

FILED
at 9:40 o'clock a M

CAUSE NO. 15-0819-C277

JAN 22 2016

IN THE DISTRICT COURT OF
Lisa Barut
District Clerk, Williamson Co., TX.

KEVIN BIERWIRTH,

Plaintiff,

v.

RIO RANCHO PROPERTIES, LLC,

Defendant.

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WILLIAMSON COUNTY, TEXAS

27th JUDICIAL DISTRICT

ORDER GRANTING DEFENDANT'S MOTION TO DECLARE KEVIN BIERWIRTH A VEXATIOUS LITIGANT AND ORDER FOR PLAINTIFF TO FURNISH SECURITY

On the 20 of January, 2016, came on to be heard Defendant's Motion to Declare Kevin Bierwirth a Vexatious Litigant and Order for Plaintiff to Furnish Security in the above styled and numbered cause. Having heard and considered the Motion and the parties' briefing and arguments, the Court finds that the Motion should be and is GRANTED.

The Court finds that there is not a reasonable probability that Plaintiff will prevail in this litigation. The Court further finds, pursuant to Section 11.054 of the Texas Civil Practices and Remedies Code, that Kevin Bierwirth, in the seven-years period immediately preceding the date of Defendant's Motion, has commenced, prosecuted, or maintained at least five litigations as a pro se litigant other than in a small claims court that have been finally determined adversely to the plaintiff or permitted to remain pending at least two years without having been brought to trial or hearing.

IT IS THEREFORE ORDERED that Kevin Bierwirth is hereby declared a vexatious litigant in the State of Texas, pursuant to Section 11.054 of the Texas Civil Practices & Remedies Code.

IT IS FURTHER ORDERED that Plaintiff furnish security, for the benefit of the moving Defendant, in the amount of \$7,500.00 by MARCH 20, 2016 to proceed in this case. The Court finds that the security is an undertaking by the Plaintiff to assure payment to the moving Defendant of the moving Defendant's reasonable expenses incurred in or in connection with a litigation commenced, caused to be commenced, maintained, or caused to be maintained by Plaintiff, including costs and attorney's fees. Failure to timely furnish security will result in dismissal of this suit.

IT IS FURTHER ORDERED, pursuant to Section 11.101 of the Civil Practices and Remedies Code, that Plaintiff be prohibited from filing new litigation in any court in this State without permission from a local administrative judge. The Clerk of the Court shall forward a copy of this order to the Office of Court Administration pursuant to Section 11.104 of the Texas Civil Practices and Remedies Code.

Signed this 20 day of Jan., 2015



Presiding District Judge
Williamson County, Texas