

Cause No. 416-00049-2020

RYAN GALLAGHER § **IN DISTRICT COURT**
v. § **416TH JUDICIAL DISTRICT**
CITY OF AUSTIN, et. al. § **COLLIN COUNTY, TEXAS**

**ORDER DECLARING RYAN GALLAGHER A VEXATIOUS LITIGANT
AND ISSUING A PREFILING ORDER AGAINST RYAN GALLAGHER**

ON THIS day a hearing was conducted to determine whether Ryan Gallagher is a Vexatious Litigant, and if so, should he be made the subject to a Prefiling Order. The Court, after examining (1) COLLIN COUNTY’S MOTION FOR ORDER DETERMINING RYAN GALLAGHER A VEXATIOUS LITIGANT, (2) the APPENDIX TO COLLIN COUNTY’S MOTION FOR ORDER DETERMINING RYAN GALLAGHER A VEXATIOUS LITIGANT, (3) Gallagher’s “OBJECTION TO VEXATIOUS LITIGANT MOTION BY THE COUNTY MEMORANDUM OF LAW, WRITTEN IN 2015 COLLIN COUNTY CRIMINAL CASE #0058312010”, (4) Gallagher’s “SUPPLEMENT TO OBJECTION TO VEXATIOUS LITIGANT MOTION BY COUNTY”, (5) COLLIN COUNTY’S REPLY TO RESPONSES TO MOTION FOR ORDER DETERMINING RYAN GALLAGHER A VEXATIOUS LITIGANT, and (6) Gallagher’s SUPPLEMENT TO BRIEF, together with authorities, and considering the evidence and testimony, is of the opinion and finds that Ryan Gallagher is a Vexatious Litigant and that a Prefiling Order should be issued against him.

The Court hereby finds the following in support of its ORDER DECLARING RYAN GALLAGHER A VEXATIOUS LITIGANT AND ISSUING A PREFILING ORDER AGAINST RYAN GALLAGHER:

- (1) This case is a “litigation” and Ryan Gallagher is a “plaintiff” for purposes of the Vexatious Litigant Statute, TEXAS CIVIL PRACTICE & REMEDIES CODE Chapter 11, et. seq. Plaintiff is also known as “El Sasha” and/or aka “Rev. Ryan Gallagher” and/or aka “Rev. Ryan Sasha-Shai Van Kush”;

- (2) Plaintiff was timely and properly notified of the hearing on COLLIN COUNTY'S MOTION FOR ORDER DETERMINING RYAN GALLAGHER A VEXATIOUS LITIGANT and he personally appeared at such hearing;
- (3) On January 23, 2020, the Court conducted a hearing, in accordance with TEX. CIV. PRAC. & REM. CODE §11.053, to determine whether Plaintiff Ryan Gallagher meets the criteria to be found a vexatious litigant under TEX. CIV. PRAC. & REM. CODE §11.101(a), and if so, whether a Prefiling Order should be issued against him. The Court took judicial notice of and entered into evidence the documents attached as Exhibits No. 1-44 to the APPENDIX TO COLLIN COUNTY'S MOTION FOR ORDER DETERMINING RYAN GALLAGHER A VEXATIOUS LITIGANT. The Court also took judicial notice of all cases filed by and/or against Ryan Gallagher in Collin County as contained on Collin County's judicial record management system ODYSSEY.
- (6) The Court also considered argument of Collin County and Ryan Gallagher as set forth in their respective briefing, which included: (a) COLLIN COUNTY'S MOTION FOR ORDER DETERMINING RYAN GALLAGHER A VEXATIOUS LITIGANT, (b) the APPENDIX TO COLLIN COUNTY'S MOTION FOR ORDER DETERMINING RYAN GALLAGHER A VEXATIOUS LITIGANT, (c) Gallagher's "OBJECTION TO VEXATIOUS LITIGANT MOTION BY THE COUNTY MEMORANDUM OF LAW, WRITTEN IN 2015 COLLIN COUNTY CRIMINAL CASE #0058312010", (d) Gallagher's "SUPPLEMENT TO OBJECTION TO VEXATIOUS LITIGANT MOTION BY COUNTY", (e) COLLIN COUNTY'S REPLY TO RESPONSES TO MOTION FOR ORDER DETERMINING RYAN GALLAGHER A VEXATIOUS LITIGANT, and (f) Gallagher's SUPPLEMENT TO BRIEF. The Court also considered the sworn testimony of Ryan Gallagher.
- (7) The Court finds there is not a reasonable probability that Plaintiff Ryan Gallagher will prevail in the instant litigation. Plaintiff's claims against the City of Austin have already been dismissed.¹ Plaintiff's claims against Collin County are barred by variety of reasons, including but not limited to limitations, res judicata, and immunities. Similarly, Plaintiff's claims against the State of Texas and Texas Attorney General are barred by immunities.
- (8) COLLIN COUNTY'S MOTION FOR ORDER DETERMINING RYAN GALLAGHER A VEXATIOUS LITIGANT was filed on January 8, 2020, and thus, the operative Seven (7) year time period for any pro se litigations "commenced, prosecuted,

