

CAUSE NO. 25-04-06650

ERIC SPRINGSTUN § **IN THE DISTRICT COURT OF**
vs. § **MONTGOMERY COUNTY, TEXAS**
NATHAN ALEXANDER; STACY § **284TH JUDICIAL DISTRICT**
CASTON; ROBERT TRGOVICH;
KURT LOTERO; JOHN OLEYAR;
NASSER HEMPEL

ORDER DECLARING ERIC SPRINGSTUN (AKA ERIC ALEXANDER SPRINGSTUN)
TO BE A VEXATIOUS LITIGANT AND ORDERING PAYMENT OF SECURITY

On August 22, 2025, the Court conducted an evidentiary hearing on “Defendants’ First Amended Motion for Order Determining Plaintiff a Vexatious Litigant and Requesting Security”, filed by Defendants The Wharf at Clear Lake Slip Maintenance Association, Inc., Kurt Lotero, John Oleyar, Nasser Hempel, and Jimmy Schlomach (collectively “Defendants”). Based upon the evidence and the law, the Court finds that:

1. Defendants showed that there is not a reasonable probability that Eric Springstun (aka Eric Alexander Springstun), the plaintiff, will prevail in the litigation against Defendants and in the seven-year period immediately preceding the date Defendants made their “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” Eric Springstun (aka Eric Alexander Springstun).
2. Defendants showed that there is not a reasonable probability that Eric Springstun (aka Eric Alexander Springstun), the plaintiff, will prevail in the litigation against Defendants and “after a litigation has been finally determined against [Eric Springstun (aka Eric Alexander Springstun)], [he] repeatedly relitigates or attempts to relitigate, *pro se*, ... 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 defendant as to whom the litigation was finally determined.”

Defendants ask this Court to declare Eric Springstun (aka Eric Alexander Springstun) to be a vexatious litigant:

A court may find a plaintiff a vexatious litigant if the defendant shows that there is not a reasonable probability that the plaintiff will prevail in the litigation against the defendant and that:

(1) the plaintiff, in the seven-year period immediately preceding the date the defendant makes the 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:

(A) finally determined adversely to the plaintiff...

(2) after a litigation has been finally determined against the plaintiff, the plaintiff repeatedly relitigates or attempts to relitigate, pro se...

(B) 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 defendant as to whom the litigation was finally determined...

TEX. CIV. PRAC. & REM. CODE §11.054. It is no exaggeration to say that both of these independent bases listed above exist with Eric Springstun's persistent litigation.

(1)(A) Losses of 5 in 7:

"Litigation" is defined as "a civil action commenced, maintained, or pending in any state or federal court." TEX. CIV. PRAC. & REM. CODE §11.001(2). The Motion was filed August 19, 2025, so the seven years previous to the Motion include August 19, 2018 - August 19, 2025. In that time, Mr. Springstun has filed the following:

	Date	Cause	Nature of Matter	Details	Outcome
1	1/22/24	24-CV-0102 Galveston	The Wharf sued Mr. Springstun for unpaid assessments, and he counterclaimed	On June 3, 2024, Mr. Springstun filed counterclaims against the Association and its board members for allegations of false fines and fees, defamation, selective enforcement and financial misconduct, breaches of fiduciary duty, and misappropriation of funds, among other things	Dismissed his counterclaims for want of jurisdiction 9/18/24
2	3/18/24	23-07-10483	Mr. Springstun filed counterclaims in <i>The Wharf at Clear Lake Slip Maintenance Association, Inc. v. Eric Springstun</i>	Springstun challenged the Association's use of funds for litigation purposes and alleged financial mismanagement. The counterclaims also asserted breaches of fiduciary duty by the Board Members, Kurt Lotero, John Oleyar, Nasser Hempel and Jimmy Schlomach, the same defendants in the above-captioned cause asserting the same claims here and the same as those in 24-CV-0102 Galveston discussed above.	Granted summary judgment dismissing all counterclaims with prejudice on May 24, 2024.
3	5/10/24	24-05-07435	Eric Springstun v. American International Group, Inc. (that being the association's insurance carrier) in the United States District Court Southern District of Texas Houston Division (having been removed from the original filing in the 284 th District Court) Civil Action H-24-4044(The Wharf's insurance carrier)	The case was removed to federal court and was then dismissed given that Mr. Springstun has no legal basis to make a claim, much less bring a lawsuit for nonpayment of the claim, as to the association's policy.	Dismissed May 23, 2025

