



**CRAIG WATKINS
CRIMINAL DISTRICT ATTORNEY**

Civil Division

Administration Building - 5th Floor

411 Elm Street, Suite 500

Dallas, Texas 75202-3384

Office: 214.653.7358

FAX: 214.653.6134

FACSIMILE COVER SHEET

TO: Office of Court Admin	FAX #: 512 936 2423
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RE: Vexatious litigant order	DATE: 8/6/13
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TOTAL PAGES, INCLUDING COVER: 4

FROM: Todd Sellars PHONE: (214) 653-7358

COMMENTS:

Please see attached order signed yesterday.

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Cause No. JS-13-00455A

USA CARS and USA CARS, INC.

vs.

DALLAS COUNTY
JUSTICE OF THE PEACE
PRECINCT THREE, PLACE TWO
STEVEN SEIDER and ROBYN KLEIN

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IN THE JUSTICE COURT

DALLAS COUNTY, TEXAS

PRECINCT THREE, PLACE ONE

ORDER DECLARING USA CARS, INC., DON LOFTICE, AND PEGGY LOFTICE A VEXATIOUS LITIGANT PURSUANT TO TEXAS CIVIL PRACTICE AND REMEDIES CODE CHAPTER 11 AND ISSUING A PREFILING 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, the Court considered Defendants Dallas County Justice of the Peace Precinct Three, Place Two Steven Seider and Robyn Klein's (Defendants) *Vexatious Litigant Motion* against Plaintiffs USA Cars, Inc., Don Loftice, and Peggy Loftice. Defendants appeared by and through the Dallas County Criminal District Attorney's Office. Plaintiffs USA Cars and USA Cars, Inc. were given proper notice of the hearing and appeared/did not appear.

After considering the motion, all pleadings and papers on file with the Court, the evidence submitted by the parties, the arguments of the parties, and the applicable law, the Court is of the opinion that the motion is well-taken and should be GRANTED.

The Court finds that Defendant's *Motion* was timely filed under section 11.051(1) of the Civil Practice and Remedies Code.

The Court finds that there is no reasonable probability that Plaintiff USA Cars, Inc. or real parties in interest Don Loftice and Peggy Loftice (who signed the pleadings under oath) would have prevailed in the instant litigation; that after litigation has been finally determined against USA Cars and USA Cars, Inc., Don Loftice and Peggy Loftice have repeatedly relitigated or attempted to relitigate, in propria persona, the cause of action, claim, controversy, and issues of fact or law determined or concluded by the final determination against the same party or defendant as to whom the litigation was finally determined, in violation of section 11.054(2)(B) of the Texas Civil Practice and Remedies Code.

The Court further finds that that USA Cars, Inc., Don Loftice, Peggy Loftice, and any entity by which they act or operate, have been previously declared to be vexatious litigants by a state court in an action or proceeding based on the same or substantially the

same facts, transition, or occurrence under section 11.054(3) of the Texas Civil Practice and Remedies Code.

The Court finds that USA Cars, Inc., Don Loftice, Peggy Loftice, and any entity by or through which they act or operate, meet the criteria for being determined vexatious litigants under section 11.054(2)-(3) of the Texas Civil Practice and Remedies Code. The discussion, analysis, comments, and ruling of the Court during the hearing on Defendants' *Vexatious Litigant Motion* are also incorporated in this order as if set forth fully herein.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that USA CARS, INC., DON LOFTICE, PEGGY LOFTICE, and any entity by and through which they act or operate, each be and hereby is declared to be a vexatious litigant pursuant to Chapter 11 of the Texas Civil Practice & Remedies Code.

IT IS FURTHER ORDERED that under section 11.055 of the Texas Civil Practice and Remedies Code, USA CARS, INC., DON LOFTICE, PEGGY LOFTICE, and any entity by and through which they act or operate, must furnish security in the amount of \$ 10,000 - for the benefit of Defendant, which sum is reasonably necessary to assure payment to Defendants of Defendants' reasonable expenses incurred in or in connection with the litigation commenced, caused to be commenced, or maintained by Plaintiffs.

IT IS FURTHER ORDERED that reasonable security shall consist of cash to be paid in the registry of the Court for the benefit of Defendants, or a bond in favor of Defendants filed with the Clerk of the Court undertaken by persons who demonstrate ownership of liquid and unencumbered assets that are non-exempt under federal or state law of at least twice the amount of the security ordered to be furnished by the Court, payable for the benefit of Defendants, subject only to USA CARS, INC., DON LOFTICE, PEGGY LOFTICE, and any entity by and through which they act or operate, prevailing in a final determination of their claims as set forth in their pleadings on file with the Court.

IT IS FURTHER ORDERED that before any bond provided by USA CARS, INC., DON LOFTICE, PEGGY LOFTICE, and any entity by and through which they act or operate, shall be accepted, an application for the approval of said bond shall be filed with notice to Defendants, and at hearing upon such application, the Court shall determine the adequacy of the undertaking.

IT IS FURTHER ORDERED that if USA CARS, INC., DON LOFTICE, PEGGY LOFTICE, and any entity by and through which they act or operate, fails to post adequate security with the Court within 30 days of the signing of this order, this suit will be dismissed in its entirety pursuant to section 11.056 of the Texas Civil Practice and Remedies Code.

IT IS FURTHER ORDERED that if USA CARS, INC., DON LOFTICE, PEGGY LOFTICE, and any entity by and through which they act or operate, timely provide the security herein required and the litigation is later decided on the merits against Plaintiffs, Defendants shall have recourse to the security furnished under this order.

IT IS FURTHER ORDERED that USA CARS, INC., DON LOFTICE, and PEGGY LOFTICE, and any entity by and 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 section 11.101 of the Texas Civil Practice and Remedies Code.

IT IS FURTHER ORDERED that the clerk of the Court shall 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 been each determined to be vexatious litigants and that a pre-filing order has been issued against USA CARS, INC., DON LOFTICE, and PEGGY LOFTICE, and any entity by and through which they act or operate, as authorized by section 11.104 of the Texas Civil Practice and Remedies Code.

DATE: August 5, 2013


JUDGE PRESIDING