

CAUSE NO. 048-252127-11

ROBERT GARLAND

Plaintiff,

vs.

NATIONAL BANK OF TEXAS, and
FRANCIE RITCHIE

Defendants

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IN THE DISTRICT COURT

OF TARRANT COUNTY, TEXAS

48th JUDICIAL DISTRICT

**ORDER ON DEFENDANTS' SPECIAL EXCEPTIONS,
DEFENDANTS' MOTION FOR SANCTIONS, AND
DEFENDANTS' MOTION TO DESIGNATE PLAINTIFF A VEXATIOUS LITIGANT**

On the 24th day of June, 2011, came on for noticed hearing the Special Exceptions, Motion for Sanctions, and Motion to Designate Plaintiff a Vexatious Litigant filed by Defendants National Bank of Texas (NBT), Francie Ritchie, and Thomas J. Henry. Defendants appeared individually and/or through Counsel. Plaintiff, who was served with all of those documents, and was duly and timely notified of the hearing, ~~and~~ did not appear. The Court, having taken judicial notice of the contents of its file, and having heard the evidence and arguments presented on each and all of the above matters, is of the opinion and finds that the Special Exceptions should be sustained, that the Motion for Sanctions should be granted, that the Motion to Designate Plaintiff a Vexatious Litigant should be granted, and that Orders should be entered accordingly.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED, that the with respect to the Special Exceptions of Defendants, the Court's rulings are as follows:

JTE *all*
1. ~~The following~~ Special Exceptions should be and are hereby Sustained:

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2. ~~The following Special Exceptions should be and are hereby Denied:~~

3. On or before *July 22*, 2011, Plaintiff shall replead cognizable and legally sufficient causes of action with proper supporting facts in accordance with this Court's rulings on the

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c/ Thomas Henry
Robert Garland -
cert mail

Special Exceptions. If Plaintiff fails to fully and timely do so, his pleadings will be stricken, and this case will be dismissed, without further notice.

IT IS FURTHER ORDERED that with respect to the Motion for Sanctions, the Court's rulings are as follows:

1. The Petitions filed by Plaintiff in this case are DEVOID of facts, totally fail to state ANY cognizable cause of action against ANY of the Defendants, are unintelligible and incoherent, are groundless and brought in bad faith, and/or are groundless and brought for purposes of harassment, and/or are groundless and interposed for any improper purpose, all in flagrant violation of Rule 13, Texas Rules of Civil Procedure, and Chapters 9 and 10 of the Texas Civil Practice and Remedies Code, to which reference are hereby made;

2. The Motion for Sanctions should be and the same is therefore hereby Granted;

3. By 12:00 P m on July 22, 2011, Robert Garland shall deliver to Thomas J. Henry, as Counsel for NBT, a ~~cashier's check~~ a money order payable to National Bank of Texas in the amount of \$ 668757, representing the attorney's fees and expenses incurred by Defendants in having to defend themselves from this baseless lawsuit;

4. If Plaintiff fails to comply with these rulings, this Court reserves all options and powers for enforcement of this Order, including by contempt of Court.

IT IS FURTHER ORDERED that there being NO basis whatsoever, factual or legal, for any of the causes of action stated against the "additional" Defendants, Francie Ritchie, or Thomas J. Henry, each and both of Francie Ritchie and Thomas J. Henry should be and are hereby dismissed from this case, WITH prejudice, effective immediately;

IT IS FURTHER ORDERED that with respect to the Motion to Designate Plaintiff a Vexatious Litigant, the Court's rulings are as follows:

1. The Court finds that there is NO reasonable probability that Plaintiff Robert Garland will

prevail on ANY of his unintelligible and incoherent claims against ANY of the Defendants;

2. The Court finds that per Section 11.054(1), Civil Practice and Remedies Code, during the seven year period preceding the filing of this Motion, Plaintiff has had five or more litigation matters finally determined adversely to him;

3. The Court finds that per Section 11.054(2), Civil Practice and Remedies Code, AFTER cases were determined adversely to Plaintiff, he repeatedly relitigated such claims, by filing or re-filing multiple suits against the same people in multiple courts;

4. Per Section 11.054(3), this Court notes that in the Toledo case, the District Court for the Eastern District of Texas has specifically designated Garland as a vexatious litigant;


5. The Motion by Defendants to Designate Plaintiff a Vexatious Litigant should be and the same is hereby granted;

6. Per Section 11.055, Civil Practice and Remedies Code, this Court does hereby Order Plaintiff Robert Garland to post, by July 22, 2011, Security for the benefit of these moving Defendants of not less than ~~\$25,000.00~~ ^{\$5,000.00};

7. Per Section 11.056, Civil Practice and Remedies Code, if Plaintiff fails to fully and timely post the required security, upon the filing of an Affidavit of Default by any one or more of Defendants, this case shall be dismissed without further notice or hearing;

8. Per Section 11.101, Civil Practice and Remedies Code, Robert Garland should be and is hereby prohibited, effective immediately, from filing new litigation in this state unless and until Plaintiff complies with the "screening" prerequisites of Section 11.102.

Signed this 24th day of June, 2011.



Judge Presiding