

NO. 233-760130-24

IN THE INTEREST OF

K.P. AND A.P.,

CHILDREN

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IN THE DISTRICT COURT

233RD JUDICIAL DISTRICT

TARRANT COUNTY, TEXAS

ORDER DECLARING JOSE PORTALATIN A VEXATIOUS LITIGANT

On September 8, 2025, in accordance with Tex. Civ. Prac. & Rem. Code § 11.053, the Court heard MARYLIN DIANNE CAVALIE's, Motion for Order Declaring Plaintiff a Vexatious Litigant and For Security.

The Court having reviewed the motion, pleadings, the law, testimony and evidence admitted, and arguments of counsel and parties, the Court FINDS and ORDERS as follows:

1. *Appearances*

Defendant, MARYLIN DIANNE CAVALIE, appeared physically in the courtroom. Petitioner's attorneys of record, Amber Tilley and Karon Rowden, appeared physically in the courtroom and announced ready.

Plaintiff, JOSE PORTALATIN, was physically present in the courtroom for the scheduled hearing. However, Plaintiff refused to participate in the proceedings and departed the courtroom before the hearing commenced. The Court further finds that the Plaintiff's actions do not constitute participation in the hearing as defined under Texas law, as no substantive engagement or contribution to the proceedings occurred.

2. *Jurisdiction*

The Court, after examining the record and after considering the evidence and argument of counsel, finds that it has jurisdiction over the subject matter and the parties in this cases. Due and proper notice of the hearing was given and received as required by the Texas Rules of Civil

Procedure and Texas Civil Practice and Remedies Code chapter 11.

3. **Record**

The record of testimony and duly reported by the court reporter Jennifer Hunter.

4. **Applicable Law**

Chapter 11 of the Texas Civil Practice & Remedies Code governs suits brought by vexatious litigants. The Court may, on a defendant's motion or *sua sponte*, designate a party as a vexatious litigant. Tex. Civ. Prac. & Rem. Code § 11.101.

A party may be declared a vexatious litigant if there is not a reasonable probability that he will prevail in litigation and... (2) after a litigation has been finally determined against the plaintiff, the plaintiff repeatedly relitigates or attempts to relitigate, pro se, either:

(A) the validity of the determination against the same defendant as to whom the litigation was finally determined; or

(B) 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 defendant as to whom the litigation was finally determined; Tex. Civ. Prac. & Rem. Code Ann. § 11.054(2) (West)

5. **Findings of Facts and Conclusions**

The Court Finds that Defendant's Motion was timely filed on or before 90th day after the filing of Defendant's Answer in this litigation in this litigation, in accordance with Tex. Civ. Prac. & Rem. Code § 11.051.

The Court Finds that JOSE PORTALATIN is a Plaintiff as he is an individual who commenced or maintained this litigation, *pro se*. Tex. Civ. Prac. & Rem. Code § 11.001(5).

The Court Finds that Plaintiff initiated the present litigation, *pro se*, on November 19, 2024, when he filed a *Bill of Review*, requesting that the court set aside the July 01, 2021, *Final Decree*

of Divorce in this case. Plaintiff alleged that in the Final Decree the court “unlawfully recognized an additional marriage or common-law marriage...” Plaintiff further alleged that “the court lacked jurisdiction due to failures in providing proper notice and satisfying residency requirements, contrary to Texas procedural norms.

Lack of Reasonable Probability of Success

The Court finds that there is not a reasonable probability that Plaintiff, Jose Portalatin will prevail in the current litigation against Defendant, Marylin Cavalie, as required by Tex. Civ. Prac. & Rem. Code § 11.054.

The Court finds that Petitioner, Jose Portalatin was physically present and participated fully in the hearing for divorce held on December 16, 2019. “... a party who appears and fully participates in a hearing without objection waives any failure to comply with the rules of service and notice. Sloan v. Rivers, 693 S.W.2d 782, 784 (Tex. App. 1985)” Therefore, the Court Finds that Plaintiff, Jose Portalatin’s claim “the court lacked jurisdiction due to failures in providing proper notice was waived by Plaintiff’s appearance and participation in Final Trial on December 16, 2019.

The court finds that at the time of the filing of original suit in Cause No. 231-635708-18; that both parties and the children had lived in Texas for six (6) month and in Tarrant County for 90 days; Therefore, the Court Finds that Plaintiff, Jose Portalatin’s claim that the court lacked jurisdiction for failing satisfying residency requirements contrary to Texas procedural norms has no legal merit or basis in fact.

