In the Supreme Court of the State of Idaho

ISRAEL SHIRK,

Plaintiff-Appellant,

v.

ERIKA SHIRK,

Defendant-Respondent.

PRE-FILING ORDER

Supreme Court Docket No. 53306-2025

Ada County District Court No. CV01-22-08882

This matter is before the Court on Respondent's motion to declare Israel Shirk a vexatious litigant. Having considered the motion, and pursuant to Idaho Court Administrative Rule 59(g), the Court finds that there is a basis to conclude that Israel Shirk is a vexatious litigant and that a Pre-Filing Order should be issued. This is the **PRE-FILING ORDER** and the findings supporting the issuance of this Order.

I. JUDICIAL NOTICE AND ORDER SEALING DOCUMENTS

The Court has compiled numerous documents from litigations involving Israel Shirk for purposes of this Pre-Filing Order. This compilation will be called the "Excerpts of Record," and the Court, in accordance with Rule 201 of the Idaho Rules of Evidence, takes judicial notice of the documents contained in the Excerpts of Record. *See State, Dep't of Health & Welfare v. Doe (2023-24)* (*In re Doe I*), 172 Idaho 891, 898–900, 537 P.3d 1252, 1259–61 (2023) ("When a court takes judicial notice of records, exhibits, or transcripts from the court file in the same or a separate case, the court must identify the specific documents or items so noticed." (quoting I.R.E. 201(c))). As many of the documents in the Excerpts of Record are protective order petitions and are exempt from public disclosure pursuant to Idaho Court Administrative Rule 32(g)(16) and because the documents in the Excerpts of Record contain highly intimate facts or statements, the publication of which would be highly objectionable to a reasonable person, the Court, in accordance with Idaho Court Administrative Rules 32(i)(1) and 32(i)(3)(A)(1), orders that the Excerpts of Record be sealed.

II. FINDINGS OF FACT

1. In 2020, Erika Shirk ("Erika") filed for a divorce from Israel Shirk ("Israel"). After contentious proceedings, a divorce decree was issued on June 21, 2022. Litigation between the parties has not ceased.

2. Before and since the divorce, Israel, acting pro se, has repeatedly petitioned for a protective order against Erika, some of her family members, and even attorneys who have represented her. Notwithstanding consistent denials of these petitions, Israel has persisted in filing 17 of them. They are listed by date and case number below:

- *Israel Shirk v. Erika Shirk*, Case No. CV01-20-11341, filed on July 21, 2020. The order dismissing the protection order action indicated the petition was dismissed for failing to "allege facts which, if true, would entitle the Petitioner to a Protection Order." Israel did not appeal the dismissal.

- *Israel Shirk v. Erika Shirk*, Case No. CV01-20-14331, filed on September 9, 2020. The petition included child custody claims along with claims for abuse. The magistrate court dismissed the action with the following explanation: "Given that these facts existed at the time of the CPO denial in CV-01-20-11341 and having just finished a contested hearing in Canyon County on 9/4/2020 in CV14-20-05918, this [c]ourt finds that the matter is more appropriately heard in the family law case." Israel did not appeal the dismissal.

- *Israel Shirk v. Erika Shirk*, Case No. CV01-21-04596, filed on March 24, 2021. The petition included a four-page attachment detailing conflict between the parties regarding child custody and visitation. The petition and action were dismissed with the magistrate court's conclusion that it was more appropriately handled in the parties' Canyon County family law case. Israel did not appeal the dismissal.

- *Israel Shirk v. Erika Shirk*, Case No. CV01-21-04675, filed on March 25, 2021. This petition was filed the same day as the dismissal in CV01-21-04596. It included a five-page attachment with many of the same facts alleged in the attachment to the petition in CV01-21-04596. It also included a copy of the dismissal in CV01-21-04596 that was marked up with handwritten notes and assertions on the type-written attachment. The petition and action were dismissed with this explanation: "[a]llegations do not meet statutory requirements under the Domestic Violence statutes, the Stalking statutes, or Telephone Threat statutes for emergency ex parte protection order; issues likely more appropriately addressed in family law case; see also CV01-21-4596[.]" Israel did not appeal the dismissal.

