action or proceeding based on the same or substantially similar facts, transaction, or occurrence. *See Id.*

FINDINGS.

After reviewing Travelers’s motions, Mr. Morales’s pleadings, the record, and the pertinent authority, the Court FINDS:

- (1) The Texas Workers’ Compensation Act requires a party to appeal a decision of the Workers’ Compensation Appeals Panel by filing suit within 45 days of the date on which the decision was mailed to the party.
- (2) The Workers’ Compensation Appeal Panel decision was final on March 6, 2009 and Mr. Morales had until April 27, 2009 to file suit challenging the decision.
- (3) Mr. Morales did not file suit in Dallas County challenging the decision of the Workers’ Compensation Panel until September 11, 2009.
- (4) Another lawsuit regarding the same issues and between these parties has been finally determined against Mr. Morales.
- (5) Mr. Morales has repeatedly relitigated and attempted to relitigate the validity of the March 6, 2009 order of the Division of Workers’ Compensation Appeals Panel affirming the Decision and Order of The Workers’ Compensation Hearing Officer of December 10, 2008.
- (6) There **is not** a reasonable probability that Mr. Morales will prevail on his cause of action against Travelers.
- (7) Mr. Morales has a history of filing or repeatedly re-litigating unsuccessful or frivolous suits.
- (8) During the past seven year period, Mr. Morales has “commenced, prosecuted, or maintained at least five litigations as a *pro se* litigant that have been “finally determined adversely to him; and.

(9) Reynaldo Morales meets the requirements of a vexatious litigant as detailed in Chapter 11 of the Texas Civil Practice and Remedies Code.

ORDER

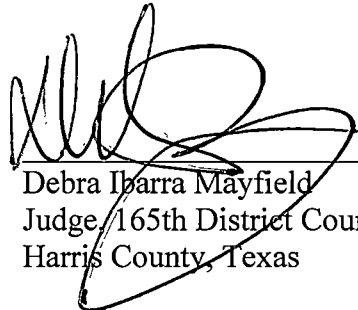
Accordingly, the Court ORDERS that Travelers' motion to declare Reynaldo Morales adjudicated as a vexatious litigant is GRANTED.

The Court ORDERS that Reynaldo Morales, as an adjudicated vexatious litigant is prohibited from filing new litigation in a state court without first obtaining permission from the appropriate local administrative judge. *See* TEX. CIV. PRAC. & REM. CODE §11.101. Permission to file new litigation 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.

The Court also admonishes Reynaldo Morales that if he fails to obey this order, he may be sanctioned or found in contempt and subject to punishment.

The Court ORDERS the Harris County District Clerk to refuse the filing of any new litigation by Reynaldo Morales unless he first obtains written permission from the appropriate local administrative judge.

Signed: March 28, 2016


Debra Ibarra Mayfield
Judge, 165th District Court
Harris County, Texas



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 March 30, 2016

Certified Document Number: 69573999 Total Pages: 4

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