

FILED IN DISTRICT COURT
COOKE COUNTY, TEXAS

2018 AUG 31 PM 4:51

DIST CLERK-MARCI A GILBERT

NO. CV18-00140

IN THE INTEREST OF

J.S.V.

A CHILD

IN THE DISTRICT COURT

BY: Janice Brewer
DEPUTY

235 JUDICIAL DISTRICT

COOKE COUNTY, TEXAS

**ORDER OF DISMISSAL AND DETERMINING
PETITIONER A VEXATIOUS LITIGANT**

On August, 31, 2018 the Court considered the Special Appearance & Motion for an Order To Determine Petitioner a Vexatious Litigant filed by Respondent, STEPHANIE ANNE TULLER.

Appearances

Petitioner, JOHN STEVEN VANDERBOL, III, appeared in person and announced ready.

Respondent, STEPHANIE ANNE TULLER, appeared in person and through attorney of record, James L. Moss, and announced ready.

Proceedings

All matters of law and of fact were submitted to the Court, and the Court heard the evidence and considered the pleadings and argument of counsel.

Record

The record of testimony was duly reported by the court reporter for the 235th Judicial District Court.

Jurisdiction

THE COURT FINDS THAT:

- (1) The District Court of Oklahoma County, Oklahoma, has continuing, exclusive jurisdiction of this case;
- (2) The 235th District Court of Cooke County, Texas lacks subject matter Jurisdiction

in this matter, and

(3) The State of Texas lacks personal jurisdiction over Respondent, STEPHANIE ANNE TULLER.

IT IS THEREFORE ORDERED that this case is **DISMISSED WITHOUT PREJUDICE**, and all costs are taxed against JOHN STEVEN VANDERBOL, III, for which let execution issue.

Vexatious Litigant

THE COURT FINDS that after notice and hearing STEPHANIE ANNE TULLER demonstrated that there is not a reasonable probability that the JOHN STEVEN VANDERBOL, III will prevail in the litigation against the her and that:

(1) After the litigation in Cause No. CV16-00162 in the 235th District Court of Cooke County Texas and in Cause No. FD-11-1418 in thhe District Court of Oklahoma County, Oklahoma were finally determined against JOHN STEVEN VANDERBOL, III, he repeatedly relitigated or attempted to relitigate, pro se both:

(A) the validity of the determination against STEPHANIE ANNE TULLER as to whom the litigation was finally determined; and

(B) the cause of action, claim, controversy, or any of the issues of fact or law determined or concluded by the final determination against STEPHANIE ANNE TULLER as to whom the litigation was finally determined.

THE COURT FURTHER FINDS that JOHN STEVEN VANDERBOL, III has previously been declared to be a vexatious litigant by the Oklahoma District Court of Oklahoma County in Cause No. FD-2011-1418 and that Cause No. FD-2011-1418 was a proceeding based on the same or substantially similar facts, transition, or occurrence at issue in this matter.

IT IS ORDERED THAT JOHN STEVEN VANDERBOL, III is prohibited from filing, pro se, any new litigation in any Texas court without seeking the permission of:

- (1) The local administrative judge of the type of court in which the he intends to file; or
- (2) The local administrative district judge of the county in which the he intends to file if the he intends to file in a justice or constitutional county court.

Attorney's Fees

IT IS ORDERED that judgment is awarded to STEPHANIE ANNE TULLER and against JOHN STEVEN VANDERBOL, III, in the amount of \$4,500.00 for reasonable attorney's fees, with interest at 6% percent per year compounded annually from the date the judgment is signed until paid, for which let execution issue.

Payment

IT IS ORDERED and JOHN STEVEN VANDERBOL, III, shall pay \$4,500.00 in attorney's fees by September 30, 2018. Such payment is to be made payable to **ROBERTSON & MOSS ATTORNEYS, LLP** and delivered to 104 West Main Street, Gainesville, Texas 76240.

Attorney's Fees for Appeal

In the event that JOHN STEVEN VANDERBOL, III unsuccessfully appeals this judgment to the Court of Appeals, STEPHANIE ANNE TULLER is awarded an additional judgment in the amount of \$5,000.00 for reasonable and necessary attorney's fees.

In the event that JOHN STEVEN VANDERBOL, III unsuccessfully files a petition for review to the Texas Supreme Court, STEPHANIE ANNE TULLER is awarded an additional judgment against JOHN STEVEN VANDERBOL, III in the amount of \$2,500.00 for reasonable and necessary attorney's fees.

Relief Not Granted

All relief requested and not expressly granted is denied.

SIGNED on August 31, 2018

Vicki Isaacs

VICKI ISAACS JUDGE PRESIDING
235TH DISTRICT COURT
COOKE COUNTY, TEXAS