

CAUSE NO. 401-02315-2010

Richard John Florance, Jr., and
RICHARD JOHN FLORANCE, JR.

v.

STATE OF TEXAS,
a federal corporation,
and

BRENDA TAYLOR,
Individually

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IN THE DISTRICT COURT

401ST JUDICIAL DISTRICT

COLLIN COUNTY, TEXAS

ORDER DECLARING RICHARD JOHN FLORANCE, JR. A VEXATIOUS LITIGANT PURSUANT TO TEXAS CIVIL PRACTICE & REMEDIES CODE CHAPTER 11 AND ISSUING A PRE-FILING ORDER PROHIBITING RICHARD JOHN FLORANCE, JR. FROM FILING ANY FURTHER LAWSUITS WITHOUT PERMISSION OF THE LOCAL ADMINISTRATIVE JUDGE

On this day a hearing was conducted to consider the MOTION TO DECLARE PLAINTIFF A VEXATIOUS LITIGANT PURSUANT TO TEXAS CIVIL PRACTICE AND REMEDIES CODE CHAPTER 11 filed in the above-referenced cause by Defendant Brenda Taylor. Timely and proper notice of such hearing was provided to the Plaintiff and all counsel. The Court, after examining the pleadings and evidence and all briefs submitted, together with authorities, and having considered arguments of counsel and response of the Plaintiff pro se, is of the opinion and finds that such Motion has merit and should be **GRANTED**.

In support of this ORDER, the Court finds that pro se litigant Richard John Florance, Jr. is abusing the legal system by repeatedly filing frivolous claims against former Collin County Clerk Brenda Taylor [and others] and seeking to improperly collaterally attack orders and judgments which have been finally determined adversely to him in prior civil and criminal cases. Specifically, in the instant case, he has filed his VERIFIED ORIGINAL PETITION FOR BILL OF REVIEW and VERIFIED FIRST AMENDED PETITION FOR BILL OF REVIEW wherein he again challenges this Court's prior JUDICIAL FINDINGS OF FACT AND CONCLUSIONS OF LAW REGARDING A DOCUMENT PURPORTING TO CREATE A LIEN rendered on July 13, 2006, in Cause No. 401-02217-06¹ which struck the fraudulent lien

¹See, Plaintiff's VERIFIED ORIGINAL PETITION FOR BILL OF REVIEW, pages 3-13 along with Exhibit No. D-101 and Plaintiff's VERIFIED FIRST AMENDED PETITION FOR BILL OF REVIEW, pages 3-19

Plaintiff had filed against Collin County Clerk Brenda Taylor. The Plaintiff now expressly requests that this Court “upon new trial, vacate the original judgment [the JUDICIAL FINDINGS OF FACT AND CONCLUSIONS OF LAW REGARDING A DOCUMENT PURPORTING TO CREATE A LIEN]”² The Court notes that its JUDICIAL FINDINGS OF FACT AND CONCLUSIONS OF LAW REGARDING A DOCUMENT PURPORTING TO CREATE A LIEN was affirmed on appeal by the Dallas Court of Appeals³ and all further appellate scrutiny, up to and including the United States Supreme Court. Moreover, it appears to this Court that the instant litigation is also a back-door attempt to again challenge the validity of the criminal conviction⁴ of the Plaintiff for filing the same fraudulent lien, a conviction was has also been uniformly affirmed by all reviewing Courts. The Court further notes that the Plaintiff’s claims against Brenda Taylor have been determined against him by the Federal Court in *Florance v. Buchmeyer, et. al.* Cause No. 3:07-cv-125-M and *Richard John Florance v. Don Bush, et. al.* Cause No. 3:09-cv-1470.⁵

The Court finds that there is no reasonable probability that the Plaintiff Richard John Florance, Jr. would have prevailed in the instant litigation and that after litigation has been finally determined against the Plaintiff, the Plaintiff repeatedly relitigates or attempts to relitigate, in persona propria, the validity of the determination [the JUDICIAL FINDINGS OF FACT AND CONCLUSIONS OF LAW REGARDING A DOCUMENT PURPORTING TO CREATE A LIEN rendered on July 13, 2006] regarding the fraudulent lien as to which the previous litigation filed in this Court under in Cause No. 401-02217-06 was finally determined, in violation of TEX. CIV. PRAC. & REM. CODE §11.054(2)(A).

