

CAUSE NO. DC-16-00496

ROSE ADANMA DURU,

Plaintiff,

v.

UAH PROPERTY MANAGEMENT,

et. al.,

Defendants.

§
§
§
§
§
§
§
§
§
§

IN THE DISTRICT COURT

DALLAS COUNTY, TEXAS

68TH JUDICIAL DISTRICT

ORDER DECLARING PLAINTIFF A VEXATIOUS LITIGANT

On April, 2016, in accordance with TEX. CIV. PRAC. REM. CODE § 11.053, this Court held a hearing on Defendant the Texas Department of Housing and Community Affairs' Motion to Declare Rose Duru a Vexatious Litigant. The Court having reviewed the motion, pleadings, the law, evidence and arguments of all parties, enters the following order:

On March 11, 2016, Rose Adanma Duru filed this lawsuit, attempting to bring criminal claims and possibly intentional tort claims against the Texas Department of Housing and Community Affairs. Plaintiff also brought other claims against a diverse array of defendants.

In the instant suit, Rose Adanma Duru makes the conclusory assertion that the Texas Department of Housing and Community Affairs entered her apartment and committed several trespass-related crimes. Ms. Duru bases her conclusion on the allegation that her apartment manager had placed on her door a notice addressed to all residents of the apartment complex that the Texas Department of Housing and Community Affairs would conduct random inspections in the complex and that if any specific apartment was selected, access would be mandatory under the lease. Ms. Duru alleges that when she returned to her apartment on the day in question, the lights

were on and "some things were moved." Ms. Duru seeks \$100 million in damages from the Texas Department of Housing and Community Affairs.

Rose Adanma Duru does not allege or produce any evidence to establish a waiver of the sovereign immunity of Defendant the Texas Department of Housing and Community Affairs with respect to her claims, nor does Rose Adanma Duru have standing to bring any civil cause of action based on the Texas Penal Code.

Accordingly, there is not a reasonable probability the plaintiff will prevail in the litigation against the Texas Department of Housing and Community Affairs.

Over the last few years, Rose Adanma Duru has filed this and commenced, prosecuted, or maintained as a *pro se* litigant numerous other litigations other than in small claims court that have been finally determined adversely to her. This list includes, but is not limited to the following litigations finally determined adversely to Rose Adanma Duru:

1. *Rose Adanma Duru v. Dr. Robert Schneider, et al.*, In the United States District Court for the Northern District of Texas, Dallas Division; Civil Action No. 3:14-cv-03636;
2. *Rose Adanma Duru v. TSPMG Kaiser Permanente Georgia, et al.*, In the United States District Court for the Northern District of Texas, Dallas Division; Civil Action No. 3:14-cv-03817;
3. *Rose Adanma Duru v. Charles Schwab Investment Group*, In the United States District Court for the Northern District of Texas, Dallas Division; Civil Action No. 3:14-cv-03652.
4. *Rose Adanma Duru v. Robert Bernard, et al.*, In the United States District Court for the Northern District of Texas, Dallas Division; Civil Action No. 3:14-cv-03629.
5. *Rose Adanma Duru v. Jeffrey W. Hastings, et al.*, In the United States District Court for the Northern District of Texas, Dallas Division; Civil Action No. 3:14-cv-04481.
6. *Rose Adanma Duru v. Berger Psychological Services, PC, et al.*, In the United States District Court for the Northern District of Texas, Dallas Division; Civil Action No. 3:15-cv-00120.
7. *Rose Adanma Duru v. Berkshire Hathaway Home Services, et al.*, In the United States

District Court for the Northern District of Texas, Dallas Division; Civil Action No. 3:15-cv-00324.

8. *Rose Adanma Duru v. Kaiser Permanente Georgia, et al.*, In the United States District Court for the Northern District of Texas, Dallas Division; Civil Action No. 3:15-cv-00325.
9. *Rose Adanma Duru v. Health Corporation of America, et al.*, In the United States District Court for the Northern District of Texas, Dallas Division; Civil Action No. 3:15-cv-00433.
10. *Rose Adanma Duru v. Baker Donelson Bearman Caldwell & Berkowitz PC, et al.*, In the United States District Court for the Northern District of Texas, Dallas Division; Civil Action No. 3:15-cv-00435.
11. *Rose Adanma Duru v. U-Haul Co. of Northern Georgia, et al.*, In the United States District Court for the Northern District of Texas, Dallas Division; Civil Action No. 3:15-cv-00436.
12. *Rose Adanma Duru v. Texas State Court, et al.*, In the United States District Court for the Northern District of Texas, Dallas Division; Civil Action No. 3:15-cv-01855.
13. *Rose Adanma Duru v. Karen Mitchell, et al.*, In the United States District Court for the Northern District of Texas, Ft. Worth Division; Civil Action No. 4:15-cv-00986.
14. *Rose Adanma Duru v. State of Georgia, et al.*, In the United States District Court for the Northern District of Georgia, Atlanta Division; Civil Action No. 1:15-cv-02815.

