

CAUSE NO.: 2013-22070

ANNAMALAI ANNAMALAI a/k/a
SWAMIJI SRI SELVAM SIDDHAR,
Plaintiff,

v.

SRIDHAR DADI, SRI RAVULA,
ASHIRWAD A BLESSING TEMPLE,
and RADIO HUNGAMA,
Defendants.

§
§
§
§
§
§
§
§
§
§

IN THE DISTRICT COURT

FILED

Chris Daniel
District Clerk

151ST JUDICIAL DISTRICT OCT 29 2013

Time: 4:03pm
By: [Signature] Harris County, Texas
Deputy

HARRIS COUNTY, TEXAS

ORDER ON DEFENDANTS ASHIRWAD A BLESSING TEMPLE AND SRIDHAR RAVULA'S MOTION TO DECLARE PLAINTIFF A VEXATIOUS LITIGANT AND MOTION FOR SECURITY

Defendants, Ashirwad A Blessing Temples and Sridhar Ravulas, have asked this Court to grant their "Motion to Declare Plaintiff, Annamalai Annamalai a/k/a Swamiji Sri Selvam Siddhar (Plaintiff), a Vexatious Litigant and Motion for Security."

The Civil Practice and Remedies Code states that:

[a] court may find a plaintiff a vexatious litigant if the defendant shows that there is not a reasonable probability that the plaintiff will prevail in the litigation against the defendant and that:

(1) the plaintiff, in the seven-year period immediately preceding the date the defendant makes the motion under Section 11.051, has commenced, prosecuted, or maintained at least five litigations as a pro se litigant 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;

(2) after a litigation has been finally determined against the plaintiff, the plaintiff repeatedly relitigates or attempts to relitigate, pro se , either:

(A) the validity of the determination against the same defendant as to whom the litigation was finally determined; or

(B) 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; or

(3) the plaintiff has previously been declared to be a vexatious litigant by a state or federal court in an action or proceeding based on the same or substantially similar facts, transition, or occurrence. TEX. CIV. PRAC. & REM. CODE § 11.054.

After considering Defendants' motion, any responses, and the arguments and authorities of counsel, it appears to the Court that the motion should be **GRANTED** and Annamalai Annamalai a/k/a Swamiji Siri Selvam Siddar (Annamalai) should be adjudged a vexatious litigant.

Specifically, the Court **FINDS** as follows:

A. Within the preceding seven year period, Mr. Annamalai has, in *propria persona*, commenced and unsuccessfully prosecuted the following lawsuits:

- 1) *Cause No. 09-1-08492-40; Annamalai Annamalai and Hindu Temple and Community Center of Georgia, Inc. v. Chandramohan Loganathan* (Superior Court of Cobb County, Georgia);
- 2) *Cause No. 10-1-00588-40; Hindu Temple and Community Center of the High Desert, Inc. and Annamalai Annamalai v. Chandramohan Loganathan, et al.*; (Superior Court of Cobb County, Georgia);
- 3) *Cause No. 10-A-01258-4; Annamalai Annamalai v. Seema Patel*; (Superior Court of Gwinnett County, Georgia);
- 4) *Cause No. 09-A-08869-4; Annamalai Annamalai v. Capital One Financial Corp.*; (Superior Court of Gwinnett County, Georgia); and
- 5) *Cause No. 1:12-cv-03376-TCB; Annamalai Annamalai v. Wells Fargo Bank, N.A.*; (U.S. District Court for the Northern District of Georgia).

B. The Court also **FINDS** that, within seven years of the date of this Order, the U.S. District Court for the Northern District of Georgia determined that Mr. Annamalai's *pro se* suit in that court, *Cause No. 1:12-cv-2941-SCJ; Annamalai Annamalai, et al. v. James Hayden Kepner, et al.*, was frivolous or groundless under state or federal laws or rules of procedure.

The Court further **FINDS** that:

- C. Defendants, Ashirwad A Blessing Temple's and Sridhar Ravula have shown that there is not a reasonable probability that Plaintiff will prevail in this litigation. Furthermore, Plaintiff has voluntarily nonsuited this case.
- D. Chapter 11 of the Texas Civil Practice and Remedies Code governs suits brought by vexatious litigants. The Court may, on defendant's motion, designate a party as a vexatious litigant. TEX. CIV. PRAC. REM. CODE § 11.101.
- E. 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 re-litigating unsuccessful or frivolous suits. TEX. CIV. PRAC. REM. CODE § 11.054.
- F. As discussed above, Plaintiff meets or exceeds these criteria.
- G. Accordingly, after reviewing the record and all the pleadings in the case, this Court **FINDS** that there **is not** a reasonable probability that Plaintiff will prevail.
- H. The Court further **FINDS** that Plaintiff has voluntarily nonsuited this case.
- I. The Court also **FINDS** that Plaintiff has commenced at least five *propria persona* actions as discussed above (excluding actions in small claims court) that have been finally determined against him; and / or permitted to remain pending for at least two years without having been brought to trial; and / or determined by a trial or appellate court to be frivolous under state or federal law.

After reviewing the record and considering the motions and the arguments of counsel, the Court **ORDERS** that **PLAINTIFF ANNAMALAI ANNAMALAI A/K/A SWAMIJI SRI SELVAM SIDDHAR** is adjudged to be a vexatious litigant. *See* TEX. CIV. PRAC. & REM. CODE § 11.054.

Accordingly, the Court **ORDERS** that **PLAINTIFF ANNAMALAI ANNAMALAI A/K/A SWAMIJI SRI SELVAM SIDDHAR** is prohibited from filing *in propria persona* (that is, without an attorney) any new litigation in the State of Texas without first being granted permission to file by the local administrative judge. The local administrative judge shall grant permission only if the litigation appears to have merit and is not filed for purposes of harassment or delay. Furthermore, such permission may be conditioned upon Mr. Annamalai's furnishing of security.

The Court hereby **NOTIFIES PLAINTIFF ANNAMALAI ANNAMALAI A/K/A SWAMIJI SRI SELVAM SIDDHAR** that he is subject to sanctions or punishment for contempt if he fails to obey this order.

SIGNED on **OCT 29 2013**, 2013,

A handwritten signature in black ink, appearing to read 'MI. ENGHART', written over a horizontal line.

Mike Engelhart
Judge, 151st 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 October 30, 2013

Certified Document Number: 58061521 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