

FEB 03 2015

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At 10:20 A.M.  
Velva L. Price, District Clerk

CAUSE NO. D-1-GN-14-005063

JOSEPH E. McCLAIN, III,

Plaintiff,

v.

DELL INC.; SEATON CORP. d/b/a  
STAFF MANAGEMENT,

Defendants.

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IN THE DISTRICT COURT OF

TRAVIS COUNTY, TEXAS

200TH JUDICIAL DISTRICT

**ORDER ON DELL'S MOTION FOR SANCTIONS,  
MOTION TO DISMISS, AND MOTION FOR DECLARATION  
THAT PLAINTIFF IS A VEXATIOUS LITIGANT**

Before the Court is Dell's Motion for Sanctions, Motion to Dismiss, and Declaration that Plaintiff is a Vexatious Litigant. The Court has considered the pleadings, the evidence, and the arguments of counsel, and hereby ORDERS that Dell's Motions are GRANTED.

With respect to Dell's request that Plaintiff be declared a vexatious litigant, the Court finds that 1) there is not a reasonable probability that the Plaintiff will prevail in the litigation against the defendants; and that 2) after litigation has been finally determined against the Plaintiff, the Plaintiff has repeatedly relitigated or attempted to relitigate, in propria persona, the cause of action, claim, controversy, or any of the issues of fact or law determined or concluded by the final determination against the same Defendant as to whom the litigation was finally determined. IT IS THEREFORE, ORDERED that Dell's Motion for Declaration that Plaintiff is a Vexatious Litigant is GRANTED and Plaintiff is hereby declared to be a vexatious litigant in the State of Texas pursuant to Section 11.054 of the Texas Civil Practice and Remedies Code.

IT IS FURTHER ORDERED that Plaintiff, Joseph McClain, be and hereby is prohibited from filing any new litigation against Dell (including its agents or attorneys) in a court in this

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NTC: 45449-45451

state without first obtaining the permission of local administrative judge of the court in which Plaintiff intends to file.

IT IS FURTHER ORDERED that the Clerk of Court shall, pursuant to Texas Civil Practice and Remedies Code Section 11.104, provide the Office of Court Administration a copy of this Order and that Plaintiff, Joseph McClain, shall be placed upon the state-wide list of vexatious litigants.

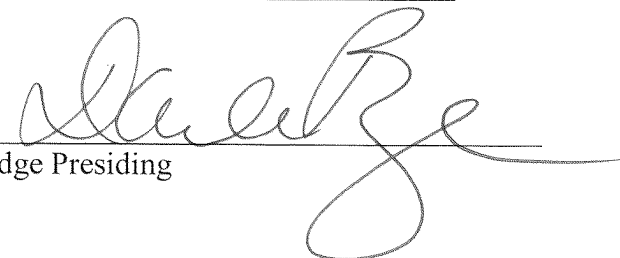
With respect to Dell's Motion to Dismiss under Rule 91a of the Texas Rules of Civil Procedure, and Chapter 10 and Chapter 13 of the Civil Practice and Remedies Code, Dell's motion is GRANTED. It is therefore ORDERED that the above-styled cause is DISMISSED with prejudice.

Further, pursuant to Rule 91a.7 of the Texas Rules of Civil Procedure and Chapter 10 of the Civil Practices and Remedies Code, Plaintiff is ORDERED to pay reasonable attorneys' fees to Dell in the amount of \$ 4000

IT IS FURTHER ORDERED pursuant to Chapter 10 of the Civil Practices and Remedies Code that Plaintiff, Joseph McClain, refrain from filing any additional claims against Dell (including its agents and attorneys), filing any new pleadings seeking further relief, and setting any hearings in any matter against Dell without first obtaining leave of Court.

All relief not affirmatively granted in this Order is denied.

SIGNED this 3 day of Feb., 2015.

  
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Judge Presiding