

296-04794-2024

TANNER JORDAN SMITH aka	§	IN THE DISTRICT COURT
TANNER JORDAN ESLINGER aka	§	
TANNER JORDEN SMITH,	§	
Plaintiff,	§	
vs.	§	296th JUDICIAL DISTRICT
KIMBERLY ANN ISOM,	§	
Defendant.	§	COLLIN COUNTY, TEXAS

**ORDER ON DEFENDANT'S MOTION FOR ORDER DETERMINING
PLAINTIFF A VEXATIOUS LITIGANT, REQUIRING PLAINTIFF
TO FURNISH SECURITY, AND FOR SANCTIONS**

On October 29, 2024, the Court heard the Motion for Order Determining Plaintiff a Vexatious Litigant, Requiring Plaintiff to Furnish Security, and for Sanctions timely filed by Defendant Kimberly Isom under TEX. CIV. PRAC. & REM. CODE § 11.051, et seq. Plaintiff Tanner Jordan Smith aka Tanner Jordan Eslinger aka Tanner Jorden Smith failed to appear despite timely notice. Defendant appeared through her Co-Counsel, V. Elizabeth Kellow, in person.

The Court notes that late on Sunday, 10/28/24 Plaintiff filed a notice of voluntary dismissal of his claims in this case; however, Defendant's Motion for Order Determining Plaintiff a Vexatious Litigant, Requiring Plaintiff to Furnish Security, and for Sanctions is not mooted by Plaintiff's voluntary dismissal. The Court, after considering the argument, the admissible evidence, including all the exhibits and attachments to the Motion, finds that Tanner Jordan Smith aka Tanner Jordan Eslinger aka Tanner Jorden Smith is a vexatious litigant and the Motion should be granted as set forth in this Order. It is, therefore,

ORDERED, ADJUDGED and DECREED that Defendant's Motion for Order Determining Plaintiff a Vexatious Litigant, Requiring Plaintiff to Furnish Security, and for Sanctions is GRANTED. It is further

ORDERED, ADJUDGED and DECREED that Plaintiff's claims are hereby dismissed with prejudice. It is further

ORDERED, ADJUDGED and DECREED that Tanner Jordan Smith aka Tanner Jordan Eslinger aka Tanner Jordan Smith is determined to be a vexatious litigant pursuant to TEX. CIV. PRAC. & REM. CODE §11.054. It is further

ORDERED, ADJUDGED and DECREED that from and after the date of this Order, Tanner Jordan Smith aka Tanner Jordan Eslinger aka Tanner Jordan Smith is subject to a Pre-Filing Order pursuant to TEX. CIV. PRAC. & REM. CODE §11.101. Tanner Jordan Smith aka Tanner Jordan Eslinger aka Tanner Jordan Smith is prohibited from filing, pro se, a new litigation in any court in this State without first seeking and securing written permission from the appropriate local administrative judge described by TEX. CIV. PRAC. & REM. CODE §11.102(a) to file such new litigation, Plaintiff must fully comply with the notices required by that section, including TEX. CIV. PRAC. & REM. CODE §11.102(b), and such written permission may be conditioned on Plaintiff first posting security under TEX. CIV. PRAC. & REM. CODE §11.102(e). Tanner Jordan Smith aka Tanner Jordan Eslinger aka Tanner Jordan Smith shall be subject to contempt of court punishment for disobedience of such Pre-Filing Order pursuant to TEX. CIV. PRAC. & REM. CODE §11.101(b). It is further

ORDERED, ADJUDGED and DECREED that **as soon as possible and not later than the 30th day after the date this Order is signed, the Clerk of this Court shall provide the Office of Court Administration of the Texas Judicial Branch a copy of this Order** determining that Tanner Jordan Smith aka Tanner Jordan Eslinger aka Tanner Jordan Smith is a vexatious litigant and is subject to the TEX. CIV. PRAC. & REM. CODE §11.101 Pre-Filing Order contained in this Order. It is further

ORDERED, ADJUDGED and DECREED that Tanner Jordan Smith aka Tanner Jordan Eslinger aka Tanner Jordan Smith should be sanctioned for bringing and maintaining this lawsuit. The Court finds that (1) on or around 05/30/24 Tanner Jordan Smith aka Tanner Jordan Eslinger aka Tanner Jordan Smith filed in court a falsified Batters Intervention

Prevention Program ("BIPP") completion certificate and misrepresented that he had timely completed BIPP as ordered by the 481st Judicial District Court in Denton County, Texas on or around 10/23/23 in Case no. 22-10324-481; (2) Tanner Jordan Smith aka Tanner Jordan Eslinger aka Tanner Jordan Smith presented his Petition in this case in bad faith or for improper purposes, including harassment, unnecessary delay or costs; (3) one or more of Plaintiff's claims or legal contentions is groundless, frivolous, and/or unwarranted by existing law; and (4) one or more of Plaintiff's allegations or factual contentions lacks evidentiary support. Accordingly, Defendant is entitled to recover from Tanner Jordan Smith aka Tanner Jordan Eslinger aka Tanner Jordan Smith Defendant's reasonable attorneys' fees, expenses, and costs incurred during or in connection with this suit. It is further

ORDERED, ADJUDGED and DECREED that Defendant shall have and recover from Tanner Jordan Smith aka Tanner Jordan Eslinger aka Tanner Jordan Smith the following sanction amounts:

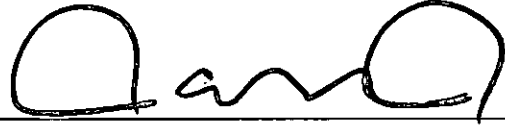
1. \$2,996.55 for reasonable and necessary attorneys' fees incurred defending and in connection with this lawsuit through entry of this Order;
2. an additional \$2,700.00 in attorneys' fees for any appeal to the Texas Court of Appeals, an additional \$1,500.00 in attorneys' fees for drafting or responding to a petition for review to the Texas Supreme Court; an additional \$2,750.00 in attorneys' fees if review is granted and/or full briefing on the merits is required, and an additional \$1,200.00 if oral argument to the Texas Supreme Court is required. These appellate attorneys' fees are conditioned on an appeal in which Defendant prevails either immediately or ultimately;
3. Costs of court totaling at least \$12.01; and
4. Post-judgment interest on all amounts awarded at the rate set of 8.50% per annum, compounded annually, beginning on the day this Order is signed and

accruing until paid in full.

For all of which, the Clerk shall issue necessary and proper writs and execution.

This Order disposes of all claims and all parties and is final and appealable.

SIGNED this 31st day of October, 2024.

A handwritten signature in black ink, consisting of a large, rounded initial 'D' followed by a cursive 'a' and another large, rounded initial 'D'. The signature is written above a horizontal line.

PRESIDING JUDGE