

HARRIET NICHOLSON,

Plaintiff,

vs.

NATIONSTAR MORTGAGE LLC,

Defendant.

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IN THE DISTRICT COURT OF

DALLAS COUNTY, TEXAS

162nd JUDICIAL DISTRICT

**ORDER GRANTING DEFENDANT’S MOTION TO DECLARE
PLAINTIFF HARRIET NICHOLSON A VEXATIOUS LITIGANT**

On this day, came to be heard, the Motion to Declare Plaintiff Harriet Nicholson a Vexatious Litigant (the “Motion”) filed by Defendant Nationstar Mortgage LLC (“Defendant”). The Court, after considering the Motion, the pleadings on file with the Court, Plaintiff’s response, and arguments makes the following findings and orders:

Findings

The Court finds there is no reasonable probability that the Plaintiff Harriet Nicholson (“Nicholson” or “Plaintiff”) will prevail in this litigation against Defendant.

The Court further finds that in the seven-year period immediately preceding Defendant’s Motion to Declare Harriet Nicholson a Vexatious Litigant, the Plaintiff had commenced, prosecuted and/or maintained, as a *pro se* litigant, at least five litigations that were finally determined adverse to her. Those cases include, but are not limited to:

Cause No. 342-262692-12, *Nicholson v. The Bank of N.Y. Mellon f/k/a The Bank of N.Y. as Trustee for the Certificateholders of CWMBS, Inc., CWMBS Reforming Loan Remic Trust Certificates Series 2005-R2, et al.*, in the 342nd Judicial District Court of Tarrant County, Texas¹;

Cause No. 048-276347-15, *Nicholson v. Stockman, Substitute Trustee, et al.*, in the 48th Judicial District Court of Tarrant County, Texas;

Case No. 02-18-00035-CV, *Nicholson v. The Bank of N.Y. Mellon f/k/a The Bank of N.Y. as Trustee for the Certificateholders of CWMBS, Inc., CWMBS Reforming Loan Remic Trust Certificates Series 2005-R2, et al.*, in the Court of Appeals Second Appellate District of Texas at Fort Worth;

¹ Following a final judgment in the trial court, this matter was appealed by Plaintiff on November 30, 2020, where it remains pending and was submitted on briefs on November 22, 2021. See *Nicholson v. The Bank of N.Y. Mellon, et al.*, Case No. 02-20-00379-CV, in the Court of Appeals Second Appellate District of Texas at Fort Worth.

Case No. 02-19-00022-CV, *In re Harriet Nicholson*, in the Court of Appeals Second Appellate District of Texas at Fort Worth;

Case No. 02-19-00085-CV, *Nicholson v. Bank of Am., N.A. and Countrywide Home Loans, Inc.*, in the Court of Appeals Second Appellate District of Texas at Fort Worth;

Case No. 02-19-00103-CV, *Nicholson v. David Stockman, Donna Stockman and Denise Boerner*, in the Court of Appeals Second Appellate District of Texas at Fort Worth;

Case No. 19-0357, *Nicholson v. The Bank of N.Y. Mellon f/k/a The Bank of N.Y., as Trustee for the Certificateholders of CWMBS, Inc., CWMBS Reforming Loan Remic Trust Certificates Series 2005-R2, et al.*, in the Texas Supreme Court;

Case No. 02-19-00163-CV, *In re Harriet Nicholson*, in the Court of Appeals Second Appellate District of Texas at Fort Worth;

Case No. 20-0151 (Case No. 20-0223 was consolidated into 20-0151), *Nicholson v. Bank of Am., N.A. and Countrywide Home Loans, Inc. and David Stockman, Donna Stockman and Denise Boerner*, in the Supreme Court of Texas;

Case No. 02-20-00180-CV, *Nicholson v. Harvey Law Group, Nationstar Mortg., LLC, ReconTrust Co., N.A., and The Bank of N.Y. Mellon*, in the Court of Appeals Second Appellate District of Texas at Fort Worth;

Case No. 02-20-00272-CV, *In Re Harriet Nicholson*, in the Court of Appeals Second Appellate District of Texas at Fort Worth;

Case No. 02-21-00068-CV, *In Re Harriet Nicholson*, in the Court of Appeals Second Appellate District of Texas at Fort Worth; and

Case No. 21-0422; *In Re Harriet Nicholson*; in the Supreme Court of Texas.

The Court additionally finds that Plaintiff has repeatedly, after litigation has been finally determined against her, continued to re-litigate or attempted to re-litigate, as a *pro se* party the cause of action, claims, controversy and/or factual and/or legal determinations against one or more of the same defendants against whom litigation was previously finally determined. Those cases include, but are not limited to:

Cause No. 342-262692-12, *Nicholson v. The Bank of N.Y. Mellon f/k/a The Bank of N.Y. as Trustee for the Certificateholders of CWMBS, Inc., CWMBS Reforming Loan Remic Trust Certificates Series 2005-R2, et al.*, in the 342nd Judicial District Court of Tarrant County, Texas²;

² See n.1, supra.

