

NO. 401-50246-2010

ROBERT LEWIS WARD	§	IN THE DISTRICT COURT
	§	
VS.	§	401ST JUDICIAL DISTRICT
	§	
CAROL ANN WARD	§	COLLIN COUNTY, TEXAS

**ORDER DECLARING ROBERT LEWIS WARD A VEXATIOUS LITIGANT
PURSUANT TO TEXAS CIVIL PRACTICE & REMEDIES CODE CHAPTER 11 AND
ISSUING A PRE-FILING ORDER PROHIBITING ROBERT LEWIS WARD FROM
FILING ANY FURTHER LAWSUITS WITHOUT PERMISSION OF THE
LOCAL ADMINISTRATIVE JUDGE; AND ORDER DENYING MOTION TO
TERMINATE THE PROTECTIVE ORDER**

On this day a hearing was conducted to consider the Motion to Terminate the Protective order Granted on March 3, 2010 and Retroactively Rescind Actions Granted in Order of ROBERT LEWIS WARD and the Motion to Deny Movant's Request to Terminate Protective Order, Request for Sanctions, and Motion to Find ROBERT LEWIS WARD to Be a Vexatious Litigant.

Appearances

CAROL ANN WARD, appeared in person and through attorney of record, BRANDON EPPERSON, and announced ready.

ROBERT LEWIS WARD, appeared in person and announced ready.

Findings

The Court, after examining the record and hearing the evidence and argument of counsel, finds that all necessary prerequisites of the law have been satisfied and that this Court has jurisdiction over the parties and subject matter of this case. Timely and proper notice of such hearing was provided to the all parties and all counsel. The Court, after examining the pleadings and evidence and all briefs submitted, together with authorities, and having considered arguments of counsel and pro se litigant ROBERT LEWIS WARD, is of the opinion and finds as follows:

The Motion to Terminate the Protective Order Granted on March 3, 2010 and Retroactively Rescind Actions Granted in Order of ROBERT LEWIS WARD is **DENIED**.

The Motion to Deny Movant's Request to Terminate Protective Order, Request for Sanctions, and Motion to Find ROBERT LEWIS WARD to Be a Vexatious Litigant has merit and should be and is hereby **GRANTED** as to the relief stated herein.

In support of this ORDER, the Court finds that pro se litigant ROBERT LEWIS WARD is abusing the legal system by repeatedly filing frivolous claims against CAROL ANN WARD and seeking to improperly collaterally attack orders and judgments which have been adversely finally determined to him in prior civil and criminal cases. Specifically, in the instant case, ROBERT LEWIS WARD challenges this Court's prior granting of a family violence protective order and the judicial findings contained therein. Moreover, it appears to this Court that the instant litigation is also a back-door attempt to challenge the validity of two criminal convictions of ROBERT LEWIS WARD for violations of the prior protective order issued by this Court. Said convictions have not been appealed and remain valid. In doing so, ROBERT LEWIS WARD challenges his 'violations of a protective order' charges whereby two judgments were rendered on or about August 5, 2010, in the County Court of Law No. 5 of Collin County, Texas, one in Cause No. 006-82402-10 and one in Cause No. 006-83517-10.

The Court finds that there is no reasonable probability that ROBERT LEWIS WARD would have prevailed in the instant litigation and that after litigation has been finally determined against the ROBERT LEWIS WARD, he repeatedly relitigates or attempts to relitigate, in persona propria, the validity of the determination regarding the facts surrounding the granting of orders of this Court, including but not limited to the protective order and final decree.

The Court further finds that there is no reasonable probability that ROBERT LEWIS WARD would have prevailed in the instant litigation and that after litigation has been finally determined against ROBERT LEWIS WARD, he repeatedly relitigates or attempts to relitigate, in persona propria, the cause of action, claim, controversy, and issues of fact or law determined or concluded by the final determination against the same defendant or party as to whom the litigation was finally determined, in violation of TEX. CIV. PRAC. & REM. CODE §11.054(2)(B).

The Court specifically finds that ROBERT LEWIS WARD meets the criteria for being determined a Vexatious Litigant under TEX. CIV. PRAC. & REM. CODE §11.054(2).

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that **ROBERT LEWIS WARD** be and hereby is declared a **Vexatious Litigant** pursuant to Chapter 11 of the TEXAS CIVIL PRACTICE AND REMEDIES CODE.

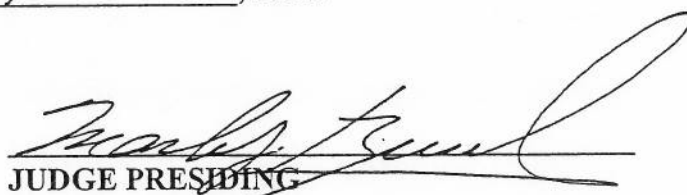
IT IS FURTHER ORDERED that **ROBERT LEWIS WARD** be and hereby is prohibited from filing in propria persona any new litigation in a court of this State unless permission has been granted by the local Administrative Judge, as authorized by TEX. CIV. PRAC. & REM. CODE §11.101; and

IT IS FURTHER ORDERED that the District Clerk of Collin County notify the Office of Court Administration of the Texas Judicial System that **ROBERT LEWIS WARD** has been declared a vexatious litigation and that a pre-filing Order has been issued against **ROBERT LEWIS WARD**, as authorized by TEX. CIV. PRAC. & REM. CODE §11.104.

IT IS FURTHER ORDERED that Plaintiff **ROBERT LEWIS WARD**, and all his agents, attorneys, employees, officers and elected or appointed representatives and all other persons, firms, organizations, or corporations in privity therewith, be and hereby are prohibited from initiating any more lawsuits of any kind or any nature against (1) CAROL ANN WARD, (2) the family or friends of CAROL ANN WARD (including but not limited to DAVID ANDREW ELMORE, CAREY WARD, RICHARD PEDRETTI-ALLEN, CAROL WITT, LAUREL DOWD, GREG ELMORE, HOLLY ELMORE and RICHARD DOWD), or any spouses of the same; and (3) the undersigned counsel D. Brandon Epperson and his firm, Philips and Epperson Attorneys, L.P., and any officers, agents, servants or employees of said firm until such proposed lawsuit has first been reviewed by the Administrative Judge of Collin County for a determination that the claims set forth a legitimate request for relief and approved by the Administrative Judge of Collin County for filing and service.

IT IS FURTHER ORDERED that all other relief (including sanctions) that is not expressly granted herein is **DENIED**.

Signed this the 05 day of April, 2011.


JUDGE PRESIDING