

NO. 07-06-0472-CV
IN THE COURT OF APPEALS
FOR THE SEVENTH DISTRICT OF TEXAS
AT AMARILLO
PANEL D
MAY 25, 2007

TOMMY PARKER,

Appellant

v.

RON MCLAURIN, JESSE MENDEZ, and VILSEN SALINAS,

Appellees

FROM THE 72ND DISTRICT COURT OF LUBBOCK COUNTY;
NO. 2000-508,867; HON. RUBEN REYES, PRESIDING

Memorandum Opinion

Before QUINN, C.J., and CAMPBELL and PIRTLE, JJ.

Tommy Parker (Parker) appeals from orders granting summary judgment in favor of appellees Ron McLaurin, Jesse Mendez, and Vilsen Salinas (collectively referred to as the appellees) and adjudicating him to be a vexatious litigant. His two issues concern the decision to deny his motion to strike the summary judgment evidence of appellees, and 2) declare him a vexatious litigant. We overrule the issues.

The proceeding arises from another of Parker's numerous suits (since the 1990's) against one or more of the appellees. The latter sought to dispose of this one via summary judgment alleging grounds of *res judicata*, collateral estoppel, and limitations. And, though Parker included a lengthy recitation of facts in his brief, he did not attack any of the aforementioned summary judgment grounds. Nor did he explain why the trial court erred in refusing to strike the appellees' summary judgment evidence or in designating him a vexatious litigant.

One appealing a summary judgment has the burden to negate all grounds upon which summary judgment could be based, which grounds at bar included that of being a vexatious litigant. See *State Farm Fire & Cas. Co. v. S.S.*, 858 S.W.2d 374, 381 (Tex. 1993); *Lewis v. Adams*, 979 S.W.2d 831, 833 (Tex. App.–Houston [14th Dist.] 1998, no pet.). Since Parker did not satisfy his burden, we have no basis on which to reverse the judgment.

Accordingly, we overrule the issues and affirm the summary judgment.

Brian Quinn
Chief Justice