

No. 202454595

JULIUS LAMUNN NORTH, § IN THE DISTRICT COURT OF
Plaintiff, §
V. §
BRADEN BARNES; § HARRIS COUNTY, TEXAS
Defendants. § 152 JUDICIAL DISTRICT

PLAINTIFF'S RESPONSE TO DEFENDANT'S MOTION TO DECLARE PLAINTIFF A
VEXATIOUS LITIGANT

TO THE HONORABLE JUDGE OF SAID COURT:

Plaintiff Julius Lamunn North submits this response to Defendant Braden Barnes's Motion to Declare Plaintiff a Vexatious Litigant. The motion not only lacks merit but also exemplifies a repetitive, copy-and-paste strategy used by the Defendant in multiple cases to avoid addressing the substantive legal claims of fraud, breach of contract, and violations of the Texas Deceptive Trade Practices Act (DTPA). The Defendant has resorted to abusing the judicial process by filing meritless motions rather than confronting the fraudulent foreclosure actions taken against the Plaintiff.

This response will demonstrate the Defendant's failure to meet the high threshold required under the vexatious litigant statute, as well as highlight ethical violations committed by Braden Barnes during foreclosure proceedings. Additionally, the Court's duty to carefully scrutinize vexatious litigant motions to ensure they are not being used as a tactic to avoid legal accountability will be discussed.

I. Introduction

Defendant Braden Barnes has filed a motion under Chapter 11 of the Texas Civil Practice and Remedies Code to declare Plaintiff a vexatious litigant. However, this motion relies on a boilerplate strategy identical to one previously used in *North v. Hilary Bonial* and fails to engage with the merits of Plaintiff's legitimate claims. These claims, as outlined in Plaintiff's Original Petition, relate to the fraudulent foreclosure of Plaintiff's property at 22127 Nobles Crossing Dr., Spring, Texas.

Plaintiff's core allegations include the filing of fraudulent foreclosure documents, improper appointments of trustees, and the failure of Defendant Barnes to provide critical debt verification. Defendant's motion disregards these substantive claims and instead seeks to manipulate procedural rules to shield himself from addressing fraudulent and unethical behavior.

II. Plaintiff's Core Claims: Fraud, Breach of Contract, and DTPA Violations

Plaintiff's lawsuit is based on the following key issues:

1. **Fraudulent Foreclosure Documents:** Defendant filed fraudulent foreclosure documents with the Harris County Clerk's Office on March 17, 2022, and June 10, 2024 (FRCL-2022-1310 and FRCL-2024-3612). These filings aimed to unlawfully foreclose on Plaintiff's property without proper verification or justification (ORIGINAL PETITION- Hila...).
2. **Breach of Contract:** Defendant exceeded the scope of legal representation by participating in fraudulent actions, including the improper appointment of trustees, which

breached the terms of the original loan agreement and foreclosure procedures(ORIGINAL PETITION- Hila...).

3. Violations of the Texas Deceptive Trade Practices Act (DTPA): Defendant engaged in misleading and deceptive practices intended to seize Plaintiff's property unlawfully. Defendant failed to provide proper verification of the debt and continued the foreclosure process despite ongoing disputes raised by Plaintiff(ORIGINAL PETITION- Hila...).

Rather than addressing these specific claims, Defendant's motion focuses solely on procedural history and repeatedly uses cut-and-paste allegations of vexatious litigation—further underscoring Defendant's refusal to engage with the merits of the case.

III. Misuse of the Vexatious Litigant Statute

Chapter 11 of the Texas Civil Practice and Remedies Code is designed to prevent frivolous lawsuits from overwhelming the courts, not to shield wrongdoers from being held accountable for their actions. The Texas Supreme Court, in *In re Casey*, 589 S.W.3d 850, 852 (Tex. 2019), emphasized that the statute must be applied with caution and only when the following criteria are met:

- The plaintiff has no reasonable probability of success on the merits.
- The plaintiff has a history of frivolous or meritless litigation.

In this case, Defendant fails to meet either of these criteria:

- Plaintiff's claims are substantiated by documentary evidence, including the fraudulent filings made with the Harris County Clerk. These claims provide a clear reasonable probability of success on the merits.
- Plaintiff's lawsuits are neither frivolous nor meritless. Each lawsuit was a necessary response to the Defendant's continuous unlawful actions. Prior case dismissals were based on procedural grounds, not a substantive adjudication of Plaintiff's claims.

As the court held in *McCann v. Spencer Plantation Invs. Ltd.*, 2021 WL 451102 (Tex. App.—Houston [14th Dist.] Feb. 9, 2021), merely filing multiple lawsuits does not automatically render a litigant vexatious, particularly when those lawsuits involve new claims or unadjudicated issues. The Defendant has not shown that the issues in this case were fully and fairly litigated.