- *Israel Shirk v. Erika Shirk*, Case No. CV14-21-02847, filed on April 1, 2021. The petition was filed just seven days after the preceding petition in CV01-21-04675. The petition included a two-page attachment documenting the parties' split,

alleged harassment, and broken family relations. The petition and action were dismissed for failing to "allege facts which, if true, would entitle the Petitioner to a Protection Order." Israel did not appeal the dismissal.

- *Israel Shirk v. Erika Shirk*, Case No. CV14-21-02891, filed on April 2, 2021. The petition was filed the same day the previous petition (No. CV14-21-02847) was dismissed and included the same two-page attachment. The petition and action were dismissed for failing to "allege facts which, if true, would entitle the Petitioner to a Protection Order." Israel did not appeal the dismissal.

- *Israel Shirk v. Erika Shirk*, Case No. CV14-21-07205, filed on August 10, 2021. The petition included oft-repeated description of events leading to the parties' split, including an argument, a blocked door, and allegations that Erika had harassed Israel and sought to exacerbate his traumatic brain injury. After an ex parte hearing, the magistrate court dismissed the petition and action for failing to "allege facts which, if true, would entitle the Petitioner to a Protection Order." Israel did not appeal the dismissal.

- *Israel Shirk v. Brenda Quick* (Erika's attorney), Case No. CV14-21-07264, filed on August 11, 2021. The petition included allegations connected to Erika's and Israel's family law case, i.e. Erika's counsel was "stalking" him by communicating with him about removal of personal property. The petition and action were dismissed for failing to "allege facts which, if true, would entitle the Petitioner to a Protection Order." Israel did not appeal the dismissal.

- *Israel Shirk v. Erika Shirk*, Case No. CV14-21-08091, filed on September 9, 2021. After an ex parte hearing, the petition and action were dismissed for failing to "allege facts which, if true, would entitle the Petitioner to a Protection Order." Israel did not appeal the dismissal.

- *Israel Shirk v. Erika Shirk*, Case No. CV14-21-09723, filed on November 2, 2021. The petition included allegations that Erika had attempted to harass Israel at the courthouse, including parking too close to him, filming him in the parking lot, and driving in circles afterward to watch him. After an ex parte hearing, the petition was dismissed the same day for failing to "allege facts which, if true, would entitle the Petitioner to a Protection Order." Israel did not appeal the dismissal.

- *Israel Shirk v. Erika Shirk*, Case No. CV14-21-09683, filed on November 23, 2021. The petition was filed just three weeks after the prior protection order action (No. CV14-21-09723) was dismissed. After a hearing, the petition was dismissed for failing to "allege facts which, if true, would entitle the Petitioner to a Protection Order." Israel did not appeal the dismissal.

- *Israel Shirk v. Erika Shirk*, Case No. CV01-23-10733, filed on July 7, 2023. After an ex parte hearing, the petition was dismissed for failing to "allege facts which, if true, would entitle the Petitioner to a Protection Order." The magistrate

court also ruled that the concerns should be addressed in the family law case (No. CV14-20-07658). Israel did not appeal the dismissal.

- *Israel Shirk v. Erika Shirk*, Case No. CV14-23-11413, filed on December 19, 2023. After a hearing, the petition was dismissed after hearing due to insufficient evidence. Israel did not appeal the dismissal.

- *Israel Shirk v. M. Sean Breen* (Erika's counsel), Case No. CV14-24-00302, filed on January 9, 2024. The petition included allegations that Erika's counsel had harassed Israel and "misuse[d] the court system in furtherance of crime and fraud." The petition was dismissed for failing to "allege facts which, if true, would entitle the Petitioner to a Protection Order." Israel did not appeal the dismissal.

