



HOPKINS & WILLIAMS

P.L.L.C.

March 26, 2014

EMILY YURAS

emily@hopkinswilliams.com

Via CM/RRR: # 7012 1640 0001 7021 2916

And Regular U.S. Mail

Alvie Campbell
Julie Campbell
c/o 250 PR 947
Taylor, TX 76574

RE: **Cause No. 14-0050-C368; Alvie Campbell and Julie Campbell v. Mortgage Electronic Registration Systems, Inc., et al;** In the 368th Judicial District Court of Williamson County, Texas.

Client/Matter No. H610-1114

Dear Sir and Madam:

Enclosed please find the *Attorney Defendants Stephen C. Porter, David Seybold, Ryan Bourgeois and Matthew Cunningham's Motion to Declare Plaintiffs Alvie and Julie Campbell Vexatious Litigants and Notice of Hearing* in reference to the above-mentioned cause.

Thank you for your attention to this matter.

Sincerely,

Emily K. Yuras, Legal Assistant to
HOPKINS & WILLIAMS PPLC

Cc

Facsimile: (512) 943-1222

Williamson District Court Clerk

Facsimile: (512) 479-1101

Elizabeth G. Bloch

Facsimile: (214) 220-8545

Chalon Clark

ALVIE CAMPBELL AND JULIE
CAMPBELL,

Plaintiffs,

V.

MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC. AS
NOMINEE FOR LENDER AND LENDER
AND LENDER'S SUCCESSORS AND
ASSIGNS, AND WELLS FARGO BANK,
N.A., AND STEPHEN C. PORTER, AND
DAVID SEYBOLD, AND RYAN
BOURGEOIS, AND MATTHEW
CUNNINGHAM, AND JOHN DOE 1-100,

Defendants.

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IN THE DISTRICT COURT OF

WILLIAMSON COUNTY, TEXAS

368TH JUDICIAL DISTRICT

**ATTORNEY DEFENDANTS STEPHEN C. PORTER, DAVID SEYBOLD,
RYAN BOURGEOIS AND MATHEW CUNNINGHAM 'S MOTION TO DECLARE
PLAINTIFFS ALVIE AND JULIE CAMPBELL VEXATIOUS LITIGANTS AND
NOTICE OF HEARING**

TO THE HONORABLE JUDGE OF SAID COURT:

COME NOW, STEPHEN C. PORTER, DAVID SEYBOLD, RYAN BOURGEOIS and MATTHEW CUNNINGHAM, ("Attorney Defendants"), Defendants in the above-styled and numbered cause, and file this their Motion to Declare Plaintiffs Vexatious Litigants and in support of the foregoing, Attorney Defendants would respectfully show the Court the following:

**I.
SUMMARY OF ARGUMENT**

1. Attorney Defendants hereby adopt and incorporate the Summary of Argument Section of Defendants Wells Fargo Bank, N.A. and Mortgage Electronic Systems, Inc.'s Motion to Declare Plaintiffs Alvie and Julie Campbell Vexatious Litigants which was filed with this Court on

February 24, 2014. Plaintiffs defaulted on their mortgage, and their property was subsequently sold at auction. As a result, Plaintiffs have filed three lawsuits against Attorney Defendants Ryan Bourgeois and Matthew Cunningham, and two lawsuits against Stephen C. Porter and David Seybold. In the Second lawsuit filed by Plaintiffs (which included all Attorney Defendants), the Third Court of Appeals affirmed the trial court's traditional and no-evidence motions for summary judgment entered against Plaintiffs. Plaintiffs then filed a petition for review with the Texas Supreme Court, which was denied. After the denial of their petition for review, the Plaintiffs went on to file this lawsuit, which they title "Plaintiff's Original Petition for Bill of Review and Request for Disclosure". Despite the continuous affirmation from every court they have been before that Attorney Defendants are immune to suit arising from any of the actions taken in regards to the foreclosure of Plaintiff's home, Plaintiffs continue to file baseless suits against Attorney Defendants. Therefore Attorney Defendants bring this Motion to have Plaintiffs declared vexatious litigants.

II.

FACTUAL AND PROCEDURAL BACKGROUND

2. On June 30, 2009, Plaintiffs filed a lawsuit in the 277th Judicial District Court of Williamson County, Texas styled *Alvie Campbell and Julia Campbell v. Wells Fargo Home Mortgage, Ryan Bourgeois, Esq. and John Dow 1 through 100, et all*, Cause No. 09-636-277. Plaintiffs made various claims which sought to prevent foreclosure against the property located at 250 Private Road 947, Taylor, Texas 76574 (the "Property") on July 7, 2009. In the First Lawsuit, the court entered final judgment in favor of all Defendants and dismissed Plaintiff's claims against Attorney Defendants.

3. Plaintiffs attempted to appeal the First Lawsuit, but did not file their Notice of Appeal within the requisite time period. On December 10, 2010, the Third Court of Appeals issued

a memorandum opinion granting Wells Fargo's Motion to Dismiss for Want of Jurisdiction and dismissed the Plaintiffs' appeal for want of subject matter jurisdiction.