Courts cannot allow litigants to abuse the judicial system and harass their victims without consequence. Accordingly, the Court **FINDS** that Rose Adanma Duru is such a litigant and her conduct is subject to review and action by this Court.

Chapter 11 of the CIVIL PRACTICE AND REMEDIES CODE, provides this Court with the authority to prevent Rose Adanma Duru from using the judicial system to retaliate against and harass the Texas Department of Housing and Community Affairs or any other party.

ORDER

Chapter 11 of the TEXAS CIVIL PRACTICE AND REMEDIES CODE governs suits brought by vexatious litigants. The Court may, on defendant's motion or *sua sponte*, designate a party as a vexatious litigant. TEX. CIV. PRAC. REM. CODE § 11.101.

A party may be declared a vexatious litigant if there is **not** a reasonable probability that she will prevail in litigation **and** in the seven-year period immediately preceding the date the defendant makes the motion under Section 11.051, the party has commenced, prosecuted, or maintained at least five litigations as a *pro se* litigant other than in a small claims court that have been finally determined adversely to the plaintiff. TEX. CIV. PRAC. REM. CODE § 11.054 (1).

As discussed above, Rose Adanma Duru does not allege or produce any evidence to establish a waiver of the sovereign immunity of Defendant the Texas Department of Housing and Community Affairs with respect to her claims, nor does she have standing to bring any civil cause of action based on the Texas Penal Code against the Texas Department of Housing and Community Affairs or any other party.

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

- (1) The Texas Department of Housing and Community Affairs is a governmental entity within the meaning of TEX. CIV. PRAC. REM. CODE § 11.001(a);
- (2) There **IS NOT** a reasonable probability that Rose Adanma Duru will prevail in her current litigation against the Texas Department of Housing and Community Affairs;
- (3) In the past seven year period, Rose Adanma Duru, has “commenced, prosecuted, or maintained at least five litigations as a *pro se* litigant other than in a small claims court that have been finally determined adversely to” Rose Adanma Duru; and
- (4) Rose Adanma Duru meets the criteria for finding a plaintiff a vexatious litigant.

Accordingly, this Court **ORDERS** that **ROSE ADANMA DURU** a/k/a Rose Duru is adjudicated to be a vexatious litigant.

The Court **ORDERS** that **ROSE ADANMA DURU** is prohibited from filing any new litigation in a court in this state, under the name "**Rose Adanna Duru,**" "**Rose Duru,**" or any other name, without first being granted permission to file by the local administrative judge, pursuant to TEX. CIV. PRAC. REM. CODE § 11.101. Such permission shall be granted only if the litigation appears to have merit and is not filed for purposes of harassment or delay; such permission may also be conditioned on the furnishing of a security.

ROSE ADANMA DURU is hereby **NOTIFIED** that she is subject to punishment pursuant to the inherent powers of the court or by contempt if she fails to obey this pre-filing order.

The Court **ORDERS** the Dallas County District Clerk to refuse the filing of any new litigation by Rose Adanna Duru unless she first obtains written permission from the appropriate local administrative judge.

The Court further **ORDERS** that the Clerk of the Court is directed to notify the Office of Court Administration of this Court's declaration of Rose Adanna Duru as a vexatious litigant and this pre-filing order, pursuant to TEX. CIV. PRAC. REM. CODE § 11.104(a). The Office of Court Administration of the Texas Judicial System shall list Rose Adanna Duru a/k/a "Rose Duru" on the list of vexatious litigants subject to pre-filing orders on the agency's Internet website. TEX. CIV. PRAC. REM. CODE § 11.104(b).

Finally, the Court **ORDERS** that proceedings in this matter are hereby stayed; that **ROSE ADANMA DURU** is **ORDERED** to provide security to Defendant the Texas Department of Housing and Community Affairs by posting a bond with this Court in the amount of \$ 10000 to cover reasonable expenses incurred in connection with the litigation

commenced by Rose Adanna Duru, including costs and attorney's fees; and that, if Rose Adanna Duru fails to post this bond within seven calendar days of the signing of this Order, then this suit will be dismissed in its entirety, pursuant to TEX. CIV. PRAC. REM. CODE § 11.056.

April 18, 2016.
Date


JUDGE PRESIDING