

CAUSE NO. 202182491

RAINER VON FALKENHORST III,	§	DISTRICT COURT OF
PLAINTIFF,	§	
	§	
VS	§	
	§	
	§	
CHARLES CLINTON HUNTER,	§	269TH DISTRICT
MICHAEL LEE FUQUA,	§	
SCOTT HAMILTON, WALTER	§	
BEARD, ROBERT MCCABE,	§	
CONNER TURNER, CRYSTAL G.	§	
CARRIER, and GREGORY T.	§	
BREWER,	§	
DEFENDANTS.	§	HARRIS COUNTY, TEXAS

**ORDER DETERMINING PLAINTIFF A
VEXATIOUS LITIGANT AND ORDER OF DISMISSAL**

The Court has considered the motion of Defendant Charles Clinton Hunter for order determining Plaintiff a vexatious litigant and requesting security.

Plaintiff appeared pro se. Defendant, who is an attorney, appeared pro se.

Upon consideration of the motion, the arguments of the parties and counsel, and the filings in this case and in the causes referenced below, the papers and filings of which the Court hereby takes judicial notice, the Court finds as follows:

1. Plaintiff Rainer Von Falkenhorst has previously filed suit against clients of Defendant Charles Hunter. The first of these prior lawsuits concerning Plaintiff's claim of wrongful foreclosure was dismissed by the Court for want of prosecution in Cause No. 2018-86872.
2. Plaintiff subsequently filed a petition for Bill of Review in Cause No. 2021-34617, which was denied by the Court because the applicable limitations

period had expired on Plaintiff's claims by the time of the 2018 lawsuit and because Plaintiff had received due process in the 2018 lawsuit.

3. Plaintiff next filed another lawsuit based on the same facts against the same defendants in Cause No. 2021-18661, which was initially filed in the 270th District Court, but subsequently transferred to the 269th District Court, where the Court ruled against Plaintiff, and granted Defendants' Motion for Summary Judgment. The Court again found that the applicable limitations periods had expired.
4. In the current case filed in December 2021, Plaintiff seeks to relitigate or attempted to relitigate, pro se, the same claim, controversy, and issues of fact or law determined or concluded by the previous determination against him. The fact that Plaintiff has sued the attorneys of the defendants in the previously dismissed lawsuits does not change the character of this lawsuit as a continuation of Plaintiff's attempts to obtain redress for the foreclosure of which he has complained since 2018.

Based on these findings, it is ORDERED that Plaintiff is a "vexatious litigant" as set forth in Tex. Civ. Prac. & Rem. Code Chapter 11.

It is further ORDERED that Plaintiff be required to furnish security in the amount of \$ **30,000** no later than **March 28th**, 2022.

It is further ORDERED that Plaintiff is prohibited from filing any new litigation in any court in this state, without first obtaining permission of the appropriate local administrative judge, as provided by Tex. Civ. Prac. & Rem. Code § 11.102. Upon requesting any such permission, Plaintiff is ordered to provide a copy of the request

to all Defendants named in the proposed litigation.

It is further ORDERED that the clerk of this court shall provide a copy of this order to the Office of Court Administration of the Texas Judicial System within 30 days of its signing, pursuant to section 11.104(b);

It is further ORDERED that the Office of Court Administration shall identify Plaintiff as a vexatious litigant on its website pursuant to section 11.104 (c); and,

It is further ORDERED that this cause be dismissed with prejudice if Plaintiff fails to furnish security within the time set above in accordance with Tex. Civ. Prac. & Rem. Code Ann. § 11.056.

SO ORDERED _____, 2022.

Signed:
2/25/2022
2:28 PM



Judge Presiding

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Charles Hunter on behalf of Jessica Chan
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Envelope ID: 60521987
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Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
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rAINER VONFALKENHORST III		rainervonfalkenhorst@gmail.com	1/5/2022 2:08:29 PM	SENT



I, Marilyn Burgess, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.

Witness my official hand and seal of office this September 20, 2023

Certified Document Number: 100598351 Total Pages: 4

Marilyn Burgess, DISTRICT CLERK
HARRIS COUNTY, TEXAS

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