	Date	Cause	Nature of Matter	Details	Outcome
4	8/6/24	24-CV-1258 Galveston	Galveston County suit with the Wharf suing a company called Birdfox, LLC to recover unpaid service charges and to foreclose on its lien for unpaid annual assessments	Mr. Springstun counterclaimed for Birdfox, LLC which ended swiftly because he is not an attorney. This is the default judgment he attacks in the bill of review case discussed above.	Dismissed counterclaims with prejudice 9/18/24
5	2/24/25	25-02-02758	Same as the counterclaims, but added the individual Defendants whom he accused in the counterclaims but did not actually sue (nor is there a basis to sue them in any of these listed cases given that the actions discussed were all taken as volunteers on a non-profit board, not as individuals)	Mr. Springstun alleges various causes of action – some of which are not valid causes of action – which center around Defendants’ alleged mismanagement of Association funds, selective enforcement of Association rules and restrictions, defamation, and vexatious litigation based on the Association lawsuits against Springstun in Montgomery County 7 and Galveston County 8 for failure to pay assessments, all of which have been reasserted in this case	Consolidated into 25-04-06650 8/15/25
6	2/25/25	25-02-02950	Ditto	Ditto	Ditto
7	3/17/25	25-03-04072	Ditto	Ditto	Ditto plus Mr. Springstun nonsuited this case on 8/18/25
8	3/25/25	25-03-04495	Ditto	Ditto	Ditto
9	4/17/25	25-04-06148	Ditto	Ditto	Ditto

	Date	Cause	Nature of Matter	Details	Outcome
10	4/27/25	25-04-06650	Ditto	Ditto	Consolidated the six identical cases into one on August 15, 2025. 25-02-02758, 25-02-02950, 25-03-04072, 25-03-04495, and 25-04-06148 were consolidated into 25-04-06650 because they are 6 iterations of the same claims and same defendants. This case remains pending.
11	5/12/25	25-05-07682	Sued once again The Wharf at Clear Lake Slip Maintenance Association, Inc., Robert Trgovich, Kurt Lotero, John Oleyar, Nasser Hempel, Stacy Caston, and Nathan Alexander on a bill of review seeking to set aside a default judgment from the 122 nd District Court in Galveston County.	Bills of review may only be filed in the court which rendered judgment, and this judgment was not entered by this Court.	Dismissed for want of jurisdiction 7/21/25
12	7/27/25	25-07-11948	Springstun sues the City of League City and Detective Eric Cox about a criminal trespass warning issued at the request of a condo building	The request was for this Court to order a municipality and its detective to not proceed on any criminal complaints against Mr. Springstun which is inappropriate on so many levels.	Dismissed for want of jurisdiction on August 15, 2025.

	Date	Cause	Nature of Matter	Details	Outcome
13	1/22/25	25-CV-0105 Galveston	Mr. Springstun sued the Wharf on the same claims as the lawsuit above	Same claims as above	Consolidated into 24-CV-1258 which was dismissed with t prejudice 9/18/24

The total is 13 litigations, 12 of which were finally determined adversely to Mr. Springstun, one of which remains pending, but asserts the same factual allegations and claims against the same defendants.

(2)(B) Same Song, Second Verse:

Mr. Springstun has repeatedly attempted to relitigate this same claims – as he characterizes them, he has had abusive behavior directed at him by the Wharf and its minions all to cover up their abuse of their authority. Various shades of that theme, but it’s always the same theme caused by [he just inserts the name or names of the defendant(s) here]. In total, Mr. Springstun has, in 13 lawsuits over 2 years, sued **9 defendants**. He has sued some variation of those 9 on multiple occasions, but each of these cases is an allegation about the same set of events.

Public Policy Dictates Finding Mr. Springstun A Vexatious Litigant:

The problem Mr. Springstun creates for the judicial system cannot be overstated:

Flagrant abuse of the judicial process cannot be tolerated because it enables one person to preempt the use of judicial time that properly could be used to consider the meritorious claims of other litigants.

De Long v. Hennessey, 912 F.2d 1144, 1148 (9th Cir. 1990). Because vexatious litigation clogs the court system and diminishes the efficient administration of justice, “courts can regulate the activities of abusive litigants,” including “enjoining litigants with abusive and lengthy litigation histories”. *RinggoldLockhart v. County of L.A.*, 761 F.3d 1057, 1061 (9th Cir. 2014) (citations omitted). In that vein, Texas recognizes both the value and constitutionality of the vexatious litigant statute:

The purpose of the statute is to make it possible for courts to control their dockets rather than permitting courts to be burdened with repeated filings of frivolous and malicious litigation by litigants without hope of success while, at the same time, providing protections for litigants' constitutional rights to open courts when they have genuine claims that can survive the scrutiny of the administrative judge and the posting of security to protect defendants. *In re Potts*, 357 S.W.3d 766, 768 (Tex. App. – Houston [14th Dist.] 2011, orig. proceeding)....

This court and three sister courts of appeals have concluded that the vexatious litigant statute does not violate the vexatious litigant's constitutional due process rights. *See Potts*, 357 S.W.3d at 769; *Johnson v. Sloan*, 320 S.W.3d 388, 389-90 (Tex. App. – El Paso 2010, pet. denied); *Clifton v. Walters*, 308 S.W.3d 94, 101-02 (Tex. App. – Fort Worth 2010, pet. denied); *In re Johnson*, No. 07-07-0245-CV, 2008 WL 2681314, at *2 (Tex. App. – Amarillo Jul. 9, 2008, orig. proceeding) (mem. op.). Relator has not shown that the restrictions in the vexatious litigant statute are unreasonable or arbitrary when balanced against the purpose and basis of the statute. The statute does not authorize courts to act arbitrarily, but permits them to restrict a plaintiff's access to the courts only after first making specific findings that the plaintiff is a vexatious litigant based on factors that are closely tied to the likelihood that the litigation is frivolous. *See Potts*, 357 S.W.3d at 769; TEX. CIV. PRAC. & REM.CODE ANN. § 11.054.