Further, “Bill of review plaintiffs must ordinarily plead and prove (1) a meritorious defense to the underlying cause of action, (2) which the plaintiffs were prevented from making by the fraud, accident or wrongful act of the opposing party or official mistake, (3) unmixed with

any fault or negligence on their own part. *Id.* at 406–08; 975 S.W.2d at 537. Caldwell v. Barnes, 154 S.W.3d 93, 96 (Tex. 2004)

The Court Finds that Petitioner, Jose Portalatin had the opportunity to and did assert all claims and defenses and the court testimony on his claims at the time of the hearing December 16, 2019, including the claim that no valid marriage existed between he and Marylin Cavalie.

The Court Finds that Petitioner, Jose Portalatin had the opportunity to present and did present evidence at the time of the final hearing on December 16, 2019, including the Abstract of Marriage he attached as Exhibit “A” to this bill of review, the text message attached as Exhibit “B” to the bill of review and therefore was not prevented from making any claim at the time of final trial and that Petitioner has not asserted any new claims. Therefore, Court finds that Petitioner, Jose Portalatin, does not and cannot meet any of the elements required by law to succeed in the underlying Bill of Review filed by him on November 19, 2024.

Prior Adverse Determinations

The Court finds that one or more litigations filed by Plaintiff against Defendant have been finally determined adversely to Plaintiff.

1. **February 27, 2018- Cause No. 231-635708-18-** Original Petition in Suit Affecting the Parent Child Relationship. Petitioner, Jose Portatlatin requested to be named primary custodian of the children.
 - a. **Final Decree of Divorce Signed on July 21, 2021-** DENIED Petitioner’s request to be named primary custodian, named Defendant, Marylin Cavalie Sole managing Conservator, order Petitioner, Jose Portalatin to have supervised visitation with the children, found that the parties were married and awarded 50% of the community property home to Defendant, Marylin Cavalie.
2. **November 27, 2024- Cause No. 4-24-CV-1166-O-**Complaint for Injunctive Relief – Challenging the validity of the property division in the Final Decree of Divorce and seeking relief against Movant, Marylin Cavalie’s attorneys.
 - a. **DENIED**

Repeated Re-litigation

The Court further finds that, after a litigation was finally determined against Plaintiff, he repeatedly relitigated or attempted to relitigate, *pro se*, the validity of the determination, against the Defendant, which was the same Defendant as to whom the litigation was finally determined. See Tex. Civ. Prac. & Rem. Code § 11.054(2)(A).

Plaintiff has also repeatedly relitigated or attempted to relitigate, *pro se*, the cause of action, claim, controversy, or any of the issues of fact or law determined or concluded by the final determination against the Defendant, which was the same Defendant as to whom the litigation was finally determined. Tex. Civ. Prac. & Rem. Code § 11.054(2)(B). Before the filing of this lawsuit, the same causes of action, claims, controversies, or issues of fact or law were determined adversely to Plaintiff and in favor of Defendant in the 231st District Court, Tarrant County, Texas, 231-635708-18;

The court finds that Plaintiff, filed *Pro Se* the following other motions and pleadings in an attempt to re-litigate the same causes of action, claims, controversies, or issues of fact or law were determined adversely to Plaintiff and in favor of Defendant in the 231st District Court, Tarrant County, Texas, 231-635708-18:

1. June 20, 2023- Portalatin file *Motion to Modify Parent Child Relationship*
2. July 7, 2023: Portalatin filed *Request for Hearing on the Plaintiff's Urgent Request for Subpoena or other Remedy to Obtain Crucial Evidence*
3. August 10, 2023: Portalatin filed his *Motion to Declare Plaintiff's Intended Trial Issues and Motion for Sanctions Against Clint Depew*.
4. August 10, 2023: Portalatin filed an *Appendix Cover*.
5. August 10, 2023: Portalatin filed a *Proposed Order on Plaintiff's Motion to Declare Plaintiff's Trial Issues and Motion for Sanctions Against CLINT DEPEW*.