4. Plaintiffs filed their Second Lawsuit, which included all four Attorney Defendants named in the present matter, on September 27, 2010. The Second Lawsuit was styled *Alvie Campbell and Julie Campbell v. Mortgage Electronic Registration Systems, Inc. as Nominee for Lender and Lender's Successors and Assigns, and Wells Fargo Bank, N.A. and Stephen C. Porter and David Seybold and Ryan Bourgeois and Matthew Cunningham and John Dow 1-100, Defendants*, Cause No. 10-1093-C368, in the 368th Judicial District Court of Williamson County, Texas. This Second Lawsuit arose from the same transaction that was litigated in the First Lawsuit and is based on the exact same nucleus of operative facts. This Court properly ruled in favor of Attorney Defendants on the basis of attorney immunity. Plaintiffs appealed the matter to the Third Court of Appeals under Cause No. 03-11-00429-CV. On May 18, 2012 the Court of Appeals affirmed the trial court's ruling. Plaintiffs then filed a Motion for Rehearing with the Texas Supreme Court under Cause No. 12-0549, which was denied on November 30, 2012. Plaintiffs have filed the instant Bill of Review fourteen months after the Supreme Court denied their rehearing, because their attempts to forestall losing possession of the property through baseless appeals have also failed.

III. **ARGUMENT AND AUTHORITIES**

5. All of the lawsuits filed by Plaintiffs relate to the same issue of foreclosure and/or possession of the Property. Despite adjudication of those claims, Plaintiffs repeatedly bring baseless suits against Attorney Defendants, forcing Attorney Defendants to spend unnecessary time and attorney's fees in defending new actions. Attorney Defendants remain confident that Plaintiffs will continue to assert baseless claims against them without court intervention.

6. 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:....(2) after a litigation has been finally determined against the plaintiff, the plaintiff repeatedly relitigates or attempts to relitigate, pro se, either (A) the validity of the determination against the same defendant as to whom the litigation was finally determined: or (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 Ann §11.054(2)

7. A court shall order the plaintiff to furnish security for the benefit of the moving defendant if the court, after hearing the evidence on the motion, determines that the plaintiff is a vexatious litigant. *Id.* at 11.055. The court shall dismiss the litigation as to a moving defendant if a plaintiff ordered to furnish security does not furnish the security within the time set by the order. *Id.* at § 11.056; *Nell Nations Florist v. Vanguard Underwriters Ins. Co.*, 141 S.W.3d 668, 669-70 (Tex.App.---San Antonio 2004, no pet.

8. In the matter before the court, Plaintiffs have now brought the same baseless claims against Attorney Defendants for the third time. The Court should consider Plaintiffs vexatious litigants because there is not a reasonable probability that Plaintiffs may prevail in the Instant Lawsuit. It is evident from the continued filings despite an unsuccessful Appeal to the Texas Supreme Court that Plaintiffs meet the burden to be determined vexatious litigants under the Civil Practice and Remedies Code. There is no reasonable probability that Plaintiffs will prevail. Plaintiffs simply attempt to relitigate the validity of Wells Fargo's title to the Property in a last ditch effort to stop the rightful owner from taking possession of the Property.

IV. MOTION FOR PRE-FILING ORDER

9. Pursuant to section 11.101 of the Civil Practice and Remedies Code, Attorney Defendants move this Court to enter an order prohibiting Plaintiffs Alvie Campbell and Julie

Campbell from filing, pro se, any new litigation against Attorney Defendants without the appropriate statutorily-required permission, that is, a review by the local administrative judge who determines that litigation has merit and has not been filed for purposes of harassment

V.
NOTICE OF HEARING

This Motion will be considered at an oral hearing before the 368th Judicial District Court on Monday April 14, 2014 at 1:30 pm.

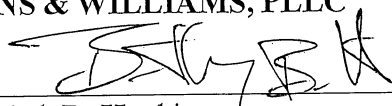
VI.
PRAYER

WHEREFORE, PREMISES CONSIDERED, Attorney Defendants pray that Plaintiffs be declared vexatious litigants. Attorney Defendants further request that Plaintiffs be required to furnish security pursuant to Tex. Civ. Prac. & Rem. Code. § 11.005. Attorney Defendants further also request that the Court enter an order prohibiting Plaintiffs from filing pro se, any new litigation against STEPHEN C. PORTER, DAVID SEYBOLD, RYAN BOURGEOIS and MATTHEW CUNNINGHAM with respect to all claims asserted by Plaintiffs in any court in this state without permission from a local administrative judge. Attorney Defendants also pray for all further and other relief, whether at law or in equity, to which Attorney Defendants may be justly entitled.

Respectfully Submitted,

HOPKINS & WILLIAMS, PLLC

By:



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ATTORNEY FOR DEFENDANTS BARRETT
STEPHEN C. PORTER, DAVID SEYBOLD,
RYAN BOURGEOIS AND MATTHEW
CUNNINGHAM

CERTIFICATE OF SERVICE

Pursuant to Texas Rules of Civil Procedure, a true and correct copy of the foregoing has been sent on this the 26th day of March 2014 to all parties of record via the method indicated as follows:

Via CM/RRR: # 7012 1640 0001 7021 2916

And Regular U.S. Mail

Alvie Campbell
Julie Campbell
c/o 250 PR 947
Taylor, TX 76574
PRO SE PLAINTIFFS

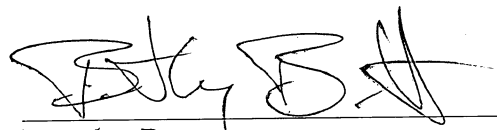
Via Facsimile: (512) 479-1101

Elizabeth G. Bloch
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