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CAUSE NO. 04-04563

ERIC VON DRAKE

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IN THE DISTRICT COURT

VS.

44<sup>TH</sup> JUDICIAL DISTRICT

LIBERTY MUTUAL AUTOMOTIVE  
INSURANCE COMPANY and  
ALICE TATUM ANDREWS

DALLAS COUNTY, TEXAS

**ORDER DETERMINING PLAINTIFF A VEXATIOUS LITIGANT,  
REQUIRING SECURITY, AND LIMITING THE FILING OF NEW LITIGATION**

ON THIS DAY came to be heard Defendants Liberty County Mutual Insurance Company's and Alice Tatum Andrew's Motion for Determining Plaintiff a Vexatious Litigant, Requiring Security, and Requesting a Prefiling Order Against Plaintiff in the above styled and numbered cause. After considering the pending Motion and hearing the evidence presented, the record, and the argument of counsel and *Pro se* Plaintiff, the Court is of the opinion that same should be **GRANTED**.

IT IS THEREFORE **ORDERED, ADJUDGED, AND DECREED** by the Court that *Pro se* Plaintiff Eric Von Drake shall be and is hereby determined to be a vexatious litigant as defined by section 11.051 of the Texas Civil Practices and Remedies Code.

IT IS FURTHER **ORDERED, ADJUDGED, AND DECREED** by the Court that *Pro se* Plaintiff Eric Von Drake, having been determined a vexatious litigant, shall furnish security for the benefit of Defendants Liberty County Mutual Insurance Company and Alice Tatum Andrews to assure payment to Defendants for their reasonable expenses, including costs and attorney fees, incurred in connection with the present litigation as shall be determined by the Court if the present litigation is dismissed on its merits against *Pro se* Plaintiff Eric Von Drake.

IT IS FURTHER **ORDERED, ADJUDGED, AND DECREED** by the Court that *Pro se* Plaintiff Eric Von Drake shall post an open-ended cost bond to secure payment of Defendants' reasonable costs and attorney fees as determined by the Court on or before thirty (30) days after the signing of this Order.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED by the Court that should *Pro se* Plaintiff Eric Von Drake not comply and fail to post security for the benefit of Defendants as outlined herein within thirty (30) days from the signing of this Order, *Pro se* Plaintiff Eric Von Drake's pleadings shall be stricken and this lawsuit shall be dismissed with prejudice against the refiling of same.

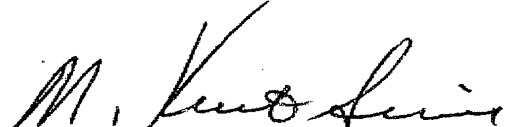
IT IS FURTHER ORDERED, ADJUDGED, AND DECREED by the Court that an Order of Dismissal will be issued without further notice and without the necessity of a formal hearing if *Pro se* Plaintiff Eric Von Drake does not furnish the required security on or before (30) days from the signing of this Order

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED by the Court that the present lawsuit shall remain in abatement until *Pro se* Plaintiff Eric Von Drake complies with this Order or until it is dismissed by further Order of this Court.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED by the Court that *Pro se* Plaintiff Eric Von Drake shall not file *in propria persona* any new litigation in a court of the State of Texas without obtaining the express permission of the presiding administrative judge of the Region in which *Pro se* Plaintiff Eric Von Drake intends to file the new litigation.

IT IS FINALLY ORDERED, ADJUDGED, AND DECREED by the Court that all other relief requested by Defendants in the present motion that is not granted herein is expressly DENIED.

SIGNED on this the 30<sup>th</sup> day of August 2004.

  
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PRESIDING JUDGE

Former Judge: Blot Judicial District Court Sitting for Judge 1162K  
Judicial District Court Sitting for Judge 1162K Judicial District  
Court Dallas County, Texas.