

Cause No. 219-01611-2015

In Re JAY SANDON COOPER § **IN THE DISTRICT COURT**
 §
 § **219TH JUDICIAL DISTRICT**
 §
 § **COLLIN COUNTY, TEXAS**

ORDER DECLARING JAY SANDON COOPER A VEXATIOUS LITIGANT AND ISSUING A PREFILING ORDER AGAINST JAY SANDON COOPER

ON THIS day a hearing was conducted to determine whether Jay Sandon Cooper is a Vexatious Litigant, and if so, should be made subject to a Prefiling Order. The Court, after examining the pleadings and evidence and all briefs submitted, together with authorities, and having considered the arguments of counsel and Jay Sandon Cooper, is of the opinion and finds that Jay Sandon Cooper is a Vexatious Litigant and that a Prefiling Order should be issued against him.

The discussion, analysis, comments, and ruling of the Court during the hearings held June 17, 2015, and June 23, 2015, are incorporated in this ORDER as if fully set forth herein. In addition to and supplementation of the oral rulings, the Court finds the following in support of ORDER DECLARING JAY SANDON COOPER A VEXATIOUS LITIGANT AND ISSUING A PREFILING ORDER AGAINST JAY SANDON COOPER:

- (1) Jay Sandon Cooper, pro se, filed on April 24, 2015, what he entitled his PETITION FOR WRIT OF MANDAMUS; AND WRIT OF PROHIBITION regarding Plano Municipal Judge Paul McNulty, involving Plano Municipal Court citation number 140061765;
- (2) This case is a “litigation” and Jay Sandon Cooper is a “plaintiff” for purposes of the Vexatious Litigant Statute, TEXAS CIVIL PRACTICE & REMEDIES CODE Chapter 11, et. seq;

- (3) On May 8, 2015, the undersigned Judge, sitting for the 219th District Court, heard the Collin County District Clerk's contest to JAY COOPER'S RULE 20 AFFIDAVIT. During such hearing the Court was made aware of information regarding prior pro se lawsuits by filed by Jay Sandon Cooper and/or Teresa Ward Cooper, as well as sanctions orders issued by Federal Courts against Jay Cooper and/or Teresa Cooper. Thus, this Court, pursuant to TEX. CIV. PRAC. & REM. CODE §11.101(a), made its own motion to conduct a hearing to determine whether Jay Sandon Cooper and Teresa Ward Cooper meet the criteria to be found vexatious litigants, and if so, subject to a Prefiling Order;
- (4) On May 14, 2015, this Court entered its NOTICE OF HEARING ON COURT'S MOTION TO DETERMINE WHETHER JAY SANDON COOPER AND TERESA WARD COOPER ARE VEXATIOUS LITIGANTS, ordering that a "hearing will be conducted on the 23rd day of June 2015, in the 296th Judicial District Court of Collin County, Texas, to determine whether Jay Sandon Cooper and Teresa Ward Cooper meet the criteria to be found vexatious litigants under TEX. CIV. PRAC. & REM. CODE §11.101(a), and if so, whether a Prefiling Order should be issued against them" and further ordering that "the Collin County District Clerk, by and through her counsel, appear at such hearing and provide the Court with evidence material to the issue of whether Jay Sandon Cooper and Teresa Ward Cooper meet the criteria to be found vexatious litigants";
- (5) Timely and proper written notice of such hearing was provided to Jay Sandon Cooper and he was also orally ordered to appear by this Court during the hearing conducted on June 17, 2015;
- (6) On June 17, 2015, the Court conducted a hearing on Cooper's MOTION TO VACATE AND ALTERNATIVELY HIS OBJECTIONS TO COURT'S ORDER DATED MAY 14, 2015. The Court considered argument from Mr. Cooper and Counsel for the District Clerk, along with the District Clerk's RESPONSE IN OPPOSITION TO RELATOR'S MOTION TO VACATE AND ALTERNATIVELY HIS OBJECTIONS TO COURT'S ORDER DATED MAY 14, 2015. The Court denied Mr. Cooper's MOTION TO VACATE AND ALTERNATIVELY HIS OBJECTIONS TO COURT'S ORDER DATED MAY 14, 2015, but did find and order that Teresa Ward Cooper did not need to appear at the June 23, 2015, hearing and there would be no determination as to whether she was a vexatious litigant;
- (7) After the conclusion of this hearing, Jay Sandon Cooper was found in contempt of court for his conduct and was incarcerated in the Collin County jail;

