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CAUSE NO. 416-04997-2009

MILLER HOUSE MOVERS

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IN THE DISTRICT COURT

VS.

TEXAS STAR BANK
ROBERT H. HYNDS,
TOHNIÉ HYNDS, and
J. DON GORDON

COLLIN COUNTY, TEXAS

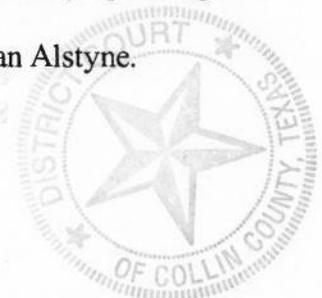
416TH JUDICIAL DISTRICT

**ORDER GRANTING
DEFENDANTS' MOTION FOR ORDER
DETERMINING PLAINTIFF A VEXATIOUS
LITIGANT, REQUESTING SECURITY, AND
ISSUANCE OF PRE-FILING ORDER**

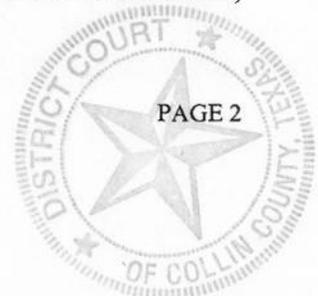
On February 5, 2010 came on before the Court Defendants' Motion For Order Determining Plaintiff a Vexatious Litigant, Requesting Security and Issuance of Pre-Filing Order. Defendants appeared by and through their attorney of record and announced ready. Plaintiff appeared in person.

Upon consideration of the evidence, pleadings and arguments of the parties the Court finds as follows:

1. Miller House Movers is the assumed name of Thomas Veazey Miller.
2. Texas Star Bank is a state bank and is the same entity formerly operating as a national bank under the name First National Bank of Van Alstyne.



3. Plaintiff is a former bank customer of Texas Star Bank, f/k/a First National Bank of Van Alstyne, who has been engaged in a continuous stream of *pro se* litigation against Defendants for more than a decade, beginning shortly after his bankruptcy was completed in 1994.
4. Plaintiff has filed at least twelve (12) prior lawsuits against Defendants beginning in 1995.
5. All of Plaintiff's complaints in the prior twelve suits and in this suit arise from events which took place either before or during his bankruptcy, which was closed by Final Decree on July 25, 1994.
6. Plaintiff first sued the First National Bank of Van Alstyne and Van Alstyne Financial Corporation in the United States Bankruptcy Court for the Eastern District of Texas on March 14, 1995 in Adversary No. 95-4096S, alleging fraud in connection with Plaintiff's prior banking relationship and in connection with his bankruptcy which was concluded by that time. That suit was disposed of by the bankruptcy court by Order Granting Summary Judgment in favor of First National Bank of Van Alstyne, and Van Alstyne Financial Corporation on November 6, 1995.
7. Thereafter, on February 3, 1997 in Adversary No. 96-4196, October 10, 1997 in Cause No. 97-0337, October 31, 1997 in Adversary No. 95-4096S, March 27, 1998 in Cause No. 08-0233, January 25, 2000 in Case No. 4:99CV257,



April 2, 2001 in Case No. 00-40196, October 8, 2001 in Case No. 4:01CV129, September 24, 2002 in Case No. 01-41343, March 25, 2003 in 4:02CV142, May 7, 2003 in 4:02CV142, and November 8, 2004 in Adversary No. 04-04230 the various courts in which Plaintiff had filed suits against Defendants were dismissed and sanctions were entered against Plaintiff.

8. On March 27, 1998, the 336th Judicial District Court of Grayson County, in Cause No.98-0233, found that Plaintiff had filed all pleadings in said cause for improper purposes, including but not limited to, harassment of Defendants, and needlessly increasing the cost of litigation. The 336th District Court sanctioned Plaintiff and ordered that he pay the sum of \$6,500.00 as sanctions, attorney's fees and other costs. Plaintiff has never paid these sums.

9. The 336th Judicial District Court's order in Cause No. 98-0233 contains the following order:

"the District Clerk of Grayson County, Texas and the Clerks of all other Courts of the State of Texas are hereby ORDERED to refrain and refuse to accept from THOMAS V. MILLER the filing of any additional suit or cause of action against THE FIRST NATIONAL BANK OF VAN ALSTYNE, its present or former, officers, employees, directors, board members, shareholders, attorneys or agents, including but not limited to ROBERT H. HYNDS, WITHOUT LEAVE BEING FIRST OBTAINED FROM THIS COURT."

10. Plaintiff Thomas Veazey Miller d/b/a Miller House Movers did not obtain leave from the 336th Judicial District Court of Grayson County, Texas before the filing of this action.



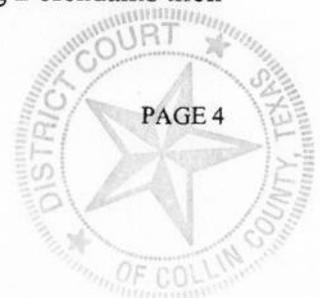
11 On March 25, 2003, the United States District Court for the Eastern District of Texas, Sherman Division, in CASE NO. 4:02CV142, Thomas V. Miller v. First National Bank of Van Alstyne, et.al., sanctioned Plaintiff for continuing his campaign of frivolous litigation against these defendants and issued its Memorandum Opinion and Order which provides the following findings and orders:

“... Plaintiff’s blatant disregard of the law and known facts demonstrates that he brought this suit against FNB in bad faith and for the sole purpose of harassment. Plaintiff’s repeated filing of frivolous suits against FNB, which consist merely of newly concocted legal theories for the same common nucleus of operative facts, and his filing of a barrage of frivolous motions in this case confirm that his intent is to harass. Accordingly, even after taking Plaintiff’s pro se status into account, the Court finds that Rule 11 sanctions should be granted for Plaintiff’s claims against FNB. Plaintiff had to know the claims were frivolous and clearly acted in bad faith.”

