

CAUSE NO. 202454595

JULIUS LAMUNN NORTH,

Plaintiff,

v.

BRADEN BARNES,

Defendant.

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IN THE DISTRICT COURT

152ND JUDICIAL DISTRICT

HARRIS COUNTY, TEXAS

RESPONSE IN OPPOSITION TO PLAINTIFF’S MOTION FOR CONTINUANCE

Defendant Braden Barnes (“Defendant”) files this, his Response in Opposition to Plaintiff Julius Lamunn North’s (“Plaintiff”) Motion for Continuance (“Motion”) and respectfully shows the Court as follows:

Plaintiff has filed approximately 80 cases as a *pro se* litigant over the last two years. *See* Motion to Declare Plaintiff a Vexatious Litigant, at p. 2 (the “Vexatious Litigant Motion”). At any time during that period, he could have hired and/or consulted with an attorney, yet chose not to. As set forth in Defendant’s Vexatious Litigant Motion, many of those cases were filed against Defendant and dozens of related entities. *Id.* at pp. 4-8. Plaintiff has not been successful in any of these suits. *See generally id.* Plaintiff has also filed complaints with the Texas State Bar against Defendant, Defendant’s counsel, and other attorneys associated with the cases, and is currently threatening to file yet another case against Defendant, Defendant’s counsel, and myriad others alleging bogus racketeering charges.

Defendant has finally had enough and seeks to put an end to Plaintiff’s deluge of meritless litigation through his Vexatious Litigant Motion filed on September 11, 2024, and set a hearing on that motion for approximately 45 days later on October 25, 2024. Yet 10 days before the hearing, Plaintiff seeks to have Defendant’s timely and proper hearing reset so that now, at the eleventh

hour, he can purportedly hire legal counsel. *See* Motion for Continuance at ¶ 3. Not only is this an outrageous request given that Plaintiff could have sought legal counsel at any point before filing dozens of frivolous cases—yet purposefully chose not to—but also Plaintiff has had more than a month since the Vexatious Litigant Motion was filed to find an attorney. Moreover, Plaintiff has represented to courts since August that he was attempting to obtain legal counsel, apparently without success. *See* attached Exhibit 1.

Defendant's counsel has already booked travel to attend the hearing on October 25, 2024, and has scheduled other hearings around that date and time. Plaintiff has already cost Defendant, Defendant's clients, and dozens of others untold amounts of money in attorney's fees and costs in having to defend against his frivolous and harassing claims. Plaintiff has also cost the Court and Harris County substantial sums because he has filed each of these 80+ suits with a pauper's affidavit thereby avoiding paying any filing fees and service costs. Continuing the hearing would prejudice Defendant by forcing him to incur additional fees and costs in re-booking of travel and otherwise re-preparing for the hearing. Defendant would be further prejudiced because, if granted, the Vexatious Litigant Motion could, effectively, end the case against him. Thus, any continuation of the hearing potentially grants Plaintiff additional time to continue his campaign of abuse and harassment against Defendant.

Plaintiff also claims that he needs additional time to serve subpoenas regarding the hearing. Motion for Continuance, ¶ 4. However, Plaintiff has had more than a month since the Vexatious Litigant Motion was filed to secure any subpoenas he believes he needs, yet has failed to do so. Defendant should not be punished because Plaintiff is not taking this matter seriously enough to timely prepare for a hearing. Moreover, any subpoena that Plaintiff could possibly serve in relation to the hearing on the Vexatious Litigant Motion is irrelevant, improper and subject to quash. Indeed, should Plaintiff seek to have any subpoenas issued, Defendant would immediately move

to quash them. There is no need or authority for subpoenaing witnesses for the hearing on the Vexatious Litigant Motion. Witness testimony will not establish whether or not Plaintiff meets the objective requirements of the statute. Any subpoenas issued by Plaintiff would only serve to further his harassing and abusive tactics.

Overall, Plaintiff has not shown good cause as to why the hearing should be continued. This request is nothing more than yet another delay tactic, and his request should be denied.

WHEREFORE, PREMISES CONSIDERED, Defendant requests that the Court deny Plaintiff's Motion for Continuance. Defendant also requests such other and further relief, at law and in equity, to which he may be justly entitled.

Respectfully submitted,

/s/ Elizabeth Hayes

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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document was served on all parties of record pursuant to the Texas Rules of Civil Procedure on this 16th day of October via e-service and/or regular mail:

Julius Lamunn North
13511 La Concha Lane
Houston, Texas 77083
Plaintiff Pro Se

/s/ Elizabeth Hayes
Attorney for Defendant

Unofficial Copy Office of Marilyn Burgess District Clerk

Automated Certificate of eService

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Kristi Russelburg on behalf of Elizabeth Hayes

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Envelope ID: 93212739

Filing Code Description: No Fee Documents

Filing Description: Response in Opposition to Plaintiff's Motion for Continuance

Status as of 10/16/2024 11:01 AM CST

Case Contacts

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