- *Israel Shirk v. Brenda Quick* (Erika's counsel), Case No. CV14-24-00318, filed on January 9, 2024, the same day protective order petitions were filed against other attorneys assisting Erika in the family law case, M. Sean Breen (No. CV14-24-00302) and Alyssa Jones (No. CV01-24-00550). In the petition, Israel alleged that Ms. Quick had "engaged in constant harassment and stalking" of him and "continue[d] to falsify evidence, make false reports, and make fugitive filings in [the] divorce case while acting in a conflict of interest." After an ex parte hearing, the petition was dismissed for failing to "allege facts which, if true, would entitle the Petitioner to a Protection Order." Israel did not appeal the dismissal.

- *Israel Shirk v. Alyssa Jones* (Erika's counsel), Case No. CV01-24-00550, filed on January 9, 2024. This petition included allegations that "Ms. Jones misuses the legal system in a pattern similar to Ms. Shirk and Ms. Quick before her: for furtherance of stalking, advocating for harassment and infliction of bodily harm . . . ." The petition was dismissed when Israel failed to appear for an ex parte hearing. Israel did not appeal the dismissal.

- *Israel Shirk v. Erika Shirk*, Case No. CV-14-24-05988, filed on June 14, 2024. The petition included allegations that Erika "likely intends to act against [Israel] or [the] children due to pending loss of custody" and claimed that Erika had engaged in "[f]requent violence" towards Israel and the children during the marriage. After an ex parte hearing, the petition was dismissed for failing to "allege facts which, if true, would entitle the Petitioner to a Protection Order." Israel did not appeal the dismissal.

3. In addition to the foregoing civil protection order petitions, Israel also sought civil protection orders in April 2021 against Erika's parents: Mary Ostyn (CV14-21-02897) and John Ostyn (CV14-21-02892). Both petitions were dismissed for failing to "allege facts which, if true, would entitle the Petitioner to a Protection Order." There was no appeal in either case.

4. Erika filed a "Verified Motion for Finding of Vexatious Litigant" in a civil protection order case she filed against Israel and in the parties' divorce case (CV14-23-00230, CV14-20-07568). In its decision, issued on June 18, 2024, the magistrate court declined to make such a determination at that time, but ordered Israel to "refrain from relitigating the [c]ourt's final decisions in this case, the [c]ustody [c]ase, or in any closed protection order case, except as permitted by the Rules through a proper and timely motion that has a reasonable basis in law and fact" and that "[a]ll attempts to modify the [c]ourt's custody orders shall be made in the [c]ustody [c]ase and not in a protection order filing . . . ."

5. Despite the magistrate court's admonishment and order, Israel persisted in his pro se civil protection order filings, with two more filed in 2025. On January 9, 2025, he filed a petition for a civil protection order against Erika (CV14-25-00273), which was dismissed for failing to "allege facts which, if true, would entitle the Petitioner to a Protection Order." And on August 23, 2025, Israel filed for another civil protection order against Erika (CV07-25-00548). This petition was also dismissed.

6. Also in January 2025, acting pro se, Israel filed an action (CV01-25-00277) against Erika and her parents, Mary Ostyn and John Ostyn, for personal injury and discrimination. Israel filed a motion and affidavit for fee waiver which the district court denied, finding that the complaint contained a frivolous allegation that venue was proper in Ada County when the action should have been filed in Canyon County because that is where Erika and her parents lived. One week after the district court made its decision, Israel filed a notice of voluntary dismissal.

7. In addition to filings directed at Erika and her parents and her attorneys, Israel, acting pro se, has also sought civil protection orders against others. For example, on March 4, 2025, he sought a civil protection order against a former landlord, Denise Senner (CV01-25-03900). On March 5, 2025, at a hearing on the petition, Israel moved to disqualify the magistrate court, citing "a right to be heard." The magistrate court told Israel it was listening, but Israel talked over the judge, then declined to continue. Accordingly, the magistrate court, in an exercise of discretion, dismissed the action. The same day, Israel filed a "Notice of Emergency Appeal" in the district court. The district court subsequently issued a conditional order dismissing the appeal based on procedural

deficiencies and provided Israel 14 days to make a showing that the magistrate court's order was appealable and to correct the other deficiencies. On April 1, 2025, after 14 days with no showing made, the district court issued an order dismissing the appeal.