- (8) Jay Sandon Cooper, being incarcerated in the Collin County jail, was brought to the 296th Judicial District Court to fully participate in the hearing conducted June 23, 2015;
- (9) The Court took judicial notice of and entered into evidence the documents attached as Exhibits No. 1-25 to the District Clerk's EVIDENCE SUPPORTING CRITERIA TO FIND JAY SANDON COOPER A VEXATIOUS LITIGANT. The Court also considered the comments and testimony of Jay Sandon Cooper;
- (10) The Court finds there is not a reasonable probability that Jay Sandon Cooper will prevail in the instant litigation [mandamus] against Judge Paul McNulty. Jay Sandon Cooper could not and did not prevail in the instant litigation against Judge Jay McNulty. Jay Sandon Cooper failed to pay the applicable filing fee and this case was dismissed on May 28, 2015, in accordance with the ORDER ON RULE 20 AFFIDAVIT entered May 8, 2015¹, although the Court retained plenary power to determine the issue of whether Jay Sandon Cooper was a Vexatious Litigant and, if so, subject to a Prefiling Order. Even if Jay Sandon Cooper had paid the applicable filing fee, the Court finds that he still could not prevail because the underlying municipal court case for which he sought mandamus relief herein has become final and the attempted appeal to County Court at Law No. 6 was denied. See, *State v. Cooper*, 006-82958-2015. The relief requested herein has thus become moot. The Court also notes that Jay Sandon Cooper was arrested on June 17, 2015, for his failure to pay the judgment in the municipal court case for which he sought mandamus relief², again evidencing that the requested relief sought herein was moot;
- (11) The NOTICE OF HEARING ON COURT'S MOTION TO DETERMINE WHETHER JAY SANDON COOPER AND TERESA WARD COOPER ARE VEXATIOUS LITIGANTS ordering a hearing was entered May 14, 2015, and thus, the operative 7 year time period for any pro se litigations "commenced, prosecuted, or maintained" by Jay Sandon Cooper is found to be a time period beginning on May 14, 2008;

¹"If Jay Sandon Cooper does not pay the costs which have been incurred to date within ten (10) days from the entry of this ORDER, the case will be dismissed for costs without further notice or order and execution shall issue for the collection thereof."

²A copy of the CAPIAS PRO FINE is attached as Exhibit No. 1 to the District Clerk's EVIDENCE SUPPORTING CRITERIA TO FIND JAY SANDON COOPER A VEXATIOUS LITIGANT and has been entered into evidence in this case.

- (12) The Court finds that Jay Sandon Cooper has commenced, prosecuted, or maintained at least 20 litigations as a pro se litigant [other than in a small claims court] that have been finally determined adversely to him since the operative time period of May 14, 2008. Attached as Exhibit No. 2 to the District Clerk's EVIDENCE SUPPORTING CRITERIA TO FIND JAY SANDON COOPER A VEXATIOUS LITIGANT is an index of 20 "litigations" which Jay Sandon Cooper has commenced, prosecuted or maintained since May 14, 2008, and which have been determined adversely to him. Attached as Exhibits No. 3-22 to the District Clerk's EVIDENCE SUPPORTING CRITERIA TO FIND JAY SANDON COOPER A VEXATIOUS LITIGANT are the corresponding docketsheets and other information for each such litigation, which this Court takes judicial notice of for all purposes and has entered into evidence in this case;
- (13) The Court finds that Jay Sandon Cooper has permitted litigation to remain pending at least two years without having been brought to trial or hearing. Specifically, *Jay Cooper v. City of Dallas, et. al*, Cause No. DC-06-12858, 193rd District Court of Dallas has been dormant since June 5, 2009. Attached as Exhibit No. 23 to the District Clerk's EVIDENCE SUPPORTING CRITERIA TO FIND JAY SANDON COOPER A VEXATIOUS LITIGANT is the docketsheet from said case, which this Court takes judicial notice of for all purposes and has entered into evidence in this case;
- (14) The Court further finds that Jay Sandon Cooper, after litigation has been finally determined against him, repeatedly relitigates or attempts to relitigate, pro se, either (1) the validity of the determination against the same defendants as to whom the litigation was finally determined; (2) or the cause of action, claim, controversy, or any of the issues of fact or law determined or concluded by the final determination against the same defendants as to whom the litigation was finally determined;
- (15) The Court expressly finds that Sandon Cooper meets the criteria for being determined to be a Vexatious Litigant under TEX. CIV. PRAC. & REM. CODE §11.054(1)(A) and (B) and §11.054(2); and
- (16) The Court expressly finds that a PreFiling Order, pursuant to TEX. CIV. PRAC. & REM. CODE §11.101(a) and §11.102(a), should be issued against Jay Sandon Cooper prohibiting him from filing, pro se, any new litigation in a court to which this PreFiling Order applies without first obtaining written permission from the local administrative judge as ordered more fully below.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that **JAY SANDON COOPER** 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 a **PRE-FILING ORDER** be and hereby is issued against **JAY SANDON COOPER** and he is hereby prohibited from filing, pro se, any new litigation of any kind or nature in any state or federal court located in the State of Texas until and unless written permission has first been granted by the appropriate local Administrative Judge, strictly in accordance with and as expressly authorized by TEX. CIV. PRAC. & REM. CODE §11.102.

IT IS FURTHER ORDERED that the District Clerk of Collin County, Texas, as required by TEX. CIV. PRAC. & REM. CODE §11.104(a), shall provide the Office of Court Administration of the Texas Judicial System a copy of this ORDER DECLARING JAY SANDON COOPER A VEXATIOUS LITIGANT AND ISSUING A PREFILING ORDER AGAINST JAY SANDON COOPER not later than the 30th day after the date this ORDER is signed.

JAY SANDON COOPER is further advised that, pursuant to TEX. CIV. PRAC. & REM. CODE §11.101(b), a person who disobeys a Prefiling Order is subject to Contempt of Court.

Signed this the 25th day of June, 2015.



JUDGE PRESIDING