



The relief described hereinbelow is SO ORDERED.

Signed June 17, 2009.

Ronald B. King

United States Chief Bankruptcy Judge

**IN THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
WACO DIVISION**

**IN RE:
PATRICK TIMOTHY MCLAUGHLIN,
Debtor**

§
§
§

**CASE NO. 09-60340-FRM-13
CHAPTER 13**

**ORDER GRANTING
MOTION FOR SANCTIONS AND TO DECLARE DEBTOR, PATRICK TIMOTHY
MCLAUGHLIN AND CO-DEBTOR JANA KAY MCLAUGHLIN VEXATIOUS LITIGANTS
AND
ORDER DISMISSING CHAPTER 13 CASE
WITH PREJUDICE TO RE-FILING FOR A PERIOD OF TWO (2) YEARS**

Came on for hearing the Motion for Sanctions and to Declare Debtor, Patrick Timothy McLaughlin, and Co-Debtor, Jana Kay McLaughlin, Vexatious Litigants filed by interested parties **BARCLAYS CAPITAL REAL ESTATE, INC. D/B/A HOMEQ SERVICING, WELLS FARGO BANK, N.A. AS TRUSTEE UNDER POOLING AND SERVICING AGREEMENT DATED AS OF AUGUST 1, 2005 ASSET-BACKED PASS-THROUGH CERTIFICATES SERIES 2005-WHQ4, AND MANN & STEVENS, P.C., their successors and/or assigns** ("Movants") in the above styled and numbered bankruptcy proceeding. This Court has jurisdiction over this matter pursuant to the Texas Civil Practice and Remedies Code, Rule 9011 of the Federal Rules of Bankruptcy Procedure, and 11 U.S.C. §§105 and 1301 and 28 U.S.C. §§1334 and 157 and all other applicable rules and statutes affecting the jurisdiction of Bankruptcy Courts generally.

The Court finds that Movants' Motion was properly served pursuant to the Federal and Local Rules of Bankruptcy Procedure and that it contained the appropriate twenty (20)-day negative notice language which directed any party opposed to the granting of the relief sought in the Motion to file a written response within twenty (20) days, or the relief sought in the Motion may be granted without a hearing. The Court finds that Debtor, Co-Debtor, or any other party did not file a timely objection to Movants' Motion. Debtor, Patrick Timothy McLaughlin, appeared at the hearing on Movants' Motion when it was initially called by the Court wherein the Court announced that it would recall this matter. When the Court recalled this matter for hearing, the Court was advised that Debtor, Patrick Timothy McLaughlin, had left the building. The hearing proceeded, and Debtor did not appear and thereby wholly made default. For reasons stated herein, for the reasons specifically outlined in Movants' Motion, and for the reasons more fully set forth on the record pursuant to Federal Rule of Bankruptcy Procedure 7052, the Court is of the opinion that the relief sought in Movants' Motion should be GRANTED. It is therefore,

ORDERED that based upon the frivolous and unsubstantiated actions and lawsuits and relitigation of the same matters on multiple occasions as outlined in Movants' Motion for Sanctions and to Declare Debtor, Patrick Timothy McLaughlin, and Co-Debtor, Jana Kay McLaughlin, Vexatious Litigants, the relief sought by Movants in their Motion shall be, and the same hereby is, **GRANTED**.

ORDERED that pursuant to the Texas Civil Practice and Remedies Code ("TCPRC"), Rule 9011 of the Federal Rules of Bankruptcy Procedure, and 11 U.S.C. §105, Patrick Timothy McLaughlin [REDACTED] and Jana Kay McLaughlin [REDACTED] **shall be, and the same hereby are, declared vexatious litigants.**

ORDERED that pursuant to §11.055 of the TCPRC, Rule 9011 of the Federal Rules of Bankruptcy Procedure, and 11 U.S.C. §105, Patrick Timothy McLaughlin and Jana Kay McLaughlin are hereby sanctioned and shall hereby furnish security for the benefit of Movants in the amount of **ten thousand dollars (\$10,000.00)** to assure payment of reasonable expenses to Movants including but not limited to attorneys' fees and costs.