Two days after initiating the civil protection order action against Denise Senner, Israel also filed a "Verified Initial Complaint and For Temporary Restraining Order" in a new case (CV01-25-04004) against Denise Senner and her husband, Mike Senner, and housemate Shaun Faulds, alleging that he had been harassed.

On March 10, 2025, Denise and Mike Senner filed a Complaint for Eviction (Expedited Proceedings). On April 03, 2025, at the hearing, Israel agreed to move out. The magistrate court then promptly issued a judgment of eviction.

8. Litigation surrounding Erika and Israel's divorce has been highly contentious. Israel was represented by counsel until August 2022, and then again from March to June 2024. During the intervening period, and after counsel was permitted to withdraw in June 2024, Israel, acting pro se, continuously filed documents styled as various motions and notices, designed to extend and intensify the litigation between the parties. Most recently, on October 20, 2025, the magistrate court in the divorce action (CV14-20-07658), on its own motion, ordered that the case be referred to the administrative district judge for determination of whether Israel is a vexatious litigant under Idaho Court Administrative Rule 59.

III. LEGAL STANDARDS & ANALYSIS

Rule 59(g) of the Idaho Court Administrative Rules governs the present motion to declare Israel a vexatious litigant. The rule states in part:

> The Supreme Court may, on the Court's own motion or the motion of any party to an appeal, enter a prefiling order prohibiting a vexatious litigant from filing any new litigation in the courts of this state pro se without first obtaining leave of a judge of the court where the litigation is proposed to be filed.

I.C.A.R. 59(g).

A litigant may be determined to be "vexatious" if that person has done **any** of the following:

> (1) In the immediately preceding seven-year period the person has commenced, prosecuted or maintained pro se at least three litigations, other

> than in the small claims department of the magistrate division, that have been finally determined adversely to that person.
>
> (2) After a litigation has been finally determined against the person, the person has repeatedly relitigated or attempted to relitigate, pro se, either (A) the validity of the determination against the same defendant or defendants as to whom the litigation was finally determined or (B) the cause of action, claim, controversy, or any of the issues of fact or law, determined or concluded by the final determination against the same defendant or defendants as to whom the litigation was finally determined.
>
> (3) In any litigation while acting pro se, repeatedly files unmeritorious motions, pleadings, or other papers, conducts unnecessary discovery, or engages in other tactics that are frivolous or solely intended to cause unnecessary delay.
>
> (4) Has previously been declared to be a vexatious litigant by any state or federal court of record in any action or proceeding.

I.C.A.R. 59(d). "Litigation, as used in this rule, means any civil action or proceeding, and includes any appeal from an administrative agency, any appeal from the small claims department of the magistrate division, any appeal from the magistrate division to the district court, and any appeal to the Supreme Court." I.C.A.R. 59(b).

Here, we find that Israel's conduct meets the requirements of both Rule 59(d)(1) and (d)(3). Rule 59(d)(1) looks to the last seven years and to whether "the person has commenced, prosecuted or maintained pro se at least three litigations" during that time which were determined adversely. As indicated above in paragraphs 2, 3 and 5, in the last five years (or since 2020), Israel has commenced a total of 21 pro se civil protection order actions against Erika, her parents, and her attorneys. Each of these actions has been dismissed, many of the dismissal orders indicating that the petition initiating the action did not contain "facts, which, if true, would entitle" Israel to a protection order. None of them have been appealed or require further judicial action, which renders them "finally determined adversely" to Israel. *Cook v. Wiebe* (*In re Cook*), 168 Idaho 153, 161, 481 P.3d 107, 115 (2021) ("[A] litigation is 'finally determined adversely to' a party when it has been decided against that party's interest or position, all of the issues have been disposed of, judgment has been entered, and no further judicial action is required."). Further, this does not count other actions initiated by Israel against others, including, for example, his landlords. Thus, Israel has commenced pro se more than three litigations in the last seven

years that have been finally determined adversely to him, and, as such, he is appropriately designated a vexatious litigant pursuant to Rule 59(d)(1).

