

The Court further finds that Kastner has commenced, prosecuted or maintained at least five litigations *in propria persona (pro se)*, other than in small claims court, in the seven-year period immediately preceding today's filing date. TEX. CIV. PRAC. & REM. CODE § 11.054(1).

The Court further finds that of those cases, at least five litigations were: (A) finally determined adversely to Kastner; (B) permitted to remain pending for at least two years without having been brought to trial or hearing; or (C) determined by a trial or appellate court to be frivolous or groundless under state or federal laws or rules of procedure. TEX. CIV. PRAC. & REM. CODE § 11.054(1)(A)-(C). Accordingly,

The Court has determined and declares Kastner to be a vexatious litigant. TEX. CIV. PRAC. & REM. CODE §§ 11.054, 11.051 *et seq.*

The Court orders Kastner to furnish security in the amount of \$ 20,000.⁰⁰ to the Harris County District Clerk for the benefit of Rosehill on or before September 28, 2012. This security is an undertaking by Kastner to assure payment to Rosehill of its reasonable expenses incurred in or in connection with a litigation commenced, caused to be commenced, maintained, or caused to be maintained by Kastner, including costs and attorney's fees." TEX. CIV. PRAC. & REM. CODE § 11.055.

If Kastner does not furnish the security within the time limit set by this order, the Court shall dismiss this litigation with prejudice as to all Defendants. TEX. CIV. PRAC. & REM. CODE § 11.056.

If Kastner does furnish the security within the time limit set by this order and the litigation is dismissed on its merits, Rosehill shall have recourse to the security furnished by Kastner in an amount determined by the Court. TEX. CIV. PRAC. & REM. CODE § 11.057.

Kastner is prohibited from filing, *in propria persona*, a new litigation in any court of this state unless the local administrative judge of the court in which Kastner intends to file the litigation has granted permission to Kastner under Section 11.102 of the Texas Civil Practice and Remedies Code to file the litigation. TEX. CIV. PRAC. & REM. CODE §§ 11.101(a) & 11.102. If Kastner disobeys this order, he is subject to contempt of court. TEX. CIV. PRAC. & REM. CODE §§ 11.101(b).

Except as provided by Section 11.103(d) of the Texas Civil Practice and Remedies Code, a clerk of a Texas court may not file any litigation, original proceeding, appeal, or other claim presented by Kastner, who is subject to this prefiling order under Section 11.101, unless Kastner obtains an order from the local administrative judge permitting the filing. TEX. CIV. PRAC. & REM. CODE §§ 11.103(a) & (d).

If a clerk of a Texas court mistakenly files a litigation, original proceeding, appeal or other claim presented by Kastner without an order from the local administrative judge, any party may file with the clerk and serve on Kastner and the other parties to the suit a notice stating that Kastner is a vexatious litigant subject to a prefiling order under Section 11.101. On the filing of the notice, the court shall immediately stay the litigation and shall dismiss the litigation unless Kastner, not later than the 10th day after the date the notice is filed, obtains an order from the local administrative judge under Section 11.102 permitting the filing of the litigation. If the local administrative judge issues an order permitting the filing of the litigation under Subsection (b), the litigation remains stayed and the defendant need not plead until the 10th day after the date the defendant is served with a copy of the order. TEX. CIV. PRAC. & REM. CODE §§ 11.103(b) & (c).

The Harris County District Clerk, or his designee, shall provide the Office of Court Administration of the Texas Judicial System a copy of this prefiling order issued under Section 11.101 of the Texas Civil Practice and Remedies Code not later than the 30th day after the date this prefiling order is signed. TEX. CIV. PRAC. & REM. CODE §§ 11.104(a).

SIGNED on this 25th day of June, 2012.


PRESIDING JUDGE



I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.

Witness my official hand and seal of office this June 26, 2012

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Chris Daniel, DISTRICT CLERK
HARRIS COUNTY, TEXAS

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