

JUN 06 2011

BY BARBARA MORGAN, DISTRICT CLERK
DEPUTY

CAUSE NO. 2011-742-CCL2

JOHNNY M. STAFFORD

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IN THE COUNTY COURT

v.

AT LAW NO. 2

GARY SHAVERS, SHAVERS, BOON,
ECHOLS AND COLEMAN,
JUDGE VINCENT DULWEBER,
WENDY LIGON, ED MERRITT,
WALMART STORES, INC.,
JUDGE PAUL BANNER AND
JUDGE JOHN OVARD,
CARL DORROUGH

GREGG COUNTY, TEXAS

**ORDER DECLARING PLAINTIFF JOHNNY M. STAFFORD
A VEXATIOUS LITIGANT AND ORDER FOR SECURITY**

On this day, the Court considered Defendants' Motion to Declare Plaintiff JOHNNY M. STAFFORD a Vexatious Litigant and Request for Security. After due consideration of said Motion, the evidence and arguments submitted by the parties at the hearing, the Court finds the Motion and Request to be well taken. It is, therefore,

ORDERED that Plaintiff is declared a vexatious litigant pursuant to Chapter 11 of the Texas Civil Practice and Remedies Code. The Court finds as follows:

1. That there is not a reasonable probability that Plaintiff JOHNNY M. STAFFORD will prevail in the litigation against the Defendants in this matter.
2. That Plaintiff JOHNNY M. STAFFORD, in the seven-year period immediately preceding the date the Defendants' filed their Motion to Declare Plaintiff JOHNNY M. STAFFORD a Vexatious Litigant and Request for Security, has commenced, prosecuted or maintained *in propria persona* at least eight (8) litigations. Specifically, the Court finds that the eight (8) litigations were not in small claims court and were disposed of as follows:

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- (a) Johnny M. Stafford v City of Longview, Texas, et al; Cause No. 2007-2090-A, in the 188th Judicial District Court and County Court at Law No. 2 of Gregg County, Texas (dismissed as being frivolous or malicious, by Plea to the Jurisdiction, by summary judgment and failure to prosecute).
- (b) Lamar Elder, Jr., et al v Anadarco E&P Company, L.P., et al; Cause No. 2007-2555-CCL2, in the County Court at Law No.2 of Gregg County, Texas (dismissed on motion to strike and appeal dismissed for failure to file docketing statement).
- (c) Johnny M. Stafford v City of Longview, et al; Cause No. 2009-1574-B, in the 124th Judicial District and County Court at Law No. 2 of Gregg County, Texas (dismissal by sanction).
- (d) Johnny M. Stafford v Gloria Stafford and Joe Shumate; Civil Action No. 6:04CV468, in the United States District Court for the Eastern District of Texas, Tyler Division (dismissal for failure to prosecute).
- (e) Johnny M. Stafford v Conoco, Inc. and Eastman Kodak; Civil Action No. 6:08CV124, in the United States District Court for the Eastern District of Texas, Tyler Division (dismissed for failure to invoke jurisdiction of the court).
- (f) Johnny M. Stafford v Chinn Exploration Company; Civil Action No. 6:08CV247, in the United States District Court for the Eastern District of Texas, Tyler Division (dismissal for failure to follow court order).
- (g) Johnny M. Stafford v 124th District Judge Alvin Khoury, et al; Civil Action No. 6:09CV210, in the United States District Court for the Eastern District of Texas (failure for pleading no recognizable claim and warned about frivolous litigation).
- (h) Johnny M. Stafford v James Thomas Tatum and Amy Tatum; Civil Action No. 6:09CV245, in the United States District Court for the Eastern District of Texas, Tyler Division (dismissal for failure to prosecute).

It is, therefore, ORDERED, ADJUDGED and DECREED, in accordance with the provisions of Tex. Civ. Prac. & Rem. Code §11.054, that JOHNNY M. STAFFORD is declared to be a “vexatious litigant” as that term is defined in Chapter 11 of the Texas Civil Practice & Remedies



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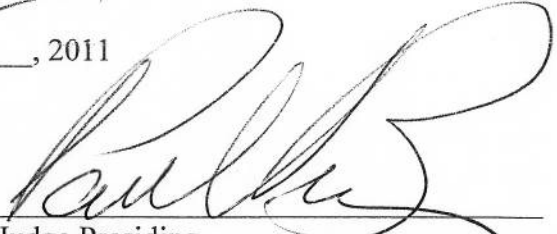
Code. It is, further,

ORDERED, ADJUDGED and DECREED, in accordance with the provisions of Tex. Civ. Prac. & Rem. Code §11.101 - 11.102, that JOHNNY M. STAFFORD is hereby **PROHIBITED** from filing *in propria persona* any new litigation, or intervening in any new or existing litigation, in a court in the State of Texas without first obtaining the permission of the local administrative judge of the court in which JOHNNY M. STAFFORD intends to file litigation or intervene in litigation. Pursuant to §11.102, the local administrative judge may condition permission to file new litigation, or intervening in litigation, on the furnishing of security for the benefit of the defendant(s) in the new litigation or intervention. It is, further,