Cause No. 048-276347-15, *Nicholson v. Stockman, Substitute Trustee, et al.*, in the 48th Judicial District Court of Tarrant County, Texas;

Case No. 02-18-00035-CV, *Nicholson v. The Bank of N.Y. Mellon f/k/a The Bank of N.Y. as Trustee for the Certificateholders of CWMBS, Inc., CWMBS Reforming Loan Remic Trust Certificates Series 2005-R2, et al.*, in the Court of Appeals Second Appellate District of Texas at Fort Worth;

Case No. 02-19-00022-CV, *In re Harriet Nicholson*, in the Court of Appeals Second Appellate District of Texas at Fort Worth;

Case No. 02-19-00085-CV, *Nicholson v. Bank of Am., N.A. and Countrywide Home Loans, Inc.*, in the Court of Appeals Second Appellate District of Texas at Fort Worth;

Case No. 02-19-00103-CV, *Nicholson v. David Stockman, Donna Stockman and Denise Boerner*, in the Court of Appeals Second Appellate District of Texas at Fort Worth;

Case No. 19-0357, *Nicholson v. The Bank of N.Y. Mellon f/k/a The Bank of N.Y., as Trustee for the Certificateholders of CWMBS, Inc., CWMBS Reforming Loan Remic Trust Certificates Series 2005-R2, et al.*, in the Texas Supreme Court;

Case No. 02-19-00163-CV, *In re Harriet Nicholson*, in the Court of Appeals Second Appellate District of Texas at Fort Worth;

Case No. 20-0151 (Case No. 20-0223 was consolidated into 20-0151), *Nicholson v. Bank of Am., N.A. and Countrywide Home Loans, Inc. and David Stockman, Donna Stockman and Denise Boerner*, in the Supreme Court of Texas;

Case No. 02-20-00180-CV, *Nicholson v. Harvey Law Group, Nationstar Mortg., LLC, ReconTrust Co., N.A., and The Bank of N.Y. Mellon*, in the Court of Appeals Second Appellate District of Texas at Fort Worth;

Case No. 02-20-00272-CV, *In Re Harriet Nicholson*, in the Court of Appeals Second Appellate District of Texas at Fort Worth;

Case No. 02-21-00068-CV, *In Re Harriet Nicholson*, in the Court of Appeals Second Appellate District of Texas at Fort Worth; and

Case No. 21-0422; *In Re Harriet Nicholson*; in the Supreme Court of Texas.

The Court also finds that Plaintiff is specifically attempting to re-litigate the same controversy against Defendant, and that the Plaintiff has attempted to repeatedly re-litigate the same factual and legal claims against numerous defendants in the State Court, the Second Court of Appeals of Texas and the Supreme Court of Texas.

The Court finds that Plaintiff, Harriet Nicholson, is a vexatious litigant.

The Court finds that the reasonable expenses incurred by Defendant in this litigation or in connection with the commenced litigation, including costs and attorney's fees, is \$1,500.00.

The Court finds that a reasonable time period for Plaintiff to post, as security, the expenses incurred by Defendant is 13 days.

Orders

This Court DECLARES Plaintiff, Harriet Nicholson, to be a vexatious litigant.

IT IS ORDERED that Harriet Nicholson is prohibited from filing any new *pro se* litigation in the State of Texas without written permission of the applicable local administrative judge, who will review the desired *pro se* litigation pursuant to TEX. CIV. PRAC. & REM. CODE § 11.102 to determine whether or not the litigation has merit and whether or not it has been filed for the purpose of harassment.

Pursuant to Section 11.055 of the TEXAS CIVIL PRACTICE & REMEDIES CODE, this Court is required to order Plaintiff to furnish security for the benefit of Defendant. Accordingly, Harriet Nicholson is ordered to, on or before January 17, 2022, post with the registry of this Court the statutorily required security in the sum of \$1,500.00. Further, Harriet Nicholson is ordered to, on or before January 17, 2022, post with the registry of this Court the statutorily required security in the sum of \$1,500.00.

With this Order, Plaintiff is apprised that this Court is required to dismiss her litigation if she fails to post the security in full by the date set by this Order. *See* TEX. CIV. PRAC. & REM. CODE § 11.056.

As required by the TEXAS CIVIL PRACTICE & REMEDIES CODE, the district clerk is ORDERED to provide a copy of this Order to the Office of Court Administration within 30 days of the signing of this Order.

Pursuant to Section 11.101(c), of the TEXAS CIVIL PRACTICE & REMEDIES CODE, Harriet Nicholson may appeal this Court's findings and order.

SIGNED this 5 day of January 2022.



JUDGE PRESIDING