

**CAUSE NO. 470-54180-2012**

**IN THE INTEREST OF**

**P.K.**

**A CHILD**

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**IN THE DISTRICT COURT**

**470<sup>TH</sup> JUDICIAL DISTRICT**

**COLLIN COUNTY, TEXAS**

**ORDER DECLARING IVANA KRATOCHVIL A VEXATIOUS LITIGANT**

On 12/20/2018, the court heard the *Sua Sponte Motion to Determine Vexatious Litigant* filed by the court on 11/26/2018.

**Appearances**

Father, David Kratochvil, appeared with counsel Jonathan Frederick.

Amicus attorney Rachel Li appeared.

Mother, Ivana Kratochvil, failed to appear, although duly notified.

**Record**

The record of testimony was duly reported by the court reporter for the 470<sup>th</sup> District Court.

**Findings**

The court, after notice to all parties, conducted a hearing to determine whether to grant the motion. The court considered evidence material to the grounds of the motion, including the motion and exhibit thereto, the pleadings on file in this case, the pleadings on file in other Collin County cases filed by Ivana Kratochvil against David Kratochvil considered by judicial notice and by exhibit, the arguments of the parties, and the evidence presented at the evidentiary hearing.

The court finds that the material allegations in the *Sua Sponte Motion to Determine Vexatious Litigant* are true. IT IS ORDERED that the motion is GRANTED.

The court finds that there is not a reasonable probability that Ivana Kratochvil will prevail in litigation against David Kratochvil.

Ivana Kratochvil, in the seven-year period immediately preceding the filing of the 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 her.

Ivana Kratochvil, in the seven-year period immediately preceding the filing of the 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 permitted to remain pending at least two years without having been brought to trial or hearing.

After a litigation has been finally determined against Ivana Kratochvil, she repeatedly relitigates or attempts to relitigate, pro se, the validity of the determination against the same defendant, David Kratochvil, as to whom the litigation was finally determined.

After a litigation has been finally determined against Ivana Kratochvil, she repeatedly relitigates or attempts to relitigate, pro se, the cause of action, claim, controversy, and the issues of fact or law determined or concluded by the final determination against the same defendant, David Kratochvil, as to whom the litigation was finally determined.

The court, after hearing the evidence on the motion, declares Ivana Kratochvil a vexatious litigant.

### **Security**

Ivana Kratochvil is ORDERED to furnish security for the benefit of David Kratochvil in the amount of \$308.69 to be deposited in the registry of the court on or before February 20, 2019.

The court finds that Ivana Kratochvil has the ability to pay this security.

This security is an undertaking by Ivana Kratochvil to assure payment to David Kratochvil of his reasonable expenses incurred in or in connection with a litigation commenced, caused to be commenced, maintained, or caused to be maintained by Ivana Kratochvil, including costs and attorney's fees.

A court shall dismiss a litigation as to David Kratochvil if Ivana Kratochvil does not furnish the security within the time set by this order.

If a litigation is dismissed on its merits, David Kratochvil has recourse to the security furnished by Ivana Kratochvil as plaintiff in the amount of \$308.69.

### **Prefiling Order**

IT IS ORDERED that Ivana Kratochvil is prohibited from filing, pro se, a new litigation in any court in Texas without written permission of the appropriate local administrative judge described by Tex. Civ. Prac. & Rem. Code §11.102(a).

If Ivana Kratochvil files a request seeking permission to file a litigation, she shall provide a copy of the request to all defendants named in the proposed litigation.

The appropriate local administrative judge may make a determination on Ivana Kratochvil's request **with or without a hearing**, at the discretion of the local administrative judge. If the judge determines that a hearing is necessary, the judge may require Ivana Kratochvil to provide notice of the hearing to all defendants named in the proposed litigation.

The appropriate local administrative judge may grant permission to Ivana Kratochvil to file a litigation **only if** it appears to the judge that the litigation (1) has merit **and** (2) has not been filed for the purposes of harassment or delay.

The appropriate local administrative judge may condition permission on the furnishing of security for the benefit of the defendant.

**Duties of Clerk**

IT IS ORDERED that Ivana Kratochvil is prohibited from requesting the district clerk to issue citation, issue notice, serve process, or incur any court costs without written permission by the appropriate local administrative judge.

Specifically, IT IS ORDERED that Ivana Kratochvil must obtain written permission from the appropriate local administrative judge **each time** she seeks to request service by a constable or sheriff.

Except as provided by Tex. Civ. Prac. & Rem. Code § 11.103(d), a clerk of a court may not file a litigation, original proceeding, appeal, or other claim presented, pro se, by Ivana Kratochvil unless she obtains an order from the appropriate local administrative judge permitting the filing.

If the appropriate local administrative judge issues an order permitting the filing of the litigation, the litigation remains stayed and the defendant need not plead until the 10th day after the date the defendant is served with a copy of the order.

If the clerk mistakenly files litigation presented, pro se, by Ivana Kratochvil without an order from the appropriate local administrative judge, any party may file with the clerk and serve on Ivana Kratochvil and the other parties to the litigation a notice stating that Ivana Kratochvil is a vexatious litigant required to obtain permission to file litigation.

Not later than the next business day after the date the clerk receives notice that Ivana Kratochvil has filed, pro se, litigation without obtaining an order from the appropriate local administrative judge, the clerk shall notify the court that the litigation was mistakenly filed. On receiving notice from the clerk, the court shall immediately stay the litigation and shall dismiss the litigation unless Ivana Kratochvil, not later than the 10th day after the date the notice is filed, obtains an order from the appropriate local administrative judge permitting the filing of the litigation.

**Reporting to the Office of Court Administration**

The clerk of this court shall provide the Office of Court Administration of the Texas Judicial System a copy of this pre-filing order not later than the 30th day after the date this pre-filing order is signed.

**Contempt**

Ivanka Kratochvil's failure to obey this order may be punished by contempt of court and any other lawful means of enforcement.

SIGNED on 12/20/2018.



JUDGE PRESIDING