

P4
MODIX

Probir K. Bondyopadhyay and
Madhuri Bondyopadhyay,

IN THE DISTRICT COURT OF

VS.

HARRIS COUNTY, TEXAS

Anthony Scott Vincent,
DEFENDANT

157th JUDICIAL DISTRICT

FILED
Marilyn Burgess
District Clerk
NOV 10 2021
Time: 9:08am
By: [Signature]
Deputy

Amended

Order Granting Defendant's Motion to Declare *Pro Se* Plaintiffs

Probir K. Bondyopadhyay and Madhuri Bondyopadhyay

Vexatious Litigants Pursuant to Texas Civil Practice and Remedies Code Chapter

11

On 10/22/21, 2021, the Court considered Defendant Anthony Scott Vincent's *motion to declare Plaintiffs Probir K. Bondyopadhyay and Madhuri Bondyopadhyay as vexatious litigants*. Defendant's motion was filed timely on or before the 90th day after Defendant filed his original answer. *See* Tex. R. Civ. Proc. 11.051. Further, notice of the motion and the hearing on the motion were provided to all parties, in accordance with Tex. R. Civ. Proc. 11.053.

After considering the motion, the evidence provided, the pleadings on file in this case and the response of Plaintiffs, the Court makes the following findings and orders:

FINDINGS

The Court finds that there is no reasonable probability that the Plaintiffs will prevail in this litigation against this Defendant.

The Court further finds that in the seven-year period immediately preceding the Defendant's filing of his *motion to declare Plaintiffs Probir K. Bondyopadhyay and Madhuri Bondyopadhyay as vexatious litigants*, the Plaintiffs had commenced, prosecuted and/or maintained, as *pro se* litigants, at least five litigations that were finally determined adversely to them. Those cases include, but are not limited to:

- Cause No. 2014-56962; Probir K. Bondyopadhyay and Mashuri Bondyopadhyay v. Bank of America, et al;
- Cause No. 2015-67497; Probir K. Bondyopadhyay and Mashuri Bondyopadhyay v. Anthony Vincent, et al;
- Cause No. 2017-01064; Probir K. Bondyopadhyay and Mashuri Bondyopadhyay v. Bayview Loan Servicing, et al;

Cause No. 2018-03883; Probir K. Bondyopadhyay and Mashuri Bondyopadhyay v. Pineloch Comm. Assoc;
Cause No. 2018-88693; Probir K. Bondyopadhyay and Mashuri Bondyopadhyay v. Bank of New York, Mellon, et al;
Cause No. 2019-01192; Probir K. Bondyopadhyay and Mashuri Bondyopadhyay v. Barret, Daffin, Frappier, Turner & Engel, et al;
Civil Action No. H-20-1340; Probir K. Bondyopadhyay et al. v. The Bank of New York Mellon; and
Civil Action No. H-20-1359, Probir K. Bondyopadhyay et al v. Shellpoint Mortgage Servicing.

The Court additionally finds that the Plaintiffs have repeatedly, after litigation has been finally determined against them, continued to re-litigate or attempted to re-litigate, as *pro se* parties the cause of action, claims, controversy and/or factual and/or legal determinations against one or more of the same defendants against whom litigation was previously finally determined. Those cases include, but are not limited to:

Cause No. 2014-56962; Probir K. Bondyopadhyay and Mashuri Bondyopadhyay v. Bank of America, et al;
Cause No. 2015-67497; Probir K. Bondyopadhyay and Mashuri Bondyopadhyay v. Anthony Vincent, et al;
Cause No. 2017-01064; Probir K. Bondyopadhyay and Mashuri Bondyopadhyay v. Bayview Loan Servicing, et al;
Cause No. 2018-88693; Probir K. Bondyopadhyay and Mashuri Bondyopadhyay v. Bank of New York, Mellon, et al;
Cause No. 2019-01192; Probir K. Bondyopadhyay and Mashuri Bondyopadhyay v. Barret, Daffin, Frappier, Turner & Engel, et al;
Civil Action No. H-20-1340; Probir K. Bondyopadhyay et al. v. The Bank of New York Mellon; and
Civil Action No. H-20-1359, Probir K. Bondyopadhyay et al v. Shellpoint Mortgage Servicing.

The Court also finds that the Plaintiffs are specifically attempting to re-litigate the same controversy against this specific defendant, and that the Plaintiffs have attempted to repeatedly re-litigate the same factual and legal claims against numerous defendants in both State and Federal Court. *See* Cause No. 2015-67497; *Probir K. Bondyopadhyay and Mashuri Bondyopadhyay v. Anthony Vincent, et al*, and the August 11, 2020 *Memorandum and Opinion* of Chief United States District

Judge Lee H. Rosenthal, dismissing Plaintiffs claims in Civil Action No. H-20-1340 and Civil Action No. H-20-1359 with prejudice (attached).

The Court finds that Plaintiff, Probir K. Bondyopadhyay, is a vexatious litigant.

The Court finds that Plaintiff, Madhuri Bondyopadhyay, is a vexatious litigant.

The Court finds that the reasonable expenses incurred by the Defendant in this litigation or in connection with the commenced litigation, including costs and attorneys' fees, is \$ 500.00.

The Court finds that a reasonable time period for the Plaintiffs to post, as security, the expenses incurred by the Defendant, is ~~52~~ days.

ORDERS

This Court DECLARES Plaintiff, Probir K. Bondyopadhyay, to be a vexatious litigant.

This Court DECLARES Plaintiff, Madhuri Bondyopadhyay, to be a vexatious litigant.

IT IS ORDERED that Probir K. Bondyopadhyay and Madhuri Bondyopadhyay are prohibited from filing any new *pro se* litigation in the State of Texas without the written permission of the applicable local administrative judge, who will review the desired *pro se* litigation and pursuant to Tex. Civ. P. Rem. Code §11.102 determine whether or not the litigation has merit and whether or not it has been filed for the purpose of harassment.

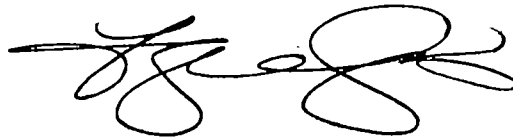
Pursuant to Section 11.055 of the Texas Civil Practice & Remedies Code, this Court is required to order the Plaintiffs to furnish security for the benefit of the Defendant. Accordingly, Probir K. Bondyopadhyay is ordered to, on or before December 1, 2021 post with the registry of this Court the statutorily required security in the sum of \$ 500.00. Further, Madhuri Bondyopadhyay is ordered to, on or before December 1, 2021 post with the registry of this Court the statutorily required security in the sum of \$ 500.00.

With this Order, the Plaintiffs are apprised that this Court is required to dismiss their litigation if they fail to post the security in full by the date set by this Order. *See* Tex. Civ. Prac. & Rem Code §11.056.

As required by the Texas Civil Practice & Remedies Code, the district clerk is ORDERED to provide a copy of this Order to the Office of Court Administration within 30 days of the signing of this Order.

Pursuant to Section 11.101(c) of the Texas Civil Practice & Remedies Code, Probir K. Bondyopadhyay and Madhuri Bondyopadhyay may appeal this Court's findings and order.

Signed on this the 10 day of November, 2021.

A handwritten signature in black ink, appearing to read 'Tonya Garrison', with a stylized, cursive script.

Honorable Tonya Garrison,

Presiding Judge, 157th District Court

The