¹See, ORDER GRANTING CITY OF AUSTIN'S MOTION TO DISMISS entered December 6, 2019

or maintained” by Ryan Gallagher is found to be a time period beginning on January 8, 2013. Litigation filed before then yet still prosecuted or maintained [i.e., on appeal] afterwards counts for the Court’s quantifying the number of pro se litigations during the operative time period;

- (9) The Court finds that Ryan Gallagher has commenced, prosecuted or maintained Thirty Four (34) pro se litigations in the relevant time period of January 8, 2013, to January 8, 2020, and which have been determined adversely to him. Attached to the APPENDIX TO COLLIN COUNTY’S MOTION FOR ORDER DETERMINING RYAN GALLAGHER A VEXATIOUS LITIGANT as Exhibit No. 1-44, and also contained on the Collin County’s judicial record management system ODYSSEY, are the corresponding docketsheets and other information for each such litigation which Ryan Gallagher has commenced, prosecuted or maintained since January 8, 2013, and that have been determined adversely to him, which this Court takes judicial notice of for all purposes and has entered into evidence in this case;
- (10) The Court further finds that Ryan Gallagher, after litigation has been finally determined against him, repeatedly relitigates or attempts to relitigate, pro se, either (1) the validity of the determination against the same defendants as to whom the litigation was finally determined; (2) or the cause of action, claim, controversy, or any of the issues of fact or law determined or concluded by the final determination against the same defendants as to whom the litigation was finally determined. It appears to the Court that Ryan Gallagher has filed four subsequent litigations just against Collin County involving the same alleged issues, bringing suits in state court and federal court. The documents attached to the APPENDIX TO COLLIN COUNTY’S MOTION FOR ORDER DETERMINING RYAN GALLAGHER A VEXATIOUS LITIGANT as Exhibits No. 1 and 43, and also contained on the Collin County’s judicial record management system ODYSSEY, evidence that after litigation has been finally determined against him, Ryan Gallagher repeatedly relitigates or attempts to relitigate, pro se, either (1) the validity of the determination against the same defendants as to whom the litigation was finally determined; (2) or the cause of action, claim, controversy, or any of the issues of fact or law determined or concluded by the final determination against the same defendants as to whom the litigation was finally determined. This includes, but is not limited to, the following actions:

* *Gallagher v. Ken Paxton, Jill Willis et. al.*
Cause No. 4:18-cv-575, Eastern District of Texas (Sherman)

- * *Ryan Gallagher v. City of Austin, Collin County, et. al.*
Case No. 416-00049-2020, 416th District Court, Collin County
[instant lawsuit]
- * *Rev. Ryan “Sasha” Gallagher v. Collin County*
Case No. DC-19-17502 193rd District Court, Dallas County
- * *Gallagher v. Collin County*
Case No. 416-00070-2020, 416th District Court, Collin County

- (11) The Court expressly finds that Ryan Gallagher meets the criteria for being determined to be a Vexatious Litigant under TEX. CIV. PRAC. & REM. CODE §11.054(1)(A) and §11.054(2); and
- (12) The Court expressly finds that a PreFiling Order, pursuant to TEX. CIV. PRAC. & REM. CODE §11.101(a) and §11.102(a), should be issued against Ryan Gallagher prohibiting him from filing, pro se, any new litigation in a court to which this PreFiling Order applies without first obtaining written permission from the local administrative judge as ordered more fully below.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that **RYAN GALLAGHER** be and hereby is declared a **VEXATIOUS LITIGANT** pursuant to Chapter 11 of the TEXAS CIVIL PRACTICE AND REMEDIES CODE.

IT IS FURTHER ORDERED that a **PRE-FILING ORDER** be and hereby is issued against **RYAN ALEXANDER GALLAGHER, and/or aka “El Sasha” and/or aka “Rev. Ryan Gallagher” and/or aka “Rev. Ryan Sasha-Shai Van Kush”** and/or any other name or designation which he may go by, and he is hereby prohibited from filing, pro se, any new litigation of any kind or nature in any state or federal court located in the State of Texas until and unless written permission has first been granted by the appropriate local Administrative Judge, strictly in accordance with and as expressly authorized by TEX. CIV. PRAC. & REM. CODE §11.102.

IT IS FURTHER ORDERED that the District Clerk of Collin County, Texas, as required by TEX. CIV. PRAC. & REM. CODE §11.104(a), shall provide the Office of Court Administration of the Texas Judicial System a copy of this ORDER DECLARING RYAN GALLAGHER A VEXATIOUS LITIGANT AND ISSUING A PREFILING ORDER AGAINST RYAN GALLAGHER not later than the 30th day after the date this ORDER is signed and entered.

RYAN GALLAGHER is further advised that, pursuant to TEX. CIV. PRAC. & REM. CODE §11.101(b), a person who disobeys a Prefiling Order is subject to Contempt of Court.

1/24/2020

Signed this the _____ day of January, 2020.

Andrew S. Thompson
JUDGE PRESIDING