ORDERED that the Clerk of this Court shall provide the Office of Court Administration of the Texas Judicial System with a copy of this Order, and that the name of JOHNNY M. STAFFORD be added to the list of vexatious litigants as required to be maintained by Tex. Civ. Prac. & Rem. Code §11.104. It is, further,

ORDERED that Plaintiff JOHNNY M. STAFFORD shall furnish security in this lawsuit in the amount of \$ 4000 for the benefit of the Defendants. This security shall be paid into the registry of the Court on or before June 24 ^{4:00 PM}, 2011.

SIGNED this 6 day of JUNE, 2011



Judge Presiding

CERTIFIED COPY CERTIFICATE
STATE OF TEXAS COUNTY OF GREGG
I hereby certify that the above, consisting of 3
pages, is a true and correct copy of the original
record on file in the District Clerk's Office of
Gregg County, Texas
This 6th day of June, 2011
BARBARA DUNCAN, DISTRICT CLERK
BY: Debbie Perry, Deputy



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Clerk Office

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BARBARA JOHNSON, DISTRICT CLERK
BY [Signature] DEPUTY

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ORDER AND FINAL JUDGMENT

On Monday, June 27, 2011, the Court held a hearing on several pending motions and issues. After due consideration of said motions and issues, the arguments of the Parties, and the evidence, the Court issues the following Orders and findings:

1. Plaintiff's Oral Motion for Sanctions is **DENIED**.
2. Plaintiff's Motion to Reform or Vacate the Judgment is **DENIED**.
3. Pursuant to Section 13.001(a)(1) of the Texas Civil Practice & Remedies Code, the Court finds that Plaintiff's allegation of poverty in his affidavit is false. The court finds that Plaintiff is not indigent. It is **ORDERED** that the Clerk of this Court shall not accept any filings tendered by Plaintiff until such time that Plaintiff has paid all court costs incurred to date in this civil action.
4. Pursuant to Section 13.001(a)(2) of the Texas Civil Practice & Remedies Code, the Court finds that Plaintiff's claims and causes of action against all Defendants, except Defendant Paul Banner, are frivolous and malicious. The Court withholds rulings on any claims or causes of action against Defendant Paul Banner.
5. The Court finds that Plaintiff failed to furnish security as ordered in the "Order Declaring Plaintiff Johnny M. Stafford a Vexatious Litigant and Order for Security" entered on June 6, 2011.
6. Pursuant to Sections 11.056 and 13.001 of the Texas Civil Practice & Remedies Code, the Court hereby **DISMISSES** all claims and causes of action against all Defendants, except for those claims against Defendant Paul Banner.



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7: The Court further **ORDERS** that all claims asserted against Defendant Paul Banner are hereby severed from this civil action. It is further **ORDERED** that the Clerk of this Court shall assign the severed claims and causes of action against Defendant Paul Banner into a separate cause number, that being **2011-742-CCL2-1**, and to copy the following pleadings, documents and orders and include them in the new separate cause number:

- A copy of Plaintiff's Suit for Damages (March 24, 2011);
- Litigation Control Order (April 14, 2011);
- Motion to Recuse (May 9, 2011);
- Order Denying Motion to Recuse (May 10, 2011);
- Motion to Recuse or Disqualify (May 12, 2011);
- Third Amended Suit for Damages for Fraud and Concealment (May 17, 2011);
- Order Denying Plaintiff's Second Motion to Recuse (May 24, 2011);
- Order Declaring Plaintiff a Vexatious Litigant and Order for Security (June 6, 2011);
- A copy of this Order and Final Judgment; and
- A copy of the Docket Sheet in Cause No. 2011-742-CCL2

8. It is further **ORDERED** that the Clerk of this Court shall, upon entry, provide a copy of this Order and Final Judgment, along with the Order Declaring Plaintiff a Vexatious Litigant and Order for Security, to the Office of Court Administration.

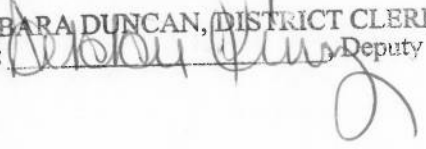
9. This Order and Final Judgment finally disposes of all claims and all parties, except for the severed claims against Defendant Paul Banner, and is appealable.

SIGNED this 11 day of July, 2011.



JUDGE PRESIDING

CERTIFIED COPY CERTIFICATE
STATE OF TEXAS COUNTY OF GREGG
I hereby certify that the above, consisting of 2
pages, is a true and correct copy of the original
record on file in the District Clerk's Office of
Gregg County, Texas
This 11th day of July, 2011

BARBARA DUNCAN, DISTRICT CLERK
BY:  Deputy



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