

CAUSE NO. D-1-GN-23-001099

DESSIE MARIE ANDREWS,
Plaintiff,

vs.

4300 BURCH, LLC and
LAWRENCE MATHIS
Defendants.

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IN DISTRICT COURT OF

TRAVIS COUNTY, TEXAS

250TH DISTRICT COURT

**ORDER ON DEFENDANTS' MOTION FOR DECLARATION
THAT PLAINTIFF IS A VEXATIOUS LITIGANT**

On November 9, 2023, the Court heard Defendants' Motion for Declaration that Plaintiff is a Vexatious Litigant in the above-styled and numbered cause. In making the Order, the Court considered the Defendants' Motion, evidence presented at the hearing, and argument of counsel.

The Court finds that in the seven year-period immediately preceding the date Defendants filed their motion under Section 11.051 of the Texas Civil Practice & Remedies Code, Plaintiff Dessie Mari Andrews had commenced, prosecuted, or maintained at least five litigations within the last seven years, as a pro se litigant, other than in small claims court that have been finally determined adversely to Dessie Maria Andrews as required by Section 11.054(1) of the Texas Civil Practice & Remedies Code.

The Court finds that Defendants 4300 Burch, LLC and Lawrence Mathis' Motion for Declaration that Plaintiff is a Vexatious Litigant pursuant to Section 11.051 *et seq.* of the Texas Civil Practice & Remedies Code should be **GRANTED**.

The Court finds that Dessie Maria Andrews is a vexatious litigant as that term is defined by Section 11.054 of the Texas Civil Practice & Remedies Code.

It is further ORDERED Plaintiff Dessie Maria Andrews, has been found to be a vexatious litigant, is prohibited from filing, on her own behalf as a pro se litigant, any new litigation in any state district or statutory county court in Texas, against any party, as provided by Section 11.102 of the Texas Civil Practice & Remedies Code as follows:

PERMISSION BY LOCAL ADMINISTRATIVE JUDGE. (a) A vexatious litigant subject to this pre-filing order is prohibited from filing, pro se, new litigation in a court to which the Order applies without seeking permission of:

- (1) the local administrative judge of the type of court in which the vexatious litigant intends to file, except as provided by Subdivision (2); or
- (2) the local administrative district judge of the county in which the vexatious litigant intends to file if the litigant intends to file in a justice or constitutional county court;
- (3) a vexatious litigant subject to a pre-filing order who files a request seeking permission to file litigation shall provide a copy of the request to all defendants named in the proposed litigation;
- (4) the local administrative judge may make a determination on the request with or without a hearing. If the judge determines that a hearing is necessary, the judge may require that the vexatious litigant filing a request provide notice of the hearing to all defendants named in the proposed litigation;
- (5) the local administrative judge may grant permission to a vexatious litigant subject to a pre-filing order to file a litigation only if it appears to the judge that the litigation:
 - (a) has merit; and
 - (b) has not been filed for the purposes of harassment or delay.
- (6) the local administrative judge may condition permission on the furnishing of security for the benefit of the defendant;
- (7) A decision of the local administrative judge denying a litigant permission to file a litigation, or conditioning permission to file a litigation on the furnishing of security is not grounds for appeal, except that the litigant may apply for a writ of mandamus with the court of appeals not later than the 30th day after the date of the decision. The denial

of a writ of mandamus by the court of appeals is not grounds for appeal to the supreme court or court of criminal appeals.

DUTIES OF CLERK. A clerk of a court may not file a litigation, original proceeding, appeal, or other claim presented, pro se, by a vexatious litigant subject to a pre-filing order unless the litigant obtains an order from the local administrative judge permitting the filing.

If the 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.

A clerk of a court of appeals may file an appeal from a pre-filing order entered designating a person a vexatious litigant or a timely filed writ of mandamus.

If the clerk mistakenly files litigation presented, pro se, by a vexatious litigant subject to a pre-filing order without an order from the local administrative judge, any party may file with the clerk and serve on the plaintiff and the other parties to the litigation a notice stating that the plaintiff 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 a vexatious litigant subject to a pre-filing order has filed, pro se, litigation without obtaining an order from the 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 the plaintiff, not later than the 10th day after the date the notice is filed, obtains an order from the local administrative judge permitting the filing of the litigation.

An order dismissing litigation that was mistakenly filed by a clerk may not be appealed.

NOTICE TO OFFICE OF COURT ADMINISTRATION; DISSEMINATION OF LIST. A clerk of a court shall provide the Office of Court Administration of the Texas Judicial System a copy of any pre-filing order issued not later than the 30th day after the date the pre-filing order is signed.

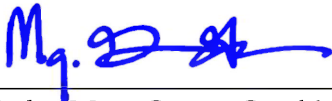
The Office of Court Administration of the Texas Judicial System shall post on the agency's Internet website a list of vexatious litigants subject to pre-filing orders. On request of a person designated a vexatious litigant, the list shall indicate whether the person designated a vexatious litigant has filed an appeal of that designation.

The Office of Court Administration of the Texas Judicial System may not remove the name of a vexatious litigant subject to a pre-filing order from the agency's Internet website unless the office receives a written order from the court that entered the pre-filing order or from an appellate court. An order of removal affects only a pre-filing order entered by the same court. A court of appeals decision reversing a pre-filing order entered affects only the validity of an order entered by the reversed court.

A person who disobeys an order under Subsection (a) is subject to contempt of court.

This Order disposes of all issues and all parties, and is appealable.

Signed this 18th day of January, 2024.



Judge Maya Guerra Gamble