In addition to meeting the requirements of Rule 59(d)(1), Israel's conduct also satisfies the requirements of Rule 59(d)(3) to be declared a vexatious litigant. Rule 59(d)(3) looks to conduct during litigation, i.e., that while acting pro se, an individual "repeatedly files unmeritorious motions, pleadings, or other papers, conducts unnecessary discovery, or engages in other tactics that are frivolous or solely intended to cause unnecessary delay." I.R.C.P. 59(d)(3). When Israel's counsel was permitted to withdraw from the parties' divorce case in June 2024, Israel began filing many motions, notices, and other papers with the magistrate court in that case. These filings were voluminous, often irrelevant and rambling and frequently included allegations that Erika and her counsel engaged in criminal behavior against him, including conspiracy, fraud, wiretapping, kidnapping, aggravated battery, obstruction of justice, improperly influencing law enforcement, forgery, corruption and "official misconduct." An example is the "Notice of Meet and Confer Letter" (of which Israel filed three copies), which reads as a bulleted laundry list of criminal allegations involving Erika and her counsel including: "[p]etitioner and Ramirez-Smith Law's notable and extensive history of fraud, kidnapping, domestic violence, corruption, parental kidnapping, and other crimes through the court system."

A week later, Israel filed a "Motion to Disqualify and Segregate [Erika's counsel]", in which he asserted that Erika's counsel had "intentionally engaged in deceptive practices in the case," had committed perjury, suborned perjury and further "incriminate[d]" themselves "under a theory of racketeering."

Israel also filed a "Motion in Limine" to limit Erika's "ability to present evidence, witnesses, or engagement in any type of cross-examination" unless she met his list of requirements; a "Motion to Strike" Erika's witness and exhibit list; and a "Motion to Strike [Erika's] Pretrial Memo." Soon thereafter, the magistrate court denied Erika's first motion for Israel to be declared a vexatious litigant, but admonished Israel to "comply with [Idaho Rule of Family Law Procedure] 213 in all his filings going forward", and refrain from relitigating the magistrate court's final decisions in the case, except "as permitted by the Rules through a proper and timely motion that has a reasonable basis in law and fact." The magistrate court also ruled that, since a "final trial" of the parties' ongoing custody

dispute was scheduled for the next month, it would "not entertain any further motions for a temporary custody order."

Disregarding the magistrate court's order that Israel refrain from litigating issues in the child custody case except through proper motions, Israel filed a "Verified Motion for Ex Parte Temporary Restraining Order" soon thereafter seeking to restrain Erika and other related parties from

> moving, altering, destroying, or further preventing any type of evidence related to Ms. Erika Shirk and Ms. Brenda Quick's engagement in computer fraud, witness tampering, and use of various related tools such as forged documents and other tangible or intangible artifacts from being discovered and produced for trial.

This proposed order was denied by the magistrate court. The magistrate court then held a custody modification trial on July 19, 2024, and the case was taken under advisement. Before a written decision was issued, and in direct contravention of the magistrate court's express order that it would not entertain any further motions for a temporary custody order, Israel filed a "Verified Emergency Ex Parte Temporary Motion for Custody Orders," a "Brief regarding Child Custody," a "Letter Re Child Custody and Verified Motion to Show Cause and Notice of Subpoena" (discussing changes to visitation), and a "Notice of Subpoena." Around this time, Erika renewed her motion with the magistrate court that Israel be declared a vexatious litigant.

On September 26, 2024, the magistrate court issued a lengthy decision awarding sole physical custody of the couple's children to Erika. In its decision, the magistrate court denied Erika's renewed motion to declare Israel a vexatious litigant, viewing it as "unwarranted" at the time, but reserved "the right to make a referral" to an administrative judge for a vexatious litigant determination "at any time going forward."

