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JUL 26 2013

Cause No. 01-SC-13-00143

OFFICE OF  
COURT ADMINISTRATION

USA CARS, INC.	§	IN THE SMALL CLAIMS COURT
	§	
vs.	§	
	§	PRECINCT 1
JOE BARTON, INDIVIDUAL AND	§	
JOE BARTON, CONSTABLE, COLLIN	§	
COUNTY; and GARY BOONE, INDIVIDUAL	§	
AND DEPUTY, COLLIN COUNTY	§	COLLIN COUNTY, TEXAS

**ORDER DECLARING USA CARS, INC., DON LOFTICE, AND PEGGY LOFTICE A VEXATIOUS LITIGANT PURSUANT TO TEXAS CIVIL PRACTICE & REMEDIES CODE CHAPTER 11 AND ISSUING A PRE-FILING ORDER PROHIBITING USA CARS, INC., DON LOFTICE, AND PEGGY LOFTICE FROM FILING ANY FURTHER LAWSUITS WITHOUT PERMISSION OF THE LOCAL ADMINISTRATIVE JUDGE**

On this day a hearing was conducted to consider the MOTION TO DECLARE USA CARS, INC., DON LOFTICE AND PEGGY LOFTICE A VEXATIOUS LITIGANT PURSUANT TO TEXAS CIVIL PRACTICE AND REMEDIES CODE CHAPTER 11 filed in the above-referenced cause by the Defendants. Timely and proper written notice of such hearing was provided to Plaintiff, Don Loftice and Peggy Loftice. The Court, after examining the pleadings and evidence and all briefs submitted, together with authorities, and having considered arguments of counsel, is of the opinion and finds that such Motion has merit and should be **GRANTED**.

The Court finds that there is no reasonable probability that the Plaintiff USA CARS, Inc. or real parties in interest Don Loftice and Peggy Loftice [who actually signed the pleading under oath] would have prevailed in the instant litigation and that after litigation has been finally determined against USA CARS, Inc., Don Loftice and Peggy Loftice, they repeatedly relitigate or attempt 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 finds that USA Cars, Inc., Don Loftice and Peggy Loftice, and any entity by or through which they act or operate, meet the criteria for being determined to be a Vexatious Litigant under TEX. CIV. PRAC. & REM. CODE §11.054(2). The discussion, analysis, comments, and ruling of the Court during the hearing on Defendants' MOTION TO DECLARE USA CARS, INC., DON LOFTICE AND PEGGY LOFTICE A VEXATIOUS LITIGANT PURSUANT TO TEXAS CIVIL PRACTICE AND REMEDIES CODE CHAPTER 11 are also incorporated in this ORDER as if fully set forth herein.

**IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED** that **USA CARS, Inc., DON LOFTICE** and **PEGGY LOFTICE**, and any entity by or through which they act or operate, each 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 **USA CARS, Inc., DON LOFTICE** and **PEGGY LOFTICE**, and any entity by or through which they act or operate, each 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 expressly authorized by TEX. CIV. PRAC. & REM. CODE §11.101; and

**IT IS FURTHER ORDERED** that the County Clerk of Collin County, Texas, notify the Office of Court Administration of the Texas Judicial System that **USA CARS, Inc., DON LOFTICE** and **PEGGY LOFTICE**, and any entity by or through which they act or operate, have each been determined to be vexatious litigant and that a pre-filing Order has been issued against **USA CARS, Inc., DON LOFTICE** and **PEGGY LOFTICE**, and any entity by or through which they act or operate, as authorized by TEX. CIV. PRAC. & REM. CODE §11.104.

Signed this the 3 day of July, 2013.

  
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**JUDGE PRESIDING**