IV. Ethical Violations by Braden Barnes

A. Failure of Competence and Diligence (Rule 1.01, Texas Disciplinary Rules of Professional Conduct)

As outlined in a recorded conversation between Plaintiff, Ivory North, and Defendant Barnes, the Defendant failed to demonstrate the necessary competence and diligence required to represent his client. When questioned about the foreclosure and the role of Jack Palmer as trustee, Barnes either refused or was unable to provide answers, suggesting a lack of proper investigation and action.

B. Violation of Duty of Candor (Rule 4.01, Texas Disciplinary Rules of Professional Conduct)

Barnes exhibited a pattern of evasiveness and failure to disclose material facts during the foreclosure proceedings. He failed to clarify the roles of Jack Palmer and Chris Poston, two individuals who claimed to work for Bonial & Associates, yet could not be served by constables, and whose existence was never acknowledged by Bonial . These omissions indicate intentional deception.

Furthermore, Plaintiff has filed a grievance with the Texas State Bar against Barnes for repeatedly referring to Plaintiff as a “sovereign citizen,” a derogatory label intended to prejudice the court. Barnes’s use of this language, combined with his refusal to clarify key facts, underscores his violation of ethical standards .

C. Failure to Disclose Material Facts (Rule 1.02(d), Texas Disciplinary Rules of Professional Conduct)

Barnes also failed to disclose critical information necessary for Plaintiff to defend against the foreclosure. Despite Plaintiff’s multiple requests for debt verification and clarification of the trustee’s appointment, Barnes did not provide the necessary documents or disclose who legitimately owned the loan, further exacerbating Plaintiff’s legal and financial position.

V. Harm Caused to Plaintiff

Barnes’s failure to provide crucial information, coupled with his involvement in the foreclosure process, caused significant harm to Plaintiff. The inability to clarify ownership of the loan, verify

the debt, and address the appointment of trustees resulted in financial loss and emotional distress for Plaintiff, who was left unable to sell or protect the property from foreclosure.

The confusion surrounding the roles of Jack Palmer and Chris Poston further complicated the situation. Despite Plaintiff's best efforts to clarify these appointments, the defense provided no explanation, leaving the process marred by uncertainty and deception.

VI. Abuse of Judicial Process and Use of Vexatious Litigant Motions

The Defendant's motion is yet another instance of abuse of process. In *Texas Beef Cattle Co. v. Green*, 921 S.W.2d 203 (Tex. 1996), the Texas Supreme Court recognized that legal proceedings must not be used to harass or delay the resolution of disputes. Defendant's reliance on vexatious litigant motions across multiple cases is a clear attempt to delay justice and avoid accountability.

Additionally, Texas Rule of Civil Procedure 13 prohibits the filing of motions for improper purposes, including harassment or delay. The Defendant's repeated filing of such motions, combined with a failure to engage with the legal issues at hand, demonstrates a pattern of abusive litigation.

VII. Request for Discovery

In light of these irregularities and Defendant's failure to address the core issues of the case, Plaintiff requests that the Court compel discovery to obtain evidence related to:

1. Communications with the Harris County Clerk regarding foreclosure filings.

2. Correspondence involving Jack Palmer and Chris Poston, including any information about their roles as trustees.
3. Internal communications at Bonial & Associates related to the ownership of the loan and foreclosure procedures.

This discovery is necessary to fully uncover the extent of the Defendant's unethical conduct and clarify the fraudulent actions taken during the foreclosure process.

VIII. Conclusion

For the reasons set forth above, Plaintiff Julius Lamunn North respectfully requests that the Court:

1. Deny the Defendant's Motion to Declare Plaintiff a Vexatious Litigant on the grounds that the motion is without merit and is part of an abusive litigation strategy.
2. Allow this case to proceed to trial, where the substantive claims of fraud, breach of contract, and DTPA violations can be fully and fairly adjudicated.

Respectfully submitted,

/s/ Julius-Lamunn: North, beneficiary UCC 1-308, UCC 3-419

Julius-Lamunn: North, beneficiary UCC 1-308, UCC 3-419

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Certificate of Service

I hereby certify that on this 12 day of September, 2024, a true and correct copy of the foregoing documents was served on Defendant's counsel of record via e-service and email at the following addresses:

- Marc D. Cabrera – mcabrera@polsinelli.com
- Elizabeth Hayes – ehayes@polsinelli.com

Respectfully submitted,

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Case Contacts

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Unofficial Copy Office of Marilyn Burgess District Clerk