6. September 26, 2023: Portalatin filed a *Request for Temporary Orders Granting Unsupervised Access*.
7. September 28, 2023: Portalatin filed a *Motion for Partial Summary Judgment*
8. September 28, 2023: Portalatin filed *Requests for Admissions*
9. September 28, 2023: Portalatin filed a *Supervised Visitation Center Notes Summary*.
10. September 28, 2023: Portalatin filed *TC Visitation Center Visitation Observation Form*
11. October 5, 2023: Portalatin filed *Plaintiff's Objection to a Particular Witness*
12. October 27, 2023: Portalatin filed *Affidavit of Jose Portalatin*.
13. November 2, 2023: Portalatin filed *Plaintiff's Affidavit*
14. November 2, 2023: Portalatin filed *Motion for Judgment*
15. November 3, 2023: Portalatin filed *Plaintiff's Affidavit on the Credibility of Marilyn & Denise Hallmark; Conspiracy to Deprive Rights 18 USC 241 and 242 (Notice)*
16. November 3, 2023: Portalatin filed *Marilyn Maltreatment of the Children*
17. November 3, 2023: Portalatin filed *Request for De Novo Hearing*
18. November 8, 2023: Portalatin filed *First Amended Motion for Judgment*
19. November 14, 2023: Portalatin filed *Plaintiff's Request for Findings of Fact and Conclusions of Law- DENIED (by Order November 29, 2023)*
20. November 21, 2023: Portalatin filed *Petitioner's Affidavit on Plea of Guilt to Stalking*
21. December 6, 2023: Portalatin filed *Plaintiff's Amended Motion for De Novo*
22. December 7, 2023: Portalatin filed his *Request for Findings of Fact and Conclusions of Law DENIED (by Court Order February 5, 2024)*
23. December 14, 2023: Portalatin filed *Plaintiff's Motion for Ruling on Plaintiff's Objections*

24. December 19, 2023: Portalatin filed a *Request for Items from the Court Clerk's Record*
25. December 19, 2023: Portalatin filed a *Request for Items from the Court Reporter's Record*
26. December 21, 2023: Portalatin filed *Objection to Temporary Orders*
27. January 18, 2024: Portalatin filed *Plaintiff's 1st Amended Motion for Hearing on Plaintiff's Request for Findings of Facts and Conclusions of Law*
28. February 5, 2024: Portalatin filed a *Motion for Judgment*
29. February 20, 2024: Portalatin filed *Plaintiff's Objection to Trial Court's Refusal to Issue Findings of Fact and Reasoning for Restriction on the Rights and Duties of a Parent*
30. February 21, 2024: Portalatin filed a *Rule 18 Motion to Recuse Judge Jesse Nevarez*
31. May 28, 2024: Portalatin filed *1st Amended Plaintiff's Motion for Judgment to Remove Restrictions on Parental Rights*
32. May 29, 2024: Portalatin filed *Plaintiff's Motion for Temporary Restraining Order*
33. May 29, 2024: Portalatin filed *Proposed Order on Plaintiff's Motion for Temporary Restraining Order*
34. July 22, 2024- Portalatin filed Affidavit of Mediation
35. July 29, 2024: Portalatin filed a *Motion to Dismiss Respondent's Motion or a Pretrial Conference*
36. August 2, 2024: Portalatin filed *Motion for Pretrial Conference*
37. August 29, 2024: Portalatin filed a *Motion for Temporary Orders*
38. September 17, 2024: Portalatin filed a *Brief in Support of Temporary Orders*
39. September 17, 2024: Portalatin filed a *Summary of Notes*
40. September 20, 2024: Portalatin filed *Plaintiff's Motion for Denovo*
41. September 27, 2024: Portalatin filed a *Motion to Modify Temporary Orders*
42. October 7, 2024: Portalatin filed a *Motion for Preferential Setting*

43. October 14, 2024: Portalatin filed a *Motion to Sign Order*
44. October 28, 2024: Portalatin filed a *Standing Recusal/Disqualification*
45. December 9, 2024: Portalatin filed *Motion to Sever Child Support from Modification of Conservatorship, Possession, and Access Pursuant to Tex. R. Civ. P. Rule 41, Verified.*
46. December 17, 2024: Portalatin filed *Motion to Stay and Desist Pending Federal Court Cases*
47. January 13, 2025: Portalatin filed a *Supplemental Criminal Complaint for Ongoing Corruption, Obstruction, and Retaliation*
48. February 13, 2025: Portalatin filed *Request For Findings Of Fact And Conclusions Of Law And Proposed Findings Of Fact And Conclusions Of Law*
49. February 24, 2025: Portalatin filed *Motion to Strike Attorney's Fees*
50. February 24, 2025: Portalatin filed *Plaintiff's Motion to Compel Unredacted Billing Records and OAG Communications*
51. February 25, 2025: Portalatin filed *Supplemental Notice in Support of Plaintiff's Motion to Strike Respondent's Request for Attorney's Fees*
52. April 14, 2025: Portalatin filed *Brief in Support of Motion to Vacate Judgment as Void Ab Initio*
53. April 14, 2025: Portalatin filed *Motion to Compel Clerk to File Jurisdictional Exhibits*
54. April 14, 2025: Portalatin filed *Notice of Grievance Against District Clerk Catherine Saenz*