Before a final judgment for custody modification could be issued, Israel twice filed, on September 27, 2024, and again on October 1, 2024, an objection to Erika's proposed judgment. Also on October 1, Israel, seeking to challenge the magistrate court's custody decision filed a "Motion to Modify", a new "Affidavit Verifying Income," and a new "Family Law Case Information Sheet." The magistrate court issued its judgment on October 2, 2024. A month later, on November 7, 2024, Israel filed a "Notice of Appeal" appealing the matter to the district court. The next day, November 8, 2024, Israel filed a "Proffer re Concealed and Destroyed Evidence AND Motion for Judicial Notice" in which he moved

to "dismiss Ms. Shirk's motions in full due to discovery violations . . . [including] Ms. Shirk and her family engag[ing] in litigation to further engage in crime, fraud, and discrimination based on disability."

On December 5, 2024, the district court issued an order staying the appeal, subject to the magistrate court's decision on Israel's motion to modify the judgment. Over the next few months, Israel continued to file numerous motions as well as proposed subpoenas, including a "Motion for Relief Pursuant to Rule 206 [of the Idaho Rules of Family Law Procedure]" stating that service of Erika's January 2023 motions was insufficient, that a witness called at trial "had no personal knowledge" of the matter testified to, and that he "continues to move for the court to realign the parties' protection order to finally stop Ms. Shirk's never-ending cycles of domestic violence and discrimination against Mr. Shirk and the parties' children[.]" Israel also filed a "Motion to Shorten Time, Notice of Hearing, Motion for Licensure, and Notice", in which he requested an earlier hearing on a number of issues, including his motion(s) for additional relief, and to modify and attempted to "independently address a number of historical issues and provide a curious amici environment where this case tends to require malum pro se." Filings also included a "Motion for Relief Regarding Clerical Error, Oversight, and Omission Re Jan 16 2024"; a "VERIFIED Motion for Relief Regarding Domestic Violence"; a "VERIFIED Motion for Relief Re Present Dad," which contained 600 pages of pictures and blog posts from Erika's former blog; a "VERIFIED Motion for Relief Re Evidentiary Standards; and a "VERIFIED Motion for Relief Re Alimony, Support, Fees, and Costs" all of which were designed to re-hash old disagreements and continue litigating the divorce, custody, and child support orders.

On March 20, 2025, the magistrate court issued an order indicating that, while Israel's motion to modify did not state a valid claim as to custody, it did "appear to state a valid claim as to modifying child support," which "was not pled by either party" in the previous action nor tried by consent at trial. Accordingly, the magistrate court instructed Israel to properly serve his motion to modify child support within 21 days. The court also indicated that all pending motions were denied and ordered Israel to "refrain from making similar filings going forward."

On May 16, 2025, the magistrate court held a trial on Israel's motion to modify child support. On May 30, 2025, the case was taken under advisement. Prior to issuance of the magistrate court's decision, Israel caused seven subpoenas to be issued seeking medical records from St. Luke's, St. Alphonsus, and a local psychologist related to Erika's mental health care, as well as access to Erika and her parent's emails, Facebook accounts and posts, and an expert witness Erika had used at trial. On July 9, 2025, the magistrate court granted Erika's motion to quash these subpoenas, declaring that it was quashing them because: "there is no action pending. The trial has been completed on the issue of support . . . and the last judgment on custody is subject to appeal. No subpoenas are to be requested or issued unless leave of the [c]ourt is granted." On July 10, 2025, the magistrate court issued its decision as to child support, and on July 14, 2025, the judgment of modification was issued.

On July 21, 2025, the district court lifted the stay of Israel's appeal and set the briefing schedule. Israel failed to file a brief according to the schedule, so a notice of intent to dismiss the appeal was issued on October 2, 2025, in which Israel was given seven days to file a brief that complied with applicable rules or the appeal would be dismissed. On October 10, 2025, Israel filed a motion to extend time styled as "Appellant's Response to Notice of Intent to Dismiss Appeal" as well as a "Declaration in Support of Motion to Extend Time." The declaration stated in its entirety:

> I, Israel Shirk, make the following declaration pursuant to Idaho Code § 9-1406 in support of my Motion and Brief to Extend Time.
>
> I do not use a split naming convention.
>
> I order coffee in my cat's name.
>
> My service dog heels to either side, but prefers the right.
>
> I consistently see the same thing as what as in video.
>
> My service dog interacts with people that I see.
>
> My service dog ordered pets at the Hidden Springs library on Tuesday.
>
> I thought I saw Ms. Jones and Jacqueline Hawkins at Starbucks yesterday.
>
> I was just chilling at the library.
>
> The pizzeria my current wife wanted to eat at in 2016 was closed. She kept crossing us into the street and looking for something from the East.
>
> Shannon's kid is a good egg; so is her granddog.