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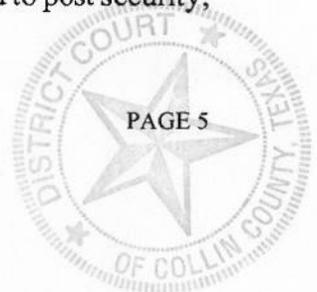
“Additionally, Plaintiff is enjoined from filing suit against the City of Van Alstyne, First National Bank of Van Alstyne, its principal shareholder Van Alstyne Financial Corporation, its agents, officers including Robert H. Hynds, employees or attorneys including Hynds & Gordon, P.C., Tohnie E. Hynds and J. Don Gordon for any events that took place before or during the closing of Plaintiff’s bankruptcy, which was closed by Final Decree on July 25, 1994, with this Court’s permission.”

12. Plaintiff did not seek permission from the United States District Court for the Eastern District of Texas before filing of this suit.
13. On May 7, 2003, the United States District Court For the Eastern District of Texas in CASE NO. 4:02CV142 entered its order awarding Defendants their



costs and attorney's fees.

14. Thomas Veazey Miller has never voluntarily paid the sums awarded to Defendants in CASE NO. 4:02CV142.
15. Plaintiff has never voluntarily paid any of the sums imposed against him in the litigation that he has pursued against these defendants over the last decade and a half.
16. After entry of the orders by the 336th District Court and the United States District Court for the Eastern District Court, clerks of the various courts in which Plaintiff attempted to file new cases against Defendants refused to accept new suits from Plaintiff against these Defendants..
17. After the aforementioned cases were finally determined against Thomas Veazey Miller, Thomas Veazey Miller has repeatedly relitigated or attempted to relitigate, in *propria persona*, the causes of action, claims, controversies and issues of fact and law determined and concluded against him by final determination against the same defendants as to whom the aforementioned cases were finally determined.
18. Plaintiff Thomas Veazey Miller, doing business as Miller House Movers is declared to be a vexatious litigant, pursuant to Tex. Civ. Prac. & Rem. Code §11.051. et seq;
19. Prior to the continuation of this suit Plaintiff shall be required to post security,

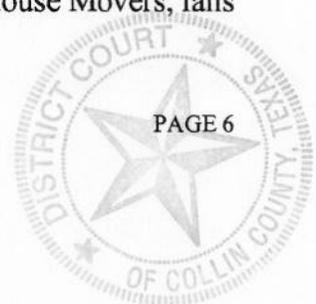


pursuant to Tex. Civ. Prac. & Rem. Code §11.055 in the amount of **\$250,000.00** on or before March 8, 2010;

20. The aforementioned security is an undertaking by Thomas Veazey Miller, doing business as Miller House Movers, to assure payment to Defendants of Defendants' reasonable expenses incurred in or in connection with a litigation caused to be commenced, maintained or caused to be maintained by Plaintiff;
21. This litigation shall be dismissed if Plaintiff Thomas Veazey Miller, doing business as Miller House Movers, fails to furnish the security ordered herein on or before the date set forth in paragraph 19 above.
22. Plaintiff Thomas Veazey Miller, doing business as Miller House Movers, should be prohibited from filing, in *propria persona*, any new litigation in any court in this state, pursuant to Tex. Civ. Prac. & Rem. Code §11.101 without permission of the local administrative judge after such administrative judge has found that such new litigation 1) has merit, and 2) has not been filed for the purposes of harassment or delay.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED that prior to the continuation of this suit Plaintiff shall be required to post security with the Clerk of this Court, pursuant to Tex. Civ. Prac. & Rem. Code §11.055 in the amount of **\$250,000.00**.

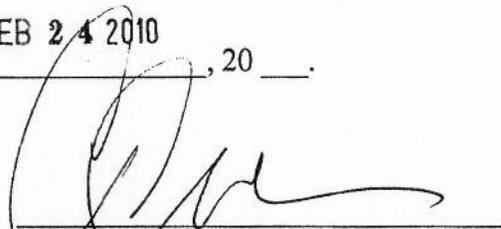
IT IS FURTHER ORDERED, ADJUDGED AND DECREED that this case shall be dismissed if Plaintiff Thomas Veazey Miller, doing business as Miller House Movers, fails



to furnish the security ordered herein and obtain approval of this Court on or before March 8, 2010.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Plaintiff Thomas Veazey Miller, doing business as Miller House Movers, is PROHIBITED from filing, in *propria persona*, any new litigation in any court in this state, pursuant to Tex. Civ. Prac. & Rem. Code §11.101 without permission of the local administrative judge after such administrative judge has found that such new litigation 1) has merit, and 2) has not been filed for the purposes of harassment or delay.

SIGNED ON THIS _____ DAY OF FEB 24 2010, 20__.



Judge Presiding

ORDER GRANTING DEFENDANTS' MOTION TO DETERMINE
PLAINTIFF A VEXATIOUS LITIGANT
2568