The court further finds that Plaintiff, Jose Portalatin, has failed to set many of the above motion and pleadings for hearing thus delaying litigation in this and related matters.

The court finds that Plaintiff, filed *Pro Se* the following other litigations against Defendant, Marilyn Cavalie, the cause of action, claim, controversy, or any actions with issues related in law or fact:

1. **February 22, 2024- Cause No. 02-24-0083-CV** Petition for Writ of Mandamus and Injunctive Relief- appealing the issue of supervised visitation order in the July 01, 2021, Final Decree of Divorce.

b. **DENIED**

2. **May 9, 2024- Cause No. 02-24-00213- CV** Petition for Writ of Mandamus – appealing Restriction of Parental Rights and supervised visitation

c. **DENIED**

3. **July 30, 2024- Cause No. 02-24-00348-CV** Petition for Writ of Mandamus- appealing the issue of supervised visitation.

d. **DENIED**

4. **June 16, 2025- Cause No. 25-41622-MXM-13 Bankruptcy-** Seeking to stop foreclosure of the community property home and stop enforcement of the terms July 01, 2021, Final Decree of Divorce.

e. **DENIED and Found by Federal Bankruptcy Court be filed in Bad Faith and for the purpose of harming “Marylin Cavalie” and delaying state court proceedings.**

The Court finds that the claims asserted by Plaintiff in the present case are the same claims asserted by him in prior litigation. Plaintiff’s claims, having already been decided against him in the *Final Trial under Cause No. 231-635708-18* on December 16, 2021, are barred by *res judicata* or claim preclusion. Therefore, there is not a reasonable probability that Plaintiff will prevail in the litigation against Defendant. See Tex. Civ. Prac. & Rem. Code § 11.054.

The present litigation is an attempt to relitigate the validity of the final determination made against him in the *Final Divorce Decree*.

The Court further finds that Plaintiff, Jose Portalatin filed the following motions, pleadings and litigations under this and related causes to delay the litigation process:

1. **February 21, 2024- Rule 18 Motion to Recuse Judge Jessie Nevarez**

2. **October 28, 2024** – Standing Recusal/Disqualification (of Associated Judges)
3. **December 09, 2024**–; Plaintiff's Motion for Partial Disqualification of Judge Terry of the 325th Judicial District.
4. **January 22, 2025**- Motion for Parital Disqualification was referred to Judge Evans 8th Judicial Region Administrative Judge
5. **February 7, 2025**– Plaintiff's Motion for Partial Disqualification of Judge Dean Rucker Administrative Judge
6. **March 28, 2025** -- Motion to Recuse Judge Newell of the 233rd Judicial District Court Tarrant County
7. **April 3, 2025** – Amended Motion to Disqualify Judge Newell
8. **April 11, 2025** – Motion to Disqualify Presiding Judge David Evans
9. **July 3, 2025** – Objection to the Assignment of Judge Wells filed by Mr. Portalatin
10. **July 10, 2025**- Objection to Assignment of Retired Judge Catterton and Notice of Rights Violations filed by Mr. Portalatin
11. **September 4, 2025**- Motion for Recusal and Disqualification of Presiding Judge Evans and Judge Catterton; Demand for Immediate Referral to Judicial and criminal Authorities; Demand for Stay of Proceedings; Demand for Sanctions; and Formal Notice of Civil and Criminal Repercussions

The court further finds that Defendant has expended approximately \$45,000.00 in attorney's fees due to Plaintiff's re-litigation filings; prior to obtaining legal services of Amber Tilley and Karon Rowden.

Courts cannot allow litigants to abuse the judicial system and harass their victims without consequence. Accordingly, the Court FINDS that Plaintiff, Jose Portalatin, is such a litigant, and his conduct is subject to review and action by this Court.

