

CAUSE NO. 22866

CLAYTON H. MULVANEY,

Plaintiff,

VS.

JOE SAN MIGUEL, DEL RIO NEWS-
HERALD INC., JACKSON WALKER
L.L.P., and JAMES M. McCOWN,

Defendants.

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IN THE DISTRICT COURT

63RD JUDICIAL DISTRICT

VAL VERDE COUNTY, TEXAS

**ORDER GRANTING FINAL SUMMARY JUDGMENT AND SANCTIONS,
AND ORDER DETERMINING PLAINTIFF TO BE A VEXATIOUS LITIGANT**

CAME ON TO BE HEARD, on April 14, 2000, Defendants Joe San Miguel, Del Rio News-Herald, Inc., Jackson Walker L.L.P., and James M. McCown's (collectively, "Defendants") Motion for Summary Judgment in the above-styled and numbered cause. All parties appeared in person or by and through their respective counsel of record. The Court, having considered the aforesaid motion, Plaintiff's response thereto, and the arguments and authorities presented on behalf of the parties, as well as the pleadings, affidavit(s), discovery responses, exhibits and other summary judgment evidence properly before the Court, is of the opinion that Defendants are entitled to judgment as a matter of law and that their Motion for Summary Judgment should be GRANTED in its entirety.

The Court further finds that after a litigation has been finally determined against Plaintiff, Plaintiff repeatedly relitigates or attempts to relitigate, in propria persona, the validity of the determination against Defendants, and the cause of action, claim, controversy, or any of the issues of fact or law determined or concluded by the final determination against Defendants. Based on

these findings, the Court believes that Plaintiff should be adjudged to a "vexatious litigant" under Chapter 11 of the Texas Civil Practice and Remedies Code and that a "prefiling order" should be entered prohibiting Plaintiff from filing new litigation against any of the Defendants in any court of this state. TEX. CIV. PRAC. & REM. CODE § 11.101. The "prefiling order" shall be delivered by the clerk of the court to the Office of Court Administration of the Texas Judicial System for Plaintiff's name to be placed on a list of vexatious litigants subject to prefiling orders, which is annually sent to the clerks of court of the state. TEX. CIV. PRAC. & REM. CODE § 11.104(b). As a result of being adjudicated as a vexatious litigant, Plaintiff cannot file any lawsuits against any of the Defendants in any court of this state without being granted specific permission from the local administrative judge of the court in which Plaintiff intends to file a lawsuit. TEX. CIV. PRAC. & REM. CODE § 11.101(a)(2). If Plaintiff violates this prefiling order, he will be subject to contempt of court. TEX. CIV. PRAC. & REM. CODE § 11.101(b).

The Court further finds that the above-styled and numbered cause is groundless and is brought in bad faith and for purposes of harassment. TEX. R. CIV. P. 13. The Court further finds that Plaintiff's contentions in this matter are: i) interposed for an improper purpose, such as to cause delay or increase the cost of litigation; ii) not warranted by existing law or a nonfrivolous argument for an extension of that law; and, iii) not supported by any factual contention after a reasonable opportunity for discovery. TEX. CIV. PRAC. & REM. CODE §§ 9.011, 10.001. As a result, the Court finds that monetary sanctions are appropriate against Plaintiff and that judgment should be entered against Plaintiff in favor of Defendants Joe San Miguel and Del Rio News Herald, Inc. in the amount stated below.

**ORDER GRANTING FINAL SUMMARY JUDGMENT AND SANCTIONS,
AND ORDER DETERMINING PLAINTIFF TO BE A VEXATIOUS LITIGANT - Page 2**

IT IS THEREFORE, ORDERED, ADJUDGED, and DECREED that judgment is hereby entered in favor of Defendants Joe San Miguel, Del Rio News-Herald, Inc., Jackson Walker L.L.P., and James M. McCown, such that Plaintiff Clayton H. Mulvaney shall take nothing from Defendants by reason of his various causes of action asserted against them herein, and that all of said Defendants' court costs shall be taxed against the Plaintiff, for which let execution issue.

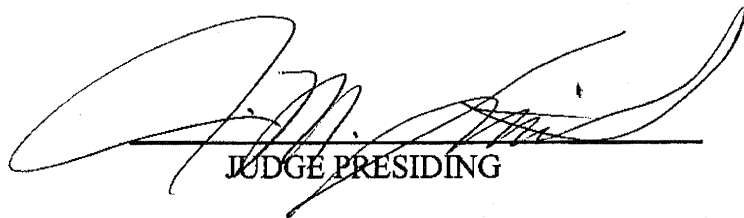
IT IS FURTHER ORDERED, ADJUDGED, and DECREED that Plaintiff is hereby adjudged to be a "vexatious litigant" under Chapter 11 of the Texas Civil Practice and Remedies Code and that his name shall be delivered by the clerk of the court to the Office of Court Administration of the Texas Judicial System for Plaintiff's name to be placed on a list of vexatious litigants subject to prefiling orders, which is annually sent among the clerks of court of the state, and that Plaintiff cannot file any lawsuits against any of the Defendants in any court of this state without being granted specific permission from the local administrative judge of the court in which he intends to file a lawsuit. Plaintiff is hereby notified that any violation of this prefiling order will subject him to contempt proceedings.

IT IS FURTHER ORDERED, ADJUDGED, and DECREED that judgment is hereby entered against Plaintiff in favor of Defendants Joe San Miguel and Del Rio News Herald, Inc. in the amount of \$ 6500⁰⁰/~~X~~ plus accrued interest until said judgment is paid in full, as sanctions under Rule 13 of the Texas Rules of Civil Procedure and Chapters 9 and 10 of the Texas Civil Practice and Remedies Code, for which let execution issue.

**ORDER GRANTING FINAL SUMMARY JUDGMENT AND SANCTIONS,
AND ORDER DETERMINING PLAINTIFF TO BE A VEXATIOUS LITIGANT - Page 3**

All relief not expressly granted herein is hereby denied.

SIGNED this 14 day of April, 2000.



JUDGE PRESIDING

1697132

FILED
 At 1:45 O'clock P M.
APR 18, 2000
 MARTHA GERMANY
 District Clerk Val Verde Co.
 Deputy

**ORDER GRANTING FINAL SUMMARY JUDGMENT AND SANCTIONS,
AND ORDER DETERMINING PLAINTIFF TO BE A VEXATIOUS LITIGANT - Page 4**