

CASE NO. 366-51795-2021

MOLLY WILKERSON §
v. §
MARK MALDONADO §
§
IN THE DISTRICT COURT
366th JUDICIAL DISTRICT
COLLIN COUNTY, TEXAS

ORDER DECLARING MOLLY L. WILKERSON A VEXATIOUS LITIGANT

Date of Hearing

On April 20, 2021, the Court heard *Respondent's Motion to Designate Petitioner Molly L. Wilkerson a Vexatious Litigant* (the "Motion") filed on April 14, 2021 by Respondent MARK MALDONADO.

Appearances

Respondent, MARK MALDONADO, appeared in person and through his attorneys of record, Claire E. James and Gracen M. Daniel, and announced ready.

Petitioner, MOLLY L. WILKERSON, appeared in person, *pro se*, and announced ready.

Record

The record of testimony was duly reported by the Court Reporter for the 366th Judicial District Court of Collin County, Texas.

Findings

The Court, after notice to all parties, conducted a hearing to determine whether to grant the Motion. The Court considered evidence material to the grounds of the Motion, including the Motion and exhibits thereto, the pleadings on file in this case, the pleadings on file in other Collin County cases filed by MOLLY L. WILKERSON against MARK MALDONADO considered by judicial notice, the arguments of the parties, and the evidence presented at the evidentiary hearing.

The court finds that the material allegations in the Motion are true. **IT IS, THEREFORE, ORDERED** that the Motion is **GRANTED**.

The court finds that there is not a reasonable probability that MOLLY L. WILKERSON will prevail in litigation against MARK MALDONADO.

MOLLY L. WILKERSON in the seven-year period immediately preceding the filing of the Motion, has commenced, prosecuted, or maintained at least five litigations as a *pro se* litigant other than in a small claims court that have been finally determined adversely to her.

After a litigation has been finally determined against MOLLY L. WILKERSON, she repeatedly relitigates or attempts to relitigate, *pro se*, the validity of the determination against the same defendant, MARK MALDONADO, as to whom the litigation was finally determined.

After a litigation has been finally determined against MOLLY L. WILKERSON, she repeatedly relitigates or attempts to relitigate, *pro se*, the cause of action, claim, controversy, and the issues of fact or law determined or concluded by the final determination against the same defendant, MARK MALDONADO, as to whom the litigation was finally determined.

The court, after hearing the evidence of the Motion, declares MOLLY L. WILKERSON a vexatious litigant.

Security

MOLLY L. WILKERSON is ORDERED to furnish security for the benefit of MARK MALDONADO in the amount of \$ _____ to be deposited in the registry of the court on or before _____.

The court finds that MOLLY L. WILKERSON has the ability to pay this security.

This security is an undertaking by MOLLY L. WILKERSON to assure payment to MARK MALDONADO of his reasonable expenses incurred in or in connection with a litigation commenced, caused to be commenced, maintained, or caused to be maintained by MARK MALDONADO, including costs and attorney's fees.

A court shall dismiss a litigation as to MARK MALDONADO if MOLLY L. WILKERSON does not furnish the security within the time set by this order.

If a litigation is dismissed on its merits, MARK MALDONADO has recourse to the security furnished by MOLLY L. WILKERSON as plaintiff in the amount of \$ _____.

Prefiling Order

It IS ORDERED that MOLLY L. WILKERSON is prohibited from filing, *pro se*, a new litigation in any court in Texas without written permission of the appropriate local administrative judge described by TEX. CIV. PRAC. & REM. CODE §11.102(a).

If MOLLY L. WILKERSON files a request seeking permission to file a litigation, she shall provide a copy of the request to all defendants named in the proposed litigation.

The appropriate local administrative judge may make a determination on MOLLY L. WILKERSON'S request with or without a hearing, at the discretion of the local administrative judge. If the judge determines that a hearing is necessary, the judge may require MOLLY L. WILKERSON to provide notice of the hearing to all defendants named in the proposed litigation.

The appropriate local administrative judge may grant permission to MOLLY L. WILKERSON to file a litigation only if it appears to the judge that the litigation (1) has merit and (2) has not been filed for the purposes of harassment or delay.

The appropriate local administrative judge may condition permission on the furnishing of security for the benefit of the defendant.

Duties of Clerk

IT IS ORDERED that MOLLY L. WILKERSON is prohibited from requesting the district clerk to issue citation, issue notice, serve process, or incur any court costs without written permission by the appropriate local administrative judge.

Specifically, IT IS ORDERED that MOLLY L. WILKERSON must obtain written permission from the appropriate local administrative judge each time she seeks to request service by a constable or sheriff.

Except as provided by TEX. CIV. PRAC. & REM. CODE § 11.103(d), a clerk of a court may not file a litigation, original proceeding, appeal, or other claim presented, *pro se*, by MOLLY L. WILKERSON unless she obtains an order from the appropriate local administrative judge permitting the filing.

If the appropriate local administrative judge issues an order permitting the filing of the litigation, 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.

If the clerk mistakenly files litigation presented, *pro se*, by MOLLY L. WILKERSON without an order from the appropriate local administrative judge, any party may file with the clerk and serve on MOLLY L. WILKERSON and the other parties to the litigation a notice stating that MOLLY L. WILKERSON is a vexatious litigant required to obtain permission to file litigation.

Not later than the next business day after the date the clerk receives notice that MOLLY L. WILKERSON has filed, *pro se*, litigation without obtaining an order from the appropriate local administrative judge, the clerk shall notify the court that the litigation was mistakenly filed. On receiving notice from the clerk, the court shall immediately stay the litigation and shall dismiss the litigation unless MOLLY L. WILKERSON, not later than the 10th day after the date the notice is filed, obtains an order from the appropriate local administrative judge permitting the filing of the litigation.

Reporting to the Office of Court Administration

The clerk of this court shall provide the Office of Court Administration of the Texas Judicial System a copy of this prefiling order not later than the 30th day after the date this prefiling order is signed.

Contempt

MOLLY L. WILKERSON'S failure to obey this order may be punished by contempt of court and any other lawful means of enforcement.

IT IS SO ORDERED.

SIGNED ON 4/21/2021, 2021.



JUDGE PRESIDING

Automated Certificate of eService

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Trechelle Andersen on behalf of Claire James
Bar No. 24083240
tandersen@cowlesthompson.com
Envelope ID: 52622769
Status as of 4/21/2021 10:23 AM CST

Associated Case Party: Molly Wilkerson

| Name | BarNumber | Email | TimestampSubmitted | Status |
|-----------------|-----------|-----------------------|----------------------|--------|
| Molly Wilkerson | | missmolly2020@aol.com | 4/20/2021 9:42:01 AM | SENT |

Associated Case Party: Mark Maldonado

| Name | BarNumber | Email | TimestampSubmitted | Status |
|-----------------------|-----------|-----------------------------|----------------------|--------|
| Gracen Daniel | | gdaniel@cowlesthompson.com | 4/20/2021 9:42:01 AM | SENT |
| Claire James | | cjames@cowlesthompson.com | 4/20/2021 9:42:01 AM | SENT |
| George AnthonyMallers | | tmallers@cowlesthompson.com | 4/20/2021 9:42:01 AM | SENT |