²See, Plaintiff’s VERIFIED ORIGINAL PETITION FOR BILL OF REVIEW, page 13; and Plaintiff’s VERIFIED FIRST AMENDED PETITION FOR BILL OF REVIEW, page 19.

³See, OPINION in Case No. 05-06-00992-CV issued April 10, 2007, which held “We affirm the trial court’s ‘Judicial Findings of Fact And Conclusions Of Law Regarding a Document Purporting to Create a Lien.’”

⁴The Plaintiff was convicted of the misdemeanor criminal offense of refusing to release a fraudulent lien under TEX. PENAL CODE §32.49 and such conviction has been affirmed on appeal. See, *Florance v. State*, 2009 WL 2648177 (Tex. App. - - Dallas 2009), and further affirmed by the Texas Court of Criminal Appeals in Case No. PD-1714-09 on January 13, 2010.

⁵See, JUDGMENT of July 31, 2007, in *Florance v. Buchmeyer, et. al.* Cause No. 3:07-cv-125-M, and the FINAL JUDGMENT of July 8, 2010, and JUDGMENT of July 8, 2010, in *Richard John Florance v. Don Bush, et. al.* 3:09-cv-1470.

The Court further finds that there is no reasonable probability that the Plaintiff Richard John Florance, Jr. would have prevailed in the instant litigation and that after litigation has been finally determined against the Plaintiff, the Plaintiff repeatedly relitigates or attempts to relitigate, in persona propria, the cause of action, claim, controversy, and issues of fact or law determined or concluded by the final determination against the same defendant or party as to whom the litigation was finally determined, in violation of TEX. CIV. PRAC. & REM. CODE §11.054(2)(B).

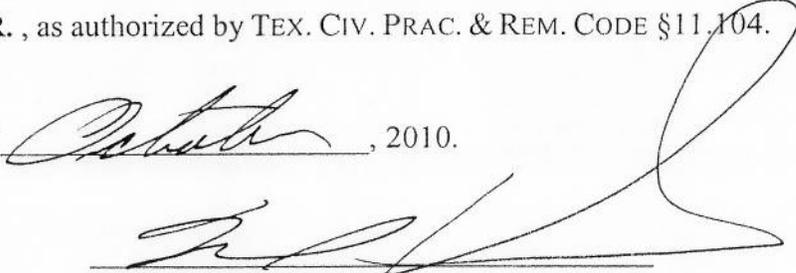
The Court specifically finds that the Plaintiff meets the criteria for being determined to be a Vexatious Litigant under TEX. CIV. PRAC. & REM. CODE §11.054(2). The discussion, analysis, comments, and ruling of the Court during the hearing on Brenda Taylor's MOTION TO DECLARE PLAINTIFF A VEXATIOUS LITIGANT PURSUANT TO TEXAS CIVIL PRACTICE AND REMEDIES CODE CHAPTER 11 are also incorporated in this ORDER as if fully set forth herein.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that **RICHARD JOHN FLORANCE, JR.** 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 **RICHARD JOHN FLORANCE, JR.** be and hereby is prohibited from filing in propria persona any new litigation in a court of this State unless permission has been granted by the local Administrative Judge, as authorized by TEX. CIV. PRAC. & REM. CODE §11.101; and

IT IS FURTHER ORDERED that the District Clerk of Collin County notify the Office of Court Administration of the Texas Judicial System that **RICHARD JOHN FLORANCE, JR.** has been determined to be a vexatious litigation and that a pre-filing Order has been issued against **RICHARD JOHN FLORANCE, JR.**, as authorized by TEX. CIV. PRAC. & REM. CODE §11.104.

Signed this the 14 day of October, 2010.



JUDGE PRESIDING