ORDERED that pursuant to §11.056 of the TCPRC, Rule 9011 of the Federal Rules of Bankruptcy Procedure, 11 U.S.C. §105, and all other applicable rules and statutes affecting the jurisdiction of Bankruptcy Courts generally, this bankruptcy case shall be, and same hereby is, **DISMISSED WITH PREJUDICE** to the right of both Patrick Timothy McLaughlin and Jana Kay McLaughlin to re-file for bankruptcy relief in any Bankruptcy Court in the United States of America for a period of two (2) years from the date of entry of this Order without prior written permission from the Bankruptcy Court.

ORDERED that, although the above-styled bankruptcy case is dismissed, this Court shall retain jurisdiction over the parties until such time as Patrick Timothy McLaughlin and Jana Kay McLaughlin pay in full the monetary sanctions and security for the benefit of Movants referenced herein above.

ORDERED that pursuant to §11.101 of the TCPRC and upon being declared vexatious litigants herein, Patrick Timothy McLaughlin and Jana Kay McLaughlin shall be, and the same hereby are, prohibited from filing any other litigation in United States District Court and any other Court in the State of Texas until such time as the administrative judge of the Court in which they intend to file has granted them permission to file a new action.

ORDERED that pursuant to §11.104 of the TCPRC and upon Patrick Timothy McLaughlin and Jana Kay McLaughlin being declared vexatious litigants herein, the Clerk of this Court shall provide the Office of Court Administration of the Texas and United States Judicial Systems a copy of this Court's Order to maintain in the Office of Court Administration's list of vexatious litigants.

ORDERED that pursuant to §11.101 of the TCPRC, Rule 9011 of the Federal Rules of Bankruptcy Procedure, 11 U.S.C. §105, and all other applicable rules and statutes affecting the jurisdiction of Bankruptcy Courts generally, Patrick Timothy McLaughlin and Jana Kay McLaughlin shall be, and are hereby, barred from filing any other bankruptcy case in any Bankruptcy Court in the United States of America for a period of two (2) years from the date of entry of this Order without prior written permission from the Bankruptcy Court.

ORDERED that Patrick Timothy McLaughlin and Jana Kay McLaughlin shall have **thirty (30)** days from the date of entry of this Order in which to pay or make arrangements to pay **ten thousand dollars (\$10,000.00)** into the registry of the Court for the benefit of Movants.

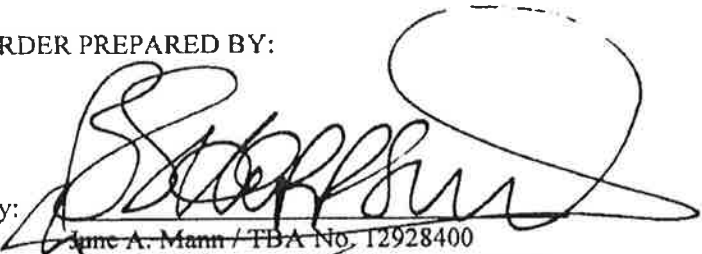
ORDERED that should Patrick Timothy McLaughlin and Jana Kay McLaughlin fail to pay or make arrangements to pay into the registry of the Court the monetary sanctions referenced herein, Patrick Timothy McLaughlin and Jana Kay McLaughlin shall be subject to further sanctions by this Court.

ORDERED that for a period of two (2) years from the date of entry of this Order, other than (i) a Notice of Appeal of this Order and (ii) a Motion for Leave to file a new bankruptcy petition, the United States Bankruptcy Clerk's Offices in all Judicial Districts of the United States of America shall refuse to accept any future pleadings, schedules, Plans, motions, bankruptcy petitions, or any other documents filed by or on behalf of Patrick Timothy McLaughlin and/or Jana Kay McLaughlin [REDACTED] and Jana Kay McLaughlin [REDACTED]

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ORDER PREPARED BY:

By:


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