

NO. 2020-39917

NASSER CHEHAB	§	IN THE DISTRICT COURT OF
	§	
V.	§	HARRIS COUNTY, TEXAS
	§	189th
BBVA USA	§	<del>190<sup>TH</sup></del> JUDICIAL DISTRICT

**ORDER GRANTING DEFENDANT’S MOTION FOR SANCTIONS FOR PLAINTIFF FILING YET ANOTHER FRIVOLOUS LAWSUIT AND/OR MOTION TO DECLARE PLAINTIFF A VEXATIOUS LITIGANT AND MOTION FOR SECURITY**

Nasser Chehab (“**Chehab**”) filed this suit-against Defendant, BBVA USA (“**Defendant**” or “**BBVA**”) alleging various claims.

After reviewing the record, the pleadings, the evidence presented, and the applicable authority, this Court grants Defendant’s Motion for Sanctions for Plaintiff Filing Yet Another Frivolous Lawsuit and/or Motion to Declare Plaintiff a Vexatious Litigant and Motion for Security (the “**Motion**”). The Court notes Chapter 11 of the Texas Civil Practice and Remedies Code governs suits brought by vexatious litigants and specifies that a court may, on defendant's motion or *sua sponte*, designate a party as a vexatious litigant. *See* TEX. CIV. PRAC. & REM. CODE § 11.101. A court may declare a party to be a vexatious litigant if there is not a reasonable probability that he will prevail in litigation and the party has a history of filing or repeatedly re-litigating unsuccessful or frivolous suits. *See* TEX. CIV. PRAC. & REM. CODE § 11.054. Specifically, during the five year period immediately preceding the date the defendant files its motion to declare the plaintiff a vexatious litigant, the plaintiff has "commenced, prosecuted, or maintained at least five litigations as a pro se litigant" that have been "finally determined adversely to the plaintiff" or have been “determined by a trial or appellate court to be frivolous or groundless under state or federal law or rules of procedure." *See Id.* It is also true that a court may find a plaintiff to be a

vexatious litigant if the party has previously been declared to be a vexatious litigant by state or federal in an action or proceeding based on the same or substantially similar facts, transaction, or occurrence. However, such a factor is not necessary criteria for a court to make such a determination. *See Id.* In this case, the Court notes that other Harris County District Courts have ruled as follows:

- (1) Cause No. 2015-69763; *Nasser Chehab v. Mac Haik Chevrolet, Ltd. and BBVA Compass Bancshares, Inc.*; in the 189th Judicial District Court of Harris County, Texas. Summary judgment granted in favor of Mac Haik Chevrolet, Ltd. on December 15, 2017.
- (2) Cause No. 2015-69763-A; *Nasser Chehab v. BBVA Compass Bancshares, Inc.*; in the 189th Judicial District Court of Harris County, Texas. Summary judgment granted in favor of BBVA USA on July 12, 2015.
- (3) Cause No. 2017-80462; *Nasser Chehab v. First Service Credit Union*; in the 157th Judicial District Court of Harris County, Texas. Summary judgment granted in favor of First Service Credit Union on October 12, 2018.
- (4) Cause No. 2017-82832; *Nasser Chehab v. Reinalt-Thomas Corporation d/b/a Discount Tire, et al.*; in the 129<sup>th</sup> Judicial District, Harris County, Texas. Summary judgment granted in favor of Reinalt-Thomas Corporation d/b/a Discount Tire on March 20, 2019.
- (5) Cause No. 2019-52770; *Nasser Chehab v. Edgewood Development, Ltd.*; in the 189th Judicial District Court of Harris County, Texas. Summary judgment granted in favor of Edgewood Development, Ltd. on December 16, 2019.
- (6) Cause No. 2019-78993; *Nasser Chehab v. Edgewood Development, Ltd.*; in the 164th Judicial District Court of Harris County, Texas. Summary judgment granted in favor of Edgewood Development, Ltd. on April 2, 2020.
- (7) Cause No. 2019-81640; *Nasser Chehab v. BBVA Bank*; in the 151st Judicial District Court of Harris County, Texas. Amended final summary judgment granted in favor of BBVA on June 20, 2020.
- (8) Cause No. 2020-10742; *Nasser Chehab v. Mac Haik Chevrolet, Ltd.*; in the 189th Judicial District Court of Harris County, Texas. Judgment in favor of Mac Haik Chevrolet, Ltd. granted on May 11, 2020.

