

**IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF KOOTENAI**

IN RE: PREFILING ORDER DECLARING VEXATIOUS LITIGANT, PURSUANT TO I.C.A.R. 59)	CASE NO. CV-2018-2842
_____)	
LARRY TAYLOR,)	PROPOSED PREFILING
)	ORDER DESIGNATING
Plaintiff,)	LARRY TAYLOR A
)	VEXATIOUS LITIGANT
vs.)	
)	
EILEEN TAYLOR and KIMBERLY NAGAL,)	
)	
Defendants.)	
_____)	

IT IS HEREBY ORDERED that Larry Taylor be designated as a vexatious litigant. Mr. Taylor may not file 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.

The Court finds sufficient facts in the record to conclude Mr. Taylor has repeatedly filed unmeritorious motions and other papers, and has engaged in other tactics that are frivolous or solely intended to cause unnecessary delay. As such, the Court finds that Mr. Taylor is a vexatious litigant pursuant to I.C.A.R. 59(d)(3).

Mr. Taylor shall have fourteen (14) days to file a written response to this proposed order and findings. I.C.A.R. 59(e). "If a response is filed, the administrative district judge may, in his or her discretion, grant a hearing on the proposed order." *Id.* "If no response is filed within fourteen (14) days, or if the administrative district judge concludes following a response and any

subsequent hearing that there is a basis for issuing the order, the administrative district judge may issue the prefiling order.” *Id.*

I. STANDARD

I.C.A.R. 59 governs the designation of vexatious litigants and states in relevant part:

(d) An administrative judge may find a person to be a vexatious litigant based on a finding that a person has done any of the following: . . .

(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.

I.C.A.R. 59(d)(3).

Determining a person to be a vexatious litigant is within the sound discretion of the administrative judge. *Telford v. Nye*, 154 Idaho 606, 610, 301 P.3d 264, 268 (2013). “This Court adheres to the rule that persons acting pro se are held to the same standards and rules as those represented by attorneys.” *Huff v. Singleton*, 143 Idaho 498, 500, 148 P.3d 1244, 1246 (2006).

II. FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Court due to Defendants’ Renewed Motion to Find Plaintiff as Vexatious Litigant. Defendants previously submitted a Motion to Find Plaintiff as Vexatious Litigant, and a hearing was held on August 3, 2018. That motion was denied by Judge Lansing Haynes, who was the Administrative District Judge for the First Judicial District at that time.¹

In that August 3, 2018 hearing, the Court found the underlying lawsuit is an unmeritorious action unsupported by law or fact, which was pursued in retaliation against

¹ Judge Christensen has since taken over the duties of Administrative District Judge for the First Judicial District.

Defendants and was properly dismissed on statute of limitations grounds. The Court also noted that Plaintiff was convicted in 2014 for criminal conduct involving harassment of these Defendants. However, the Court noted that the proper remedy for the singular unmeritorious claim was dismissal, and the Court could not find at that time that *multiple* unmeritorious claims had been made for the purpose of unnecessary delay or harassment. Judge Haynes continued,

I think if Mr. Taylor continues to file lawsuits *or further motions in this particular lawsuit* that are completely unsupported by law or fact, as the ones are before the Court right now, this Court could well revisit the issue of whether Mr. Taylor is a vexatious litigant and there would be some more evidence in the record that may support that.

(emphasis added).

Mr. Taylor has since filed multiple documents in this case that are frivolous and/or have no basis in law or fact.

On August 9, 2018, Mr. Taylor filed a document entitled "Post Hearing Request." The Court finds that this document had no basis, had no relation to the applicable law or facts of this case, and was frivolous.

On August 27, 2018, Mr. Taylor filed a "Motion for Review." While the contents of this document were inartful and appeared to be drafted by someone without legal training, the Court does not find the "Motion for Review" to be frivolous.

Also on August 27, 2018, Mr. Taylor filed a document entitled "Plaintiffs Reply to; Defendants; Motion to Seal and Motion for Order Denying Plaintiffs Motion to Reconsider." The Court finds this document to be frivolous. It is confusing at best, and largely nonsensical.

On September 20, 2018, this Court held a hearing wherein Defendants' Motion to Seal was granted and Plaintiff's Motion to Reconsider was denied.

On October 1, 2018, Mr. Taylor filed two documents entitled “Motion for a Court Statement” and “Motion for an Expedited Review; of a, Motion for Court Statement.” Both documents appear to refer to Mr. Taylor’s parole hearing. These documents are nonsensical and have no legal basis. The Court finds these documents to be frivolous.


On October 4, 2018, Defendants submitted a Renewed Motion to Find Plaintiff as Vexatious Litigant. Mr. Taylor filed a “Response to; Defendants; Renewed Motion to Find Plaintiff a Vexatious Litigant” on October 22, 2018. In his response, Mr. Taylor sought to not be declared a vexatious litigant. The Court does not find the response to be frivolous.

III. CONCLUSION

The Court finds that Mr. Taylor has continued to submit filings that are meritless and were brought and pursued frivolously, unreasonably, and without a foundation in law or fact. After having reviewed the record in this matter, the Court finds that Larry Taylor is a vexatious litigant.

Therefore, Larry Taylor shall be prohibited 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.

SO ORDERED this 26th day of April, 2019.


Rich Christensen,
ADMINISTRATIVE DISTRICT JUDGE
FIRST JUDICIAL DISTRICT

I hereby certify that a true and correct copy of the foregoing was delivered as follows:

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Signed: 4/26/2019 11:12 AM

JIM BRANNON, Clerk of the Court, by _____



Deputy Clerk