It is difficult to sort out the difference between puzzling and vexatious.

I forgot the name in the trash can lid.

The color of the day was yellow like Knox.

ἑρμηνεύω and ἑρμηνεύς are fascinating, both in language and in computing.

Many things are similes. Like metaphors.

We live in a society of laws.

The brief was due as assigned by the court on September 26, 2025.

No extensions have previously been granted.

No previous extensions have been denied.

There have been ongoing handling of issues in USC Merritt, NC. Their best people are on it.

It is unclear when a brief would become due.

There has been some form of disagreement in the case.

Our best people are working on it.

Good meeting.

The district court entered an order dismissing the appeal for failure to file a brief on October 14, 2025. On October 17, 2025, Israel filed, twice, with the magistrate court, an "Emergency Petition for Modification of Custody and for Emergency Temporary Custody Order." On October 20, 2025, the proposed emergency custody order was denied, and the magistrate court once again issued an order referring the matter to an administrative district judge to determine whether Israel Shirk is a vexatious litigant.

Over the last two years, Israel has repeatedly filed unmeritorious motions, pleadings and other papers. He was warned by the magistrate court in the divorce action to discontinue these filings but continued to file them. His "motions," "notices," and other papers were regularly inflammatory, consistently contained irrelevant information and criminal allegations, and increased in frequency as time passed. Not only did these filings contain dubious claims, but they were a drain on court resources and required the expenditure of time and money by Erika and her attorneys to respond to them. Several times, Israel would file successive petitions for protection orders many days in a row. Some of his filings were nonsensical and showed little logical relevance to the matter before the court, like the "Declaration in Support of Motion to Extend Time" set forth above. On one occasion, Israel filed a "motion" containing more than 600 pages that

needed to be divided into 10 filings. Israel's conduct was such that Erika twice moved the magistrate court to declare Israel a vexatious litigant. Then the court—on its own motion, weary of dealing with the repeated, unmeritorious motions—referred the matter for the same consideration. While "every individual in our society has a right of access to the courts," the exercise of that right "cannot be allowed to rise to the level of abuse, impeding the normal and essential functioning of the judicial process." *Elsaesser v. Smith* (*In re Smith*), ___ Idaho ___, ___, 571 P.3d 425, 430 (2025) (internal quotation marks and citation omitted). Therefore, we find that Israel's conduct while acting pro se, as set forth above, fulfills the requirements of Idaho Court Administrative Rule 59(d)(1) and (3), and is sufficient to designate Israel Shirk as a vexatious litigant.

IV. CONCLUSIONS OF LAW

1. Whereas Israel Shirk has, within the immediately preceding seven-year period, initiated and/or maintained, pro se, at least three litigations that have been finally decided adversely to him, and

2. While acting pro se, Israel has repeatedly filed unmeritorious pleadings, has used frivolous litigation as a means to delay, and has forced defendants and respondents in the actions to incur unnecessary legal expenses,

3. We conclude that Israel's litigation tactics are a drain on judicial resources and are a means to harass and cause unnecessary delay.

ORDER

Therefore, after due consideration and good cause appearing,

IT IS HEREBY ORDERED that Israel Shirk shall be prohibited from instituting any new litigation in any Idaho state court pro se without first obtaining leave from a judge of the court where the litigation is proposed to be filed. Any litigation filed in violation of this Order may be punished as contempt of court pursuant to Idaho Court Administrative Rule 59(h) and may also be summarily dismissed pursuant to Idaho Court Administrative Rule 59(j).

Dated this 2nd day of February, 2026.

By Order of the Idaho Supreme Court

G. Richard Bevan, Chief Justice

ATTEST:

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