- (9) Cause No. 2020-10745; *Nasser Chehab v. BBVA Defendants*; in the 189th Judicial District Court of Harris County, Texas. Summary judgment in favor of BBVA granted on June 1, 2020.
- (10) Cause No. 2020-17699; *Nasser Chehab v. William Pat Huttenbach and Hirsch & Westheimer, P.C.*; in the 189th Judicial District Court of Harris County, Texas. Judgment in favor of William P. Huttenbach and Hirsch & Westheimer, P.C. granted on June 29, 2020.

It is evident from the record and the pleadings that during the five year period immediately preceding the date the Defendant filed its Motion to declare the Plaintiff a vexatious litigant, Chehab “commenced, prosecuted, or maintained at least five litigations as a pro se litigant” that have been “finally determined adversely to the plaintiff” or have been determined “by a trial or appellate court to be frivolous or groundless under state or federal law or rules of procedure.” TEX. CIV. PRAC. & REM. CODE § 11.054. Despite Mr. Chehab's arguments to the contrary, the cases noted above were prosecuted or maintained in courts other than small claims court and may be considered when determining whether a pro se plaintiff meets the criteria for a being declared a vexatious litigant. It is irrelevant that the cases were originally filed in a justice court or a small claims court. *See Id.*

The Court also finds that there is reasonable probability that BBVA will prevail for all the reasons stated in Defendant’s Tex. R. Civ. P. 91a Motion to Dismiss and/or Motion for Summary Judgment, and Plaintiff is ordered to provide security and Plaintiff is ORDERED to post a cost bond or pay into the registry of the court the amount of \$65,000.00 as security for costs within seven (7) days from the date of this Order.

The Court also finds:

- (1) There is not a reasonable probability that Mr. Chehab will prevail in the current litigation.
- (2) Chehab has a history of filing or repeatedly re-litigating unsuccessful or frivolous suits.

- (3) During the past five-year period Chehab has "commenced, prosecuted, or maintained at least five litigations as a pro se litigant" that have been "finally determined adversely to plaintiff [Chehab]."
- (4) Chehab meets the criteria for finding a plaintiff a vexatious litigant.


Accordingly, the Court GRANTS Defendant's Motion to declare Nasser Chehab a vexatious litigant.

The Court ORDERS that Nasser Chehab is prohibited from filing new litigation in a state court without first obtaining permission from the appropriate local administrative judge. *See* TEX. CIV. PRAC. & REM. CODE §11.101. Such permission shall be granted only if the litigation appears to have merit and is not filed for purposes of harassment or delay; such permission may also be conditioned on the furnishing of a security.

The Court also admonishes Nasser Chehab that if he fails to obey this order, he may be found in contempt and subject to punishment.

The Court ORDERS the Harris County District Clerk to refuse the filing of any new litigation by Nasser Chehab unless he first obtains written permission from the appropriate local administrative judge.

The Court further ORDERS the Harris County District Clerk to forward a copy of this Order to the Office of Court Administration. *See* TEX. CIV. PRAC. & REM. CODE §11.104(a).

SIGNED October 7, 2020.  
Signed:   
10/7/2020  
10:43 AM  
\_\_\_\_\_  
HONORABLE JUDGE PRESIDING



I, Marilyn Burgess, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.

Witness my official hand and seal of office this September 21, 2023

Certified Document Number: 92519499 Total Pages: 5

Marilyn Burgess, DISTRICT CLERK  
HARRIS COUNTY, TEXAS

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