Tex. Civ. Prac. & Rem. Ch. 11 provides this Court with the authority to prevent Plaintiff from using the judicial system to retaliate against and harass Defendant or any other party.

Specifically, the Court FINDS as follows:

- (1) Plaintiff Jose Portalatin meets the criteria to be declared a vexatious litigant
- (2) There is no reasonable probability that the petitioner will prevail in the litigation filed against Marylin Cavalie; and
- (3) After a litigation has been finally determined against Plaintiff, he repeatedly relitigates or attempts to relitigate, *pro se*, the validity of the determination against Defendant, which was the same defendant as to whom the litigation was finally determined.
- (4) After a litigation has been finally determined against Plaintiff, he repeatedly relitigated or attempted to relitigate, *pro se*, 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 defendant as to whom the litigation was finally determined.

5. **Orders of the Court**

Therefore, the Court GRANTS the motion of Defendant, Marylin Cavalie and ORDERS as follows:

IT IS ORDERED that Jose Portalatin is declared a vexatious litigant for all purposes.

IT IS ORDERED that determination on issues of award of attorney's to Defendant, Marylin Cavalie in this matter shall be submitted to Judge David L. Evans per Judge Evan's prior order.

In light of attorney's fees already expended by Defendant, Marylin Cavalie, not including the attorney's fees incurred by representation of Amber Tilley and Karon Rowden, **IT IS ORDERED** that Jose Portalatin is hereby ORDERED to furnish security in the amount of **one hundred thousand dollars (\$100,000.00)** within (10) days of the signing of this order, to

proceed with this case. The purpose of this security is to ensure payment of the Defendant's reasonable expenses incurred in or in connection with the litigation commenced against the Defendant, including costs and attorney's fees.

IT IS ORDERED that the security about of one hundred thousand dollars (\$100,000.00) shall be deposited in the registry of the court by mailing a cashier's check or money order payable to the registry of the court to Tarrant County District Clerk, **200 E. WEATHERFORD STREET, FORT WORTH, TEXAS 76196** Failure to furnish security as ordered within (10) days of the signing of this order, shall result in the dismissal of this case with prejudice in its entirety, pursuant to Tex. Civ. Prac. & Rem. Code § 11.056.

IT IS FURTHER ORDERED that if Plaintiff furnishes the security ordered above, and the litigation is dismissed on its merits, then Marilyn Cavalie shall have recourse to the security furnished in an amount that shall be determined by the Court.

IT IS ORDERED that Jose Portalatin is prohibited from filing, pro se, any new litigation in any court in this state under the name "Jose Portalatin," "Jose M. Portalatin," or "Jose Portalatin Lopez" or any other name, without written permission of the appropriate local administrative judge in the jurisdiction where Mr. Portalatin attempted to file such litigation, pursuant to Tex. Civ. Prac. & Rem. Code § 11.101. The local administrative judge may condition permission upon Mr. Portalatin furnishing additional security for the benefit of the defendant(s) or any other condition as provided under Chapter 11 of the Texas Civil Practices and Remedies Code. Upon requesting any such permission, Plaintiff is ordered to provide a copy of the request to all defendants named in the proposed litigation. Such permission shall be granted only if the litigation appears to have merit and is not filed for purposes of harassment or delay; such permission may also be conditioned on the furnishing of a security.

JOSE PORTALATIN IS HEREBY NOTIFIED THAT HE IS SUBJECT TO PUNISHMENT PURSUANT TO THE INHERENT POWERS OF THE COURT OR BY CONTEMPT IF HE FAILS TO OBEY THIS PRE-FILING ORDER.

IF JOSE PORTALATIN VIOLATES THIS PREFILING ORDER, HE WILL BE SUBJECT TO CONTEMPT OF COURT IN ADDITION TO THE OTHER REMEDIES AFFORDED UNDER CHAPTER 11 OF THE TEXAS CIVIL PRACTICES AND REMEDIES CODE.

IT IS ORDERED The Clerk of the Court is directed to notify the Office of Court Administration of the Texas Judicial System ("OCA") of this Court's declaration of Jose Portalatin as a vexatious litigant by delivering a copy of this order to the OCA at the following address, pursuant to Tex. Civ. Prac. & Rem. Code § 11.103(b) with in 30days of the date of the signing of this order:

Office of the Court Administration
Attention: Judicial Information
P.O. Box 12066 Austin, TX 78711-2066
JudInfo@txcourts.gov

SIGNED on

9.29.25



JUDGE PRESIDING