



CAUSE NO. 2019-CI-16263

DAVID RODRIGUEZ

Plaintiff

vs.

H-E-BUTT, Jointly and Severally,
WILLIAM TATE, Jointly and Severally
and as employee of H-E-B, LP;
STEPHEN MARINEZ, Jointly and
Severally and as employee of H-E-B,
LP; MEREDITH REID, and as
employee of H-E-B, LP, Jointly and
Severally; DEBRA ANN GODOY, and
as employee of H-E-B, LP, Jointly and
Severally; MARK GILTNER, joint and
Severally

Defendants

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IN THE DISTRICT COURT

131st JUDICIAL DISTRICT

BEXAR COUNTY, TEXAS

**ORDER ON DEFENDANTS' MOTION FOR ORDER DETERMINING DAVID
RODRIGUEZ A VEXATIOUS LITIGANT, REQUESTING SECURITY, AND
REQUIRING PERMISSION BEFORE FILING**

On this day came to be considered Defendants H-E-B, LP. (hereinafter "HEB"), WILLIAM TATE, STEPHEN MARTINEZ, MEREDITH REID, DEBRA ANN GODOY, and MARK A. GILTNER (hereinafter "Attorney Giltner") (hereinafter collectively referred to as "Defendants"), Motion for an Order Determining DAVID RODRIGUEZ as a vexatious litigant pursuant to Texas Civil Practice and Remedies Code §11.051 - .054, requesting security, and requiring DAVID RODRIGUEZ to secure permission before filing any new litigation in this case, other pending cases, or before filing new lawsuits in state or federal courts of Texas. DAVID RODRIGUEZ appeared pro se. Defendants appeared through their counsel of record. The Court, having considered the Motion, response, evidence, and after a hearing, makes the following findings:



11-20-19 10:08 AM

FINDINGS

The Court finds that David Rodriguez's claims, individually and on behalf of any other individuals, are improper, frivolous, and meritless. The Court finds that there is not a reasonable probability that the plaintiff will prevail in the litigation against the Defendants.

The Court finds that David Rodriguez has an extensive history of frivolous filings. Specifically, David Rodriguez in the seven-year period immediately preceding the date of Defendants' Motion under Section 11.051, 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; permitted to remain pending at least two years without having been brought to trial or hearing; or determined by a trial or appellate court to be frivolous or groundless under state or federal laws or rules of procedure. Further, the Court finds that David Rodriguez has also continuously attempted to re-litigate decided matters. Accordingly, the Court finds that just reason exists to prevent additional frivolous filings.

The Court finds that David Rodriguez meets the definition of a vexatious litigant under the Texas Civil Practice & Remedies Code. The Court finds that David Rodriguez is a vexatious litigant.

The Court finds that David Rodriguez should be required to furnish security to assure payment to the Defendants of their reasonable expenses incurred in or in connection with litigation commenced and maintained by the Plaintiff, David Rodriguez, including costs and attorney's fees.



The Court finds that David Rodriguez must be subject to a prefiling order prohibiting the vexatious litigant, David Rodriguez, from filing any new litigation in any court in the state of Texas without the permission of the appropriate local administrative judge pursuant to TEX. CIV. PRAC. & REM. CODE § 11.101(a) - (e).

CONCLUSIONS & ORDERS

IT IS THEREFORE the opinion of this Court that the motion should be GRANTED. **IT IS THEREFORE THE FOLLOWING IS ORDERED:**

1. DAVID RODRIGUEZ is determined to be a vexatious litigant. IT IS FURTHER ORDERED that DAVID RODRIGUEZ shall post security in the sum of \$ 10,000.00 on or before Nov. 19, 2019, and that failure of DAVID RODRIGUEZ to furnish such security in the required amount by the specified date shall dismiss this litigation with prejudice. (cm)
2. IT IS FURTHER ORDERED that a Statement of Inability to Afford Court Costs, a Pauper's Oath or any other similar document shall not serve in lieu of the security and bond ordered herein.
3. IT IS FURTHER ORDERED that DAVID RODRIGUEZ is subject to a prefiling order. David Rodriguez, individually or on behalf of anyone else, shall not file litigation in any Texas or Federal Court without first obtaining permission from the appropriate local administrative judge.
4. IT IS FURTHER ORDERED that DAVID RODRIGUEZ, as a pro se plaintiff unlicensed to practice law, shall not represent or defend the rights of other pro se plaintiffs.
5. IT IS FURTHER ORDERED that DAVID RODRIGUEZ, being subject to a prefiling order, shall be added to the "LIST OF VEXATIOUS LITIGANTS SUBJECT TO A PREFILING ORDER" available at:

<https://www.txcourts.gov/judicial-data/vexatious-litigants/>.
6. IT IS FURTHER ORDERED that if DAVID RODRIGUEZ is found to have violated this Order, he will be in contempt of Court and subject to severe sanctions and/or punishment as authorized by law per TEX. CIV. PRAC. & REM. CODE § 11.101(b). *See also* TEX. GOV'T CODE § 21.002.

Signed this 5th day of November, 2019

Cynthia M. [Signature]
Judge Presiding

(cm)

11-19-2019 10:00 AM

See previous page (cm)

SIGNED this _____ day of _____, 2019.

JUDGE PRESIDING
HONORABLE CYNTHIA MARIE CHAPA

APPROVED AS TO FORM:

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11-09-2019 10:00 AM

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PRO SE DEFENDANT

(cme)

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