

CAUSE NO. 2021-18043

DEREK U. OBIALO	§	IN THE DISTRICT COURT OF
<i>Plaintiff,</i>	§	
	§	
	§	
v.	§	
	§	
JERALD A. BROWN, ANTHONY RAY	§	55th JUDICIAL DISTRICT
SUEING, FRONTLINE RECOVERY	§	
AND CONSULTING, INC.,	§	
FRONTLINE RECOVERY AND	§	
CONSULTING NORTH, INC. and	§	
ANITA FRED KAWAJA	§	
<i>Defendants.</i>	§	HARRIS COUNTY, TEXAS

**ORDER GRANTING DEFENDANT, ANITA FRED KAWAJA’S
MOTION TO DISMISS PURSUANT TO
THE TEXAS CITIZEN PARTICIPATION ACT
(TEX. CIV. PRAC. & REM. CODE § 21.007 et seq.)**

ON THIS DAY CAME ON TO BE CONSIDERED Defendant Anita Fred Kawaja’s Motion to Dismiss Pursuant to the Texas Citizen Participation Act (TEX. CIV. PRAC. & REM. CODE § 27.001 *et seq.*) (hereinafter the “TCPA”), and the Court, after considering the motion and affidavit and exhibits thereto, including any amendments or supplements thereto, the Plaintiff’s response, the Defendant’s reply on the motion and objections to the Plaintiff’s response evidence, which are hereby sustained, the pleadings, and the arguments of counsel, is of the opinion that such motion should be in all things GRANTED. It is first,

ORDERED that, pursuant to the authority granted to this Court under the Texas Supreme Court’s Fortieth Emergency Order Regarding The COVID-19 State of Disaster, Misc. Docket No. 21-9079, dated July 19, 2021, the deadline to rule on the Defendant Anita Fred Kawaja’s Motion to Dismiss Pursuant to the Texas Citizen Participation Act (TEX. CIV. PRAC. & REM. CODE § 27.001 *et seq.*) is HEREBY extended to the date of this order, including because the Court was unable to rule by the deadline referenced in Section 27.005(a) of the TCPA due to docket and scheduling conditions that were caused in part because of the COVID-19 pandemic. It is further,

ORDERED that the Defendant Anita Fred Kawaja's Motion to Dismiss Pursuant to the Texas Citizen Participation Act (TEX. CIV. PRAC. & REM. CODE § 27.001 *et seq.*) is hereby GRANTED because the TCPA applies, the Plaintiff failed to produce prima facie evidence of his claims, and the attorney-immunity defense applies to Defendant ANITA FRED KAWAJA in this case. It is therefore,

ORDERED, ADJUDGED, and DECREED that all of the claims and all related requests for relief of Plaintiff, DEREK U. OBIALO against Defendant, ANITA FRED KAWAJA, are hereby DISMISSED WITH PREJUDICE and that the Plaintiff, DEREK U. OBIALO takes nothing on all of such claims and requests for relief against Defendant, ANITA FRED KAWAJA. It is further,

ORDERED, ADJUDGED, and DECREED that, pursuant to Section 27.009(a)(1) of the Texas Civil Practice and Remedies Code, the Plaintiff, DEREK U. OBIALO is hereby liable to Defendant, ANITA FRED KAWAJA, for her court costs and reasonable attorney's fees that have been incurred by Defendant, ANITA FRED KAWAJA in defending against the above-referenced claims and requests for relief of the Plaintiff, DEREK U. OBIALO in amounts to be determined at a future hearing or submission date before this Court, which is set on the **11th day of October, 2021 at 1:30 p.m.**, unless reset by the Court. Additionally, at that time, this Court shall decide whether to impose additional sanctions against the Plaintiff, per to Section 27.009(a)(2) of the Texas Civil Practice and Remedies Code.

SIGNED this _____ day of September 2021.

JUDGE PRESIDING

**APPROVED AS TO FORM
AND ENTRY REQUESTED:**

HOOVER SLOVACEK LLP

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**ATTORNEYS FOR DEFENDANT
ANITA FRED KAWAJA**

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