

NOV - 4 2015

At 4:30 M.
Velva L. Price, District Clerk

CAUSE NO. D-1-GN-15-002626

CAROLYN BARNES, *et al.*,
Plaintiffs

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IN THE DISTRICT COURT

vs.

OF TRAVIS COUNTY, TEXAS

AUSTIN AMERICAN STATESMAN, *et al.*,
Defendants

353RD JUDICIAL DISTRICT

**ORDER GRANTING DEFENDANTS' MOTION TO DECLARE
CAROLYN BARNES AS A VEXATIOUS LITIGANT AND PREFILING ORDER**

On the 2nd day of November, 2015 came on to be heard and considered Defendants Cox Texas Newspapers, LP (doing business as *Austin American-Statesman* and *Austin Legal Blog*), Zach Ryall, and LIN Television of Texas, LP (doing business as *KXAN-TV*) (collectively, the "Media Defendants"), Motion to Declare Carolyn Barnes as a Vexatious Litigant.

The parties appeared through their attorneys of record. After careful consideration of the Motion and evidence, considering the pleadings, supporting and opposing affidavits, and the arguments of counsel, the Court finds that the Motion is well taken and should be, and hereby is, in all respect GRANTED.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the Court finds that there is no reasonable probability that Plaintiff will prevail in the litigation against the Media Defendants and that the criteria in Texas Civil Practices and Remedies Code §11.054 for declaring a plaintiff a vexatious litigant are met.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Court finds Carolyn Barnes to be a vexatious litigant as defined by Tex. Civ. Prac. & Rem. Code § 11.054.

IT IS FURTHER, ORDERED ADJUDGED AND DECREED that Plaintiff shall be required to post reasonable security in the amount of \$ 5,000.00, for the purposes of assuring

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CLERK OF COURT ADMINISTRATION




payment to the Media Defendants their reasonable attorney's fees, court costs and expenses in accordance with Tex. Civ. Prac. & Rem. Code § 11.055. To the extent it has not already done so, the court shall dismiss this litigation if plaintiff fails to furnish the security within thirty (30) days of this order. Pursuant to § 11.052, the litigation is stayed and the Media Defendants are not required to file any pleadings until 10 days after the Media Defendants receive written notice that Plaintiff Barnes has furnished the required security.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that pursuant to Texas Civil Practices and Remedies Code § 11.101(a), Plaintiff Barnes is prohibited from filing a new litigation, as defined in Texas Civil Practices and Remedies Code § 11.001(2), without permission of the appropriate local administrative judge who, as required by Texas Civil Practices and Remedies Code § 11.102, may only grant permission to file a litigation if it appears that the litigation 1) has merit and 2) has not been filed for the purposes of harassment or delay.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that pursuant to Texas Civil Practices and Remedies Code §11.103, a clerk of court may not file a litigation, original proceeding, appeal or other claim presented, pro se, by Carolyn Barnes unless Barnes first obtains an order from the appropriate local administrative judge described by Section 11.102(a) permitting the filing.

SIGNED on the 4th day of November, 2015.



Judge Presiding
TIM SULAK