Although relator was found to be a vexatious litigant, chapter 11 and the trial court's order do not categorically bar her from prosecuting a lawsuit, but require her to seek permission from the local administrative judge before filing. *See* TEX. CIV. PRAC. & REM.CODE ANN. § 11.102. Therefore, relator has not been deprived of her access to appellate courts or her ability to seek a meaningful appeal.

In re Potts, 399 S.W.3d 685, 687-88 (Tex. App. – Houston [14th Dist.] 2013, orig. proceeding).

Likewise, repeated filings of the same case in the manner of Groundhog's Day is something the statute seeks to prevent:

On the contrary, preventing such repeated filings is the core purpose behind chapter 11. *See In re Potts*, 399 S.W.3d 685, 687 (Tex. App. – Houston [14th Dist.] 2013, orig. proceeding) (“The purpose of [chapter 11] is to make it possible for courts to control their dockets rather than permitting courts to be burdened with repeated filings of frivolous and malicious litigation by litigants without hope of success while, at the same time, providing protections for litigants’ constitutional rights to open courts when they have genuine claims[.]”).

Leonard v. Paxton, No. 03-19-00771-CV, 2020 WL 1814614, at *2 (Tex. App. – Austin Apr. 10, 2020, no pet.) (mem. op.).

As the table above shows, Mr. Springstun has filed the same basic lawsuit over and over and over again. He varies the defendants, but they are always the same core group, and he varies the causes of action, but they all have the same theme as to abuse towards him and mismanagement of the Wharf.

Mr. Springstun has devoted the last two years to his quest to litigate an event which trial and appellate courts – and even one federal court – have told him have no merit and, typically, are not his claims to raise at all. His relentless pursuit ignores all sense of decorum, but, even more so, ignores the rules of law. It ends now. This Court grants the Motion to Declare Eric Springstun a vexatious litigant, required to obtain administrative judge approval before filing a lawsuit and then posting security to protect the defendant(s) of said lawsuit in the event one is allowed to be filed.

The Court finds that:

1. There is no reasonable probability that Plaintiff would prevail in the above captioned cause; and
2. Prior litigation between Plaintiff and Defendants has been finally determined against Plaintiff on multiple occasions, specifically more than 5 times in the last 7 years and actually 13 times in 2 years; and/or
3. Plaintiff has repeatedly attempted to relitigate the validity of the determination of the disputes between himself and Defendants, as well as the causes of action, claims, controversies and issues of fact and law determined or concluded between himself and Defendant.

Based on these findings, it is ORDERED, ADJUDGED, and DECLARED that Eric Springstun (aka Eric Alexander Springstun) is a “vexatious litigant” as set forth in Texas Civil Practice and Remedies Code Chapter 11.

It is further ORDERED that Eric Springstun (aka Eric Alexander Springstun) is **prohibited** from filing any new litigation in any court in this state, including any appeal of this Order, without first obtaining permission of the appropriate local administrative judge, as provided by Texas Civil Practice and Remedies Code Section 11.102.

It is further ORDERED that upon Eric Springstun (aka Eric Alexander Springstun) requesting any such permission, Eric Springstun (aka Eric Alexander Springstun) is ordered to provide a copy of the request to all Defendants named in the proposed litigation.

It is further ORDERED that the clerk of this court shall provide a copy of this order to the Office of Court Administration of the Texas Judicial System within 30 days of its signing, pursuant to Texas Civil Practice and Remedies Code Section 11.104(b).


It is further ORDERED that the Office of Court Administration shall identify Eric Springstun (aka Eric Alexander Springstun) as a vexatious litigant on its website pursuant to Texas Civil Practice and Remedies Code Section 11.104(c).

It is further ORDERED that Eric Springstun (aka Eric Alexander Springstun) shall pay security for the benefit of the moving Defendants in the amount of \$25,000.00, that being the security as an undertaking by Eric Springstun (aka Eric Alexander Springstun) to assure payment to the moving Defendants of the moving Defendants' reasonable expenses incurred in or in connection with a litigation commenced, caused to be commenced, maintained, or caused to be maintained by Eric Springstun (aka Eric Alexander Springstun), including costs and attorney's fees, by no later than September 30, 2025 at 5:00 p.m.

It is further ORDERED that if the security described above is not paid in the correct amount or is not paid timely or both, then the Court shall dismiss the above captioned cause as to

The Wharf at Clear Lake Slip Maintenance Association, Inc., Kurt Lotero, John Oleyar, Nasser Hempel, and Jimmy Schlomach.

Signed 8/24/2025 6:03:25 PM _____



KRISTIN BAYS
Presiding Judge - 284th District Court