

MAY 12 2005

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CAUSE NO. 12,527

RHETT WEBSTER PEASE
Plaintiff,

V.

JAMES R. NICKELATTI, and BRANTLEY
ROSS PRINGLE, JR.
Defendants.

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IN THE DISTRICT COURT

LEE COUNTY, TEXAS

335ST JUDICIAL DISTRICT

ORDER

Came on this date to be heard Plaintiff Rhett Webster Pease's Application for Temporary Restraining Order, Defendants' Motion to Transfer Venue and Motion to Deem Plaintiff a Vexatious Litigant, subject to Defendants' Motion to Transfer Venue. All parties to the suit appeared in person or through counsel of record. The Court, having considered the above application and motions, the evidence offered and introduced at the hearing and the argument of counsel, makes the following findings and issues the following orders.

The Court notes that, with respect to Defendants' Motion to Transfer Venue, the parties waived the requirement of Texas Rule of Civil Procedure 87.1 requiring 45 days notice of a hearing on the Motion to Transfer Venue. Based on the parties' agreement in open court, the Court granted leave to hear the Motion to Transfer Venue on December 12, 2003. In light of the other findings and orders herein, the Court DENIES Defendants' Motion to Transfer Venue as moot.

Plaintiff's Application for a Temporary Restraining Order is DENIED.
Defendants' Motion to Deem Plaintiff Rhett Webster Pease a vexatious litigant is GRANTED.

FILED
JAN 5 2004 9:30AM
Adeline Melcher
DISTRICT CLERK
LEE COUNTY, TEXAS

On the Motion of Defendants, the Court enters an Order pursuant to Section 11.101 of the Texas Civil Practice and Remedies Code. Accordingly, the Court hereby PROHIBITS Rhett Webster Pease from filing, in propria persona, any further litigation in a court in this state

unless the local administrative judge of the court in which Rhett Webster Pease intends to file further litigation has granted permission to Rhett Webster Pease under Texas Civil Practice and Remedies Code Section 11.102 to file future litigation.

The Court further warns and advises Rhett Webster Pease that disobedience of this pre-filing Order under Chapter 11 of the Texas Civil Practice and Remedies Code shall be punishable as a contempt of Court.

The Court, on its own initiative and after notice and hearing, finds that the above captioned lawsuit is groundless and brought in bad faith or groundless and brought for purposes of harassment in violation of Texas Rule of Civil Procedure 13.

The Court, pursuant to Texas Rules of Civil Procedure 13 and 215.2(b) ORDERS and imposes the following sanctions to be imposed on Plaintiff Rhett Webster Pease:

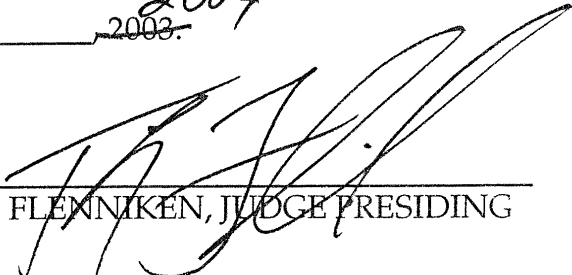
- a. The Court dismisses with prejudice this lawsuit.
- b. All court costs are hereby taxed against Rhett Webster Pease, for which let execution issue if not timely paid;
- c. Plaintiff Rhett Webster Pease shall pay reasonable attorneys' fees to Defendant Jim Nickelatti in the amount of One Thousand Five Hundred Dollars and NO/100 (\$1,500.00) incurred in this suit, which the Court finds are reasonable and necessary as a result of Plaintiff's filing this lawsuit in violation of Rule 13. Said attorneys' fees shall be paid on or before MARCH 31, 2004.

TRJ

The Court finds that good cause exists for imposition of the above referenced sanctions against Plaintiff Rhett Webster Pease. The Court finds that this is the fourth lawsuit Plaintiff has brought against Defendant Nickelatti, Defendant Pringle or some combination of said Defendants and that all four lawsuits arise out of the same set of operative facts. Further, the

Court finds that this lawsuit is groundless and barred by the doctrine of res judicata and/or collateral estoppel. The Court finds that Plaintiff's selection of Lee County to file this lawsuit and the allegations in Plaintiff's original action and application for temporary restraining order and temporary injunction that "venue is proper and that all acts complained of took place in Lee County, Texas" is false, fraudulent and contradicted by Plaintiff's allegations in the prior lawsuits arising out of this dispute that the acts complained of took place in Travis County, Texas. The Court finds that Plaintiff Rhett Webster Pease's repeated attempts to relitigate this dispute in multiple counties is an attempt to harass Defendants.

SIGNED this 2 day of Jan 2004 ~~2003~~


TERRY FLENNIKEN, JUDGE PRESIDING

APPROVED AS TO FORM:

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