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OFFICE OF COURT ADMINISTRATION

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NO. GN400204

BASIL BROWN, YVONNE BROWN
Plaintiffs,

IN THE DISTRICT COURT

VS.

TEXAS BOARD OF NURSE
EXAMINERS,
STATE OFFICE OF ADMINISTRATIVE
HEARINGS,

KATHERINE A. THOMAS,
INDIVIDUALLY AND IN OFFICIAL
CAPACITY AT THE BOARD OF
NURSE EXAMINERS,

KATHERINE L. SMITH,
INDIVIDUALLY AND IN OFFICIAL
CAPACITY AT THE STATE OFFICE
OF ADMINISTRATIVE HEARINGS,

JAMES JOHNSTON, INDIVIDUALLY
AND IN OFFICIAL CAPACITY AT
THE BOARD OF NURSE EXAMINERS,
ANTHONY DIGGS, INDIVIDUALLY

AND IN OFFICIAL CAPACITY AT
THE BOARD OF NURSE EXAMINERS,
NEOMI LEAL, INDIVIDUALLY AND IN
OFFICIAL CAPACITY AT THE BOARD
OF NURSE EXAMINERS,

ROMMEL CORRO, INDIVIDUALLY
AND IN OFFICIAL CAPACITY AT
THE STATE OFFICE OF
ADMINISTRATIVE HEARINGS,

PATRICIA CABRERA, INDIVIDUALLY
AND IN OFFICIAL CAPACITY AT
THE BOARD OF NURSE EXAMINERS,

Defendants.

TRAVIS COUNTY, TEXAS

261ST JUDICIAL DISTRICT

VL6509PG069

**ORDER GRANTING MOTION TO
DETERMINE YVONNE BROWN AND BASIL BROWN VEXATIOUS LITIGANTS**

On this day came on to be heard the Defendants' Motion to Determine Yvonne Brown

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Ursula Ramirez

DISTRICT CLERK
TRAVIS COUNTY, TEXAS



and Basil Brown to be Vexatious Litigants. The Plaintiffs, Yvonne Brown and Basil Brown, appeared pro se and announced ready. The Defendants, Texas Board of Nurse Examiners, Katherine L. Smith, James Johnston, Anthony Diggs, Neomi Leal and Patricia Cabrera, appeared by and through Joseph A. Pitner, Assistant Attorney General. The Court having examined the pleadings and after hearing the evidence and arguments of the party pro se and counsel, is of the opinion that the Defendants' motion has merit and should be granted.

The Court finds that there is not a reasonable probability that the Plaintiffs, Yvonne Brown and Basil Brown, will prevail in this present litigation because the issues surrounding the revocation of Yvonne Brown's license by the Texas Board of Nurse Examiners in December 1999 have been adjudicated and are final.

The Court further finds that the Plaintiffs, Yvonne Brown and Basil Brown, as a pro se litigants have satisfied the statutory requirements of Tex. Civ. Prac. & Rem. Code §11.054(2), in that after litigation has been finally determined against Yvonne Brown, the Plaintiffs are relitigating or attempting to relitigate, *in propria persona*, either (A) the validity of the determination against the same Defendant, Texas Board of Nurse Examiners, as to whom the litigation was finally determined by a final judgment of the 191st Judicial District Court, Dallas County, Texas, in April 2001; 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, Texas Board of Nurse Examiners, as to whom the litigation was finally determined by a final judgment of the 191st Judicial District Court, Dallas County, Texas, in April 2001.

VL6509PG070



The Court further finds that on June 5, 2003, after this present lawsuit was filed, the Plaintiff, Yvonne Brown, was found to be a vexatious litigant by the 126th Judicial District Court of Travis County, Texas, in Cause No. GN 301491, styled *Yvonne Evette Mosley Brown vs. Texas Board of Nurse Examiners and State Office of Administrative Hearings*.

The Court further finds that unless the Plaintiffs, Yvonne Brown and Basil Brown, are determined to be vexatious litigants pursuant to Tex. Civ. Prac. & Rem. Code §11.054(2), they will continue to harass the Defendants by filing pro se lawsuits in an attempt to relitigate the validity of the revocation of Yvonne Brown's nursing license which became a final determination by judgment of the 191st Judicial District Court, Dallas County, Texas, in April 2001.

Now therefore, IT IS ORDERED that the Plaintiffs, Yvonne Brown and Basil Brown, are determined to be vexatious litigants pursuant to Tex. Civ. Prac. & Rem. Code §11.054(2).

It is further ORDERED that the Plaintiffs, Yvonne Brown and Basil Brown, post security for the Defendant's costs and attorney's fees in the amount of \$ 5000.00, with the Travis County District Clerk's Office on or before Oct. 9, 2004. Should the Plaintiffs, Yvonne Brown and Basil Brown, fail to post security within the time set by the Court, then it is ORDERED that this cause shall be dismissed on the merits.

It is further ORDERED that the Plaintiffs, Yvonne Brown and Basil Brown, are prohibited from filing any new pro se lawsuits in the courts of this State without the permission of the Local Administrative Judge of the court in which the Plaintiffs, Yvonne

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Brown and Basil Brown, intend to file the litigation, and that this provision of this order shall be enforceable against the Plaintiffs, Yvonne Brown and Basil Brown, after proper notice for non-compliance through contempt of court.

It is further ORDERED that the Travis County Clerk shall provide a copy of this prefiling order in accordance with Tex. Civ. Prac. & Rem. Code §11.104 to the Office of Court Administration, P.O. Box 12066 Austin, Texas 78711, for inclusion on the list of vexatious litigants subject to prefiling orders.

SIGNED this the 9 day of Sept., 2004.

Amalia Rodriguez-Mendoza
JUDGE PRESIDING

VL6509PG072

I, AMALIA RODRIGUEZ-MENDOZA, District Clerk, Travis County, Texas, do hereby certify that this is a true and correct copy as same appears of record in my office. Witness my hand and seal of office on 5-31-05



AMALIA RODRIGUEZ-MENDOZA

DISTRICT CLERK

By Deputy *Jandra Potts*

