

IN THE COUNTY COURT AT LAW NUMBER THREE
OF EL PASO COUNTY, TEXAS

ALEJANDRO HERNANDEZ

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Plaintiff,

v.

CAUSE NO. 2018-CCV01804

ALBERTO ENRIQUE HERNANDEZ
AND REYNALDO AARON MORALES

Defendants.

ORDER DECLARING PLAINTIFF ALEJANDRO HERNANDEZ
A VEXATIOUS LITIGANT

ON THIS DAY, the Court considered Defendants Alberto Enrique Hernandez and Reynaldo Morales' (collectively, "Defendants") Motion to Declare Plaintiff Alejandro Hernandez a Vexatious Litigant and Request for Security and Motion for Prefiling Order. Defendants appeared by and through their attorney of record. Plaintiff ALEJANDRO HERNANDEZ was given proper notice of the hearing and appeared pro se.

After considering Defendants' motion, all pleadings and papers on file with the Court, the evidence submitted by the parties, the arguments of the parties, and the applicable law, the Court is of the opinion that the motion is well-taken and should be GRANTED.

The Court finds that Defendants' Motion was timely filed under section 11.051 of the Civil Practice and Remedies Code.

The Court further finds that there is no reasonable probability that Plaintiff ALEJANDRO HERNANDEZ would have prevailed in the instant litigation against Defendants; and that after litigation has been finally determined against Plaintiff ALEJANDRO HERNANDEZ, that Plaintiff ALEJANDRO HERNANDEZ has repeatedly relitigated or attempted to relitigate, in propria persona, the cause of action, claim, controversy, and issues of

fact or law determined or concluded by the final determination against the same party or defendant as to whom the litigation was finally determined, in violation of section 11.054(2)(B) of the Texas Civil Practice and Remedies Code.

The Court further finds that Plaintiff ALEJANDRO HERNANDEZ meets the criteria for being determined a vexatious litigant under section 11.054(2) of the Texas Civil Practice and Remedies Code. The discussion, analysis, comments and ruling of the Court during the hearing on Defendants' Vexatious Litigant Motion are also incorporated in this order as if set forth fully herein.

IT IS THEREFORE ORDER, ADJUDGED, AND DECREED that this Court declares Plaintiff ALEJANDRO HERNANDEZ a vexatious litigant.

IT IS FURTHER ORDERED that Plaintiff ALEJANDRO HERNANDEZ must furnish security in the amount of \$ 10,000 for the benefit of Defendants, which sum is reasonably necessary to assure payment to Defendants of Defendants' reasonable expenses incurred in or in connection with the litigation commenced, cause to be commenced, or maintained by Plaintiff ALEJANDRO HERNANDEZ.

IT IS FURTHER ORDERED that reasonable security shall consist of cash to be paid in the registry of the Court for the benefit of Defendants, or a bond in favor of Defendants filed with the Clerk of the Court undertaken by persons who demonstrate ownership of liquid and unencumbered assets that are non-exempt under federal or state law of at least twice the amount of the security ordered to be furnished by the Court, payable for the benefit of Defendants, subject only to Plaintiff ALEJANDRO HERNANDEZ prevailing in a final determination of his claims as set forth in his pleadings on file with the Court.

IT IS FURTHER ORDERED that before any bond provided by Plaintiff ALEJANDRO HERNANDEZ shall be accepted, an application for the approval of said bond shall be filed with notice to Defendants, and at hearing upon such application, the Court shall determine the adequacy of the undertaking.

IT IS FURTHER ORDERED that the given litigation is stayed until such time when and if Plaintiff ALEJANDRO HERNANDEZ satisfies the requirements for a bond in accordance with this Order and Chapter 11 of the Texas Civil Practice and Remedies Code.

IT IS FURTHER ORDERED that if Plaintiff ALEJANDRO HERNANDEZ fails to post adequate security with the Court within 30 days of the signing of this order, this suit will be dismissed in its entirety pursuant to section 11.056 of the Texas Civil Practice and Remedies Code.

IT IS FURTHER ORDERED that if Plaintiff ALEJANDRO HERNANDEZ timely provides the security herein required and the litigation is later decided on the merits against Plaintiff ALEJANDRO HERNANDEZ, Defendants shall have recourse to the security furnished under this Order.


IT IS FURTHER ORDERED that Plaintiff ALEJANDRO HERNANDEZ hereby is prohibited from filing in propria persona any new litigation in a court in this State unless permission has been granted by the local administration judge of the type of court in which he intends to file a lawsuit, as expressly authorized by sections 11.101 and 11.102 of the Texas Civil Practice and Remedies Code.

IT IS FURTHER ORDERED that in the event Plaintiff ALEJANDRO HERNANDEZ shall disobey this Order in an attempt to file any action in a court in this State, without first obtaining permission of the local Administrative Judge of the Court in which he intends to file

the litigation, Plaintiff ALEJANDRO HERNANDEZ shall be subject to contempt of Court.

IT IS FURTHER ORDERED that the clerk of the Court shall notify the Office of Court Administration of the Texas Judicial System that Plaintiff ALEJANDRO HERNANDEZ has been determined to be a vexatious litigant, so that he will be placed on a list of vexatious litigants subject to prefiling orders, and that in fact a prefiling order has been issued against Plaintiff ALEJANDRO HERNANDEZ as authorized by section 11.104 of the Texas Civil Practice and Remedies Code.

SIGNED this 17th day of April, 2019.

A handwritten signature in blue ink, appearing to read "J. M. ...", is written over a horizontal line.

JUDGE PRESIDING