



Filed
 OCT 11 2011
 O. Adams
 AT 1:48 O'clock p.m.

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE
 STATE OF IDAHO, IN AND FOR THE COUNTY OF ONEIDA

Supreme Court No. 3944

ORDER RE: HOLLI LUNDAHL TELFORD) 2011- 3
)
) ADMINISTRATIVE ORDER
) DECLARING VEXATIOUS
) LITIGANT

Idaho Court Administrative Rules, Rule 59 states that an Administrative Judge may enter a pre-filing order prohibiting a vexatious litigant from filing any new litigation in the courts of Idaho *pro se* without first obtaining leave of a judge of the court where the litigation is proposed to be filed. A prerequisite to such an order is that a district or magistrate judge must refer the consideration of whether to enter such an order to the administrative judge or the person being considered must be a party to an action before the administrative judge. Holli Lundahl Telford is not a party in any action before the undersigned administrative judge. However, this court has received references from other district judges and magistrate judges¹ regarding Ms. Lundahl Telford. Therefore, this administrative judge has addressed the consideration of whether to enter a Vexatious Litigant Order.

¹ These would include District Judges Naftz, Dunn, and Brown, and Magistrate Judges Laggis and Evans.

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 JAN - 4 2012
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FINDINGS

IAR 59(d) states that an administrative judge may find a person to be a vexatious litigant based on any one of four findings. Ms. Lundahl Telford falls under all four of the stated findings. However, only two will be discussed here. First, IAR 59(d)(4) states that a person may be declared a vexatious litigant in Idaho if that person "has previously been declared to be a vexatious litigant by any state or federal court of record in any action or proceeding." Ms. Lundahl Telford has been declared a vexatious litigant in Utah, Texas, the Federal Ninth Circuit Court of Appeals, the Federal District Court of Idaho, the Federal District Court of Montana, and the United States Supreme Court.² Second, IAR 59(d)(1) states that a person may be declared a vexatious litigant in Idaho if in "the immediately preceding seven-year period the person has commenced, prosecuted or maintained *pro se* at least three litigations, . . . that have been finally determined adversely to that person." A review of files in the Sixth Judicial District for the State of Idaho shows that Ms. Lundahl Telford in the immediately preceding seven-year period has commenced, prosecuted or maintained *pro se* at least 3 litigations that have been finally determined adversely to her.³

CONCLUSION

This Court finds that there is a basis to conclude that Holli Lundahl Telford is a vexatious litigant and that a pre-filing order should be issued. Pursuant to IAR 59(4) the proposed order is set forth below. Ms. Lundahl Telford shall have 14 days to file a written response to the

² See, *Lundahl v. Hawkins*, Slip Copy, 2009 WL 2461220 (W.D.Tex. 2009) (attached hereto); *Lundahl v. Nar Inc.*, 434 F.Supp.2d 855 (D.Idaho 2006) (attached hereto).

³ See, *Lundahl v. Kirkpatrick's Auto World, Franklin County Case No. CV-2011-0000189*, Judgment of Dismissal filed 8/25/2011; *Lundahl v. Hubbard*, Oneida County Case No. CV-2011-0000044, Judgment of Dismissal filed 6/2/2011; *Telford v. Evans*, Oneida County Case No. CV-2006-0000004, Dismissed with prejudice on 12/01/2006.

proposed order and the findings set forth above. If no timely response is filed the proposed pre-filing order will be issued. If Ms. Telford desires to file a written response to this proposed order and findings, she may file the written response in Oneida County in the District Court. If a written response is timely filed, the Court shall determine if a hearing is necessary.

PROPOSED PREFILING ORDER

Holli Lundahl Telford is hereby declared to be a vexatious litigant pursuant to IAR 59. This declaration is based upon the Findings set forth above. Holli Lundahl Telford is precluded from filing any new litigation in the courts of Idaho *pro se* without first obtaining leave of a judge of a court where the litigation is proposed to be filed. Disobedience of this pre-filing order shall be punished as a contempt of court and any action filed by Ms. Telford without prior leave of Court may be dismissed by the Court.

DATED October 11, 2011



David C. Nye
Administrative District Judge

CC: Holli Lundahl Telford
Patricia Tobias, Administrative Director of the Courts
All judges of the Sixth Judicial District
Clerks of the Sixth Judicial District
Sheriffs of the Sixth Judicial District
Deputy Clerks of the Sixth Judicial District

State of Idaho }
County of Oneida } ss

I hereby certify that the foregoing is a full, true and correct copy of the original in the above entitled matter.
Witness my hand and affix the seal of said court this 1st day of Dec. 2011

Clerk of The District Court

David C. Nye
Deputy

OCT 27 2011
D. Hudson
3:48

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ONEIDA

ORDER RE: **HOLLI LUNDAHL TELFORD**) Adm. Order No. 2011-3(b)
)
) **DECLARATION THAT HOLLI**
) **LUNDAHL TELFORD IS A**
) **VEIXATIOUS LITIGATE**

Supreme Court No. 39497

Holli Lundahl Telford is hereby declared to be a vexatious litigant pursuant to IAR 59. This declaration is based upon the Findings set forth in this Court's Administrative Order No. 2011-103. Holli Lundahl Telford is precluded from filing any new litigation in the courts of Idaho *pro se* without first obtaining leave of a judge of a court where the litigation is proposed to be filed. Disobedience of this pre-filing order shall be punished as a contempt of court and any action filed by Ms. Telford without prior leave of Court may be dismissed by the Court

DATED October 27, 2011

David C. Nye

David C. Nye
Administrative District Judge

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OCT 22 2011
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CC: Holli Lundahl Telford
Patricia Tobias, Administrative Director of the Courts
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Clerks of the Sixth Judicial District
Sheriffs of the Sixth Judicial District
Deputy Clerks of the Sixth Judicial District