

CASE NO. SC10-8544J11

EMMANUEL JARRELL
Plaintiff

§
§
§
§
§
§
§
§
§
§

IN THE SMALL CLAIMS COURT

v.

ALEXANDER CLAIM SERVICE, INC.
AND BARBARA J. ALEXANDER
Defendants

TAYLOR COUNTY, TEXAS

PRECINCT 1, PLACE 1

AND

FILED

NOV 23 2010

JUSTICE COURT
PREC. 1-PLACE 1

CASE NO. SC10-8545J11

EMMANUEL JARRELL
Plaintiff

§
§
§
§
§
§
§
§
§
§

IN THE SMALL CLAIMS COURT

v.

MOUTRAY & ASSOCIATES INSURANCE
AGENCY, INC. AND JOHNNY F.
MOUTRAY
Defendants

TAYLOR COUNTY, TEXAS

PRECINCT 1, PLACE 1

AND

CASE NO. SC10-8541J11

EMMANUEL JARRELL

§
§
§
§
§
§
§
§
§
§

IN THE SMALL CLAIMS COURT

v.

HOCHHEIM PRAIRIE FARM MUTUAL
INSURANCE ASSOCIATION

PRECINCT 1, PLACE 1

TAYLOR COUNTY, TEXAS

**ORDER ON DEFENDANTS' MOTION FOR
DETERMINATION OF VEXATIOUS LITIGANT**

FILED

NOV 23 2010

JUSTICE COURT
PLACES

On the 22nd DAY OF NOVEMBER 2010 came on for consideration the Motion for Determination of Vexatious Litigant filed on behalf of all Defendants in the above styled and numbered causes, the Defendants appearing by and through their counsel, and the Plaintiff, although provided with timely notice of the hearing, failed to appearing; and, the Court, after considering said Motion, the evidence presented in support of said Motion, and hearing the arguments and authorities of counsel for Defendants and the Plaintiff, finds that:

- (1) The Plaintiff has brought each of the above styled and numbered actions in propria persona (*pro se*) against the Defendants.
- (2) This Plaintiff is well known for the filing of numerous *pro se* actions in this Court and others.
- (3) In the previous seven (7) years prior to the filing of these actions, and the filing of this Motion, the Plaintiff has commenced, prosecuted, and/or maintained in propria persona (*pro se*) at least five (5) litigations in state and federal courts other than in a Small Claims Court that have been (A) finally determined adversely to the Plaintiff, or (B) allowed to remain pending at least two years without having been brought to trial or hearing, and thus dismissed.
- (4) Many of these actions have been brought against persons involved with the judicial system, including law enforcement officers, sitting judges in Taylor County, and even a U.S. District Court Judge.
- (5) The Plaintiff has threatened the staff of this Court and this Court with lawsuits when no valid reason for such existed.
- (6) The Plaintiff has previously been declared to be a vexatious litigant by a Court in the state of Florida.
- (7) The Plaintiff has been declared or characterized as a "vexatious litigant" in the U.S. District Court for the Northern District of Texas by the Honorable Sam R. Cummings.
- (8) The Plaintiff's filing of numerous lawsuits monopolizes the Court's resources to the detriment of other pending Court matters, wastes the time and labor of the judiciary and the clerk of the court, and also is a waste of taxpayer dollars. The excessive time and effort required due to the filing of many numerous and

frivolous actions has not only monopolized the Court's staff, but it has essentially halted the business of this Court while the staff tries to process all the documents filed by the Plaintiff, thus interfering with the effective administration of justice by depriving other citizens of their day in court.

- (9) The Plaintiff is a "vexatious litigant".
- (10) There is not a reasonable probability that the Plaintiff will prevail in the litigation against the Defendants.
- (11) Plaintiff's filing of these actions and his conduct in the course of the prosecution of these actions is an abuse of the judicial process.
- (12) The Plaintiff has not obtained the permission of the local administrative Judge to file these actions.

Accordingly, the Court is of the opinion that the Defendants' Motion for Determination of Vexatious Litigant should be GRANTED in all respects.

It is, therefore, ordered that the Plaintiff, having been found to be a "vexatious litigant", shall furnish security for the benefit of the Defendants in these causes in accordance with Section 11.055 of the Texas Civil Practice and Remedies Code in an amount of not less than \$1500.00 for *each* cause.

It is FURTHER ORDERED that in the event such security is not furnished by Plaintiff within 10 days of the entry of this Order, that these causes shall be dismissed in their entirety without prejudice.

It is FURTHER ORDERED that in the event these causes are dismissed for the failure of the Plaintiff to furnish security, that the Plaintiff may not hereafter refile these actions, or otherwise file any claims against these specific Defendants, without first filing with the Court the security called for in this Order, and without first paying the required costs of Court for each such action.

It is FURTHER ORDERED, that the Plaintiff is hereafter prohibited from filing new litigation in propria persona (*pro se*) pursuant to Section 11.101 of the Texas Civil Practice and Remedies Code. The Clerk shall submit to the Office of Court Administration a report of this declaration and a copy of this Order in accordance with Section 171.2 of the Texas Administrative Code so that Plaintiff will be included in the list of vexatious litigants in the records maintained by the OCA.

It is FURTHER ORDERED that In the event Plaintiff shall disobey this order in an attempt to file any action in this State, without first obtaining the permission of the local administrative Judge of the Court in which he intends to file the litigation shall be subject to contempt of Court.

SIGNED this 23 day of November, 2010.

 *Bryan Smith*

Judge Presiding