

CAUSE NO. 202454595

JULIUS LAMUNN NORTH,

Plaintiff,

v.

BRADEN BARNES,

Defendant.

§
§
§
§
§
§
§
§
§

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's Motion seeks a continuance of the hearing scheduled for November 22, 2024, on Defendant's Motion to Declare Plaintiff a Vexatious Litigant (the "Vexatious Litigant Motion"), which was originally scheduled for October 25, 2024. He claims he needs time to hire an attorney and issue subpoenas for the hearing. Plaintiff filed an identical motion for continuance on October 15, 2024, in regard to the October 25th hearing. Plaintiff has now had an additional month to hire an attorney and/or issue subpoenas and has failed to do so. It is apparent that this Motion is simply a stall tactic by Plaintiff to, among other things, keep him living rent free in his house for as long as possible.

Plaintiff has filed approximately 80 cases as a *pro se* litigant over the last two years. *See* Vexatious Litigant Motion, at p. 2. 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 sought to have Defendant's timely and proper hearing reset so that, at the eleventh hour, he can purportedly hire legal counsel. Due to a medical emergency of Defendant's counsel, the October 25th hearing was cancelled and reset for a month later on November 22nd. Despite this additional month, Plaintiff yet again seeks more time. 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 two months 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 November 22nd hearing, 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 two months 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

Marc D. Cabrera

State Bar No. 24069453
mcabrera@polsinelli.com

Elizabeth Hayes

State Bar No. 24069001
ehayes@polsinelli.com

POLSINELLI PC

2950 N. Harwood Street, Suite 2100
Dallas, TX 75201
T: (214) 397-0030
F: (214) 397-0033

Braden Barnes

State Bar No. 24059423
Braden.Barnes@bonialpc.com

BONIAL & ASSOCIATES, P.C.

14841 Dallas Parkway, Suite 350
Dallas, Texas 75254
T: (972) 643-6600
F: (972) 643-6699

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 19th day of November via e-service and/or regular mail:

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

/s/ Elizabeth Hayes

Attorney for Defendant

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Kristi Russelburg on behalf of Elizabeth Hayes

Bar No. 24069001

krusselburg@polsinelli.com

Envelope ID: 94472986

Filing Code Description: No Fee Documents

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

Status as of 11/19/2024 3:24 PM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Marc D.Cabrera		mcabrera@polsinelli.com	11/19/2024 3:13:34 PM	SENT
Elizabeth Hayes		ehayes@polsinelli.com	11/19/2024 3:13:34 PM	SENT
Julius North		loveandprosperitysh@gmail.com	11/19/2024 3:13:34 PM	SENT

Unofficial Copy Office of Marilyn Burgess District Clerk