

CAUSE NO. 429-03552-2014

<p>CHELSEA L. DAVIS, Plaintiff,</p> <p>v.</p> <p>LIMOLAND USA CORP., KD WAVE LTD., and LESLIE D. WARE, Defendants.</p>	<p>§ § § § § § § §</p>	<p>IN THE DISTRICT COURT</p> <p>429th JUDICIAL DISTRICT</p> <p>COLLIN COUNTY, TEXAS</p>
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ORDER ON DEFENDANT LESLIE D. WARE’S MOTION TO DECLARE PLAINTIFF A VEXATIOUS LITIGANT AND ENTER PREFILING ORDER

ON THIS DAY CAME ON FOR CONSIDERATION Defendant Leslie D. Ware’s Motion to Declare Plaintiff a Vexatious Litigant and Enter Prefiling Order in the above-styled and numbered cause. The Court took Judicial Notice of each of the exhibits attached to the motion. The Court, after considering the Motion, the pleadings on file, and the arguments of counsel, has determined that same is well taken and the Motion should be GRANTED. The Court further finds as follows:

This motion was brought before the 90th day after the date the defendant filed the original answer. Plaintiff Chelsea L. Davis was served with a copy of the motion and given notice of the hearing.

There is not a reasonable probability that Plaintiff will prevail in this litigation against Defendant Leslie D. Ware (“Defendant”). Further, Plaintiff, in the seven-year period immediately preceding the date Defendant made this motion, has commenced, prosecuted, or maintained at least five litigations as a pro se litigant other than in small claims court that have been finally determined adversely to Plaintiff or determined by a trial or appellate court to be frivolous or groundless under state or federal laws or rules of procedure.

IT IS, THEREFORE, ORDERED, ADJUDGED and DECREED, in accordance with the provisions of Chapter 11 of the Texas Civil Practice and Remedies Code, that Plaintiff Chelsea L. Davis is declared a vexatious litigant.

It is further ORDERED, ADJUDGED AND DECREED that Plaintiff Chelsea L. Davis furnish security for the benefit of Defendant in the amount of \$50,000 within thirty (30) days of the date of this Order. This security is an undertaking by the Plaintiff to assure payment to Defendant of his reasonable expenses incurred in or in connection with this lawsuit, including costs and attorney's fees. If Plaintiff fails to furnish this security by the date provided, the Court will dismiss this case with prejudice as to all claims against Leslie D. Ware.

It is further ORDERED, ADJUDGED AND DECREED that Plaintiff Chelsea L. Davis is hereby prohibited from filing, pro se, a new litigation in any court in Texas without permission of the appropriate local administrative judge in accordance with Section 11.102 of the Texas Civil Practice and Remedies Code. This Order applies regardless of whether Plaintiff specifically lists herself as "pro se" or as an attorney of record in a case brought on her own behalf. If Plaintiff disobeys this Order, she is subject to contempt of court.

It is further ORDERED, ADJUDGED AND DECREED that the Clerk of this Court shall provide a copy of this Order to the Office of Court Administration of the Texas Judicial System not later than the 30th day after the date this Order is signed. The name of Chelsea L. Davis shall be added to the list of vexatious litigants required to be maintained by Section 11.104 of the Texas Civil Practice and Remedies Code.

SIGNED this the 5th day of December 2014.



JUDGE PRESIDING