

NOT FOR PUBLICATION

FILED

UNITED STATES BANKRUPTCY APPELLATE PANEL  
OF THE NINTH CIRCUIT

DEC 31 2025

SUSAN M. SPRAUL, CLERK  
U.S. BKCY. APP. PANEL  
OF THE NINTH CIRCUIT

In re:  
CASHION FAMILY TRUST,  
Debtor.

BAP No. NV-25-1069-BLG  
Bk No. 23-13563-gs.

In re:  
WESTERN STEEL INC.,  
Debtor.

BAP No. NV-25-1070-BLG  
Bk. No. 23-50118-gs  
Adv. No. 23-05012-gs  
(Related Appeals)

STEVEN MARK HAYDEN,  
Appellant,  
  
v.  
WESTERN STEEL, an Alabama  
Corporation; WILLIAM B. CASHION,  
Appellees.

**MEMORANDUM\***

Appeal from the United States Bankruptcy Court  
for the District of Nevada  
Gary A. Spraker, Bankruptcy Judge, Presiding

Before: BRAND, LAFFERTY, and GAN, Bankruptcy Judges.

**INTRODUCTION**

Appellant Steven Mark Hayden appeals two identical orders declaring him a vexatious litigant and requiring him to request permission before filing any further documents in the United States Bankruptcy Court for the District

---

\* This disposition is not appropriate for publication. Although it may be cited for whatever persuasive value it may have, *see* Fed. R. App. P. 32.1, it has no precedential value, *see* 9th Cir. BAP Rule 8024-1.

of Nevada. Seeing no abuse of discretion by the bankruptcy court in its well-reasoned and well-supported decision, we AFFIRM.<sup>1</sup>

### FACTS

The orders on appeal are essentially the result of an over decade-long feud between Hayden, his 96-year-old uncle William B. Cashion, and Western Steel, Inc., an Alabama corporation owned by Cashion since 1966 ("Alabama Steel"). Alabama Steel is a steel pipe fabrication plant in Alabama. Cashion lives in Alabama and has no known ties to Nevada. Hayden is a physician and lives in either Nevada or Alabama.

In 2007, Cashion executed a general durable power of attorney designating Hayden as his agent and attorney-in-fact. In 2011, Hayden secretly created two Nevada trusts, one of which is referred to as the Cashion Family Trust or CFT, and began to transfer all of Cashion's assets to the Nevada trusts without Cashion's knowledge or consent. As part of this process, Hayden took control of Alabama Steel.

Once he discovered Hayden's scheme, Cashion immediately revoked

---

<sup>1</sup> The day before oral argument, Hayden filed a "Motion to Strike Appellees' Improper Excerpts of Record," arguing that appellees' excerpts included documents not listed in his designation of record on appeal. Hayden's motion is DENIED. Besides the fact Hayden initially failed to list appellees as parties to these appeals or file his own excerpts of record, appellees' excerpts properly contain only those documents filed in and considered by the bankruptcy court for its decision to declare Hayden a vexatious litigant. See *Kirshner v. Uniden Corp. of Am.*, 842 F.2d 1074, 1077 (9th Cir. 1988). Further, we can exercise our discretion to take judicial notice of any documents filed in the bankruptcy court in these matters. See *Atwood v. Chase Manhattan Mortg. Co. (In re Atwood)*, 293 B.R. 227, 233 n.9 (9th Cir. BAP 2003). We also reject as unnecessary Hayden's last-minute filing asserting that Mr. Schwarz, counsel for appellees, does not represent the Cashion Family Trust. Mr. Schwarz confirmed that he is not representing the Cashion Family Trust.

Hayden's power of attorney and obtained a temporary restraining order against him. Years of litigation ensued. We recount only a portion of that litigation as relevant to our analysis.

#### **A. Alabama litigation**

In 2012, Cashion and Alabama Steel (together, the "Alabama Parties") sued Hayden in Alabama state court to void Hayden's acts and to enjoin him from future attempts to control Cashion's assets, and for damages for breach of fiduciary duty, conspiracy, and conversion ("First Alabama Case").

In 2013, the Alabama state court entered a judgment ("2013 Judgment") awarding damages to the Alabama Parties and permanently enjoining Hayden from taking any action with respect to Cashion's assets or interests, or from interfering with Alabama Steel's operations under the alleged authority as an "owner, officer, or director" of same, or from attempting to assert that any of Cashion's assets or interests were owned or controlled by Hayden or the Nevada trusts. The 2013 Judgment also declared that all of Hayden's actions under the 2007 power of attorney were "void ab initio," including his creation of the Nevada trusts. Hayden was ordered to return all stolen Alabama Steel personal property, including books, records, and stock certificates.

The 2013 Judgment was affirmed by the Alabama Supreme Court. The Alabama state court later entered a second injunction against Hayden in the First Alabama Case in February 2017, which assessed a \$150/day fine for each day that Hayden failed to purge himself of contempt of the 2013 Judgment.

While the First Alabama Case was pending, Hayden sued the presiding state court judge in Alabama federal court. That case was dismissed with prejudice just before entry of the 2013 Judgment. The Eleventh Circuit Court of Appeals affirmed the case dismissal in 2014.

After entry of the 2013 Judgment, Hayden filed a second federal suit against the same judge, his clerk of court, a dozen other judges, and the U.S. Department of Justice, alleging due process violations, civil conspiracy, and that the state court acted without jurisdiction. Ultimately, the district judge dismissed Hayden's second federal case with prejudice, and the magistrate judge awarded defendants their attorney's fees, ruling:

It is obvious from Hayden's multiple filings, a review of the state court docket, and the prior case filed in the Northern District of Alabama that Plaintiff simply will not accept the state court judgment and keeps court shopping in the vain hope to find someone who will agree with him. Federal court jurisdiction does not work in such a fashion. Enough is enough. This Court finds Plaintiff's filings have crossed the line into the realm of frivolous, malicious, and unreasonable. Thus, attorney's fees under [42 U.S.C.] § 1988 and the Court's inherent powers are appropriate.

The Eleventh Circuit affirmed the attorney fee award to the Alabama Parties, noting that Hayden had demonstrated that little would stop him from attempting to acquire Cashion's assets or harassing Cashion. The Eleventh Circuit concluded that Hayden's post-2013 Judgment suits, which included "a series of frivolous motions" filed in this second federal case and resulted in two contempt rulings from the state court, were bad faith,

unsuccessful attempts to relitigate the same or similar issues or otherwise collaterally attack the 2013 Judgment.

**B. Nevada non-bankruptcy litigation**

Around this time, Hayden was also filing cases in both Nevada state and federal court against Cashion, Alabama Steel, Fred Campbell (president of Alabama Steel), various counsel, and others.

In 2019, Hayden formed a corporation with the name "Western Steel, Inc." in Wyoming and registered it in Nevada ("Nevada Steel"). Its federal employer identification number ("FEIN") issued by the IRS ends in "7310." Hayden is Nevada Steel's president, director, secretary, and treasurer.

In July 2021, the Nevada state court declared Hayden a vexatious litigant after issuing an order to show cause "[b]ased on the volume of repetitive filings and the lacking basis for his complaints in either law or fact[.]" The court determined that a pre-filing order was warranted because Hayden was a "serial litigant who has never prevailed on any of his redundant lawsuits," which were "part of a pattern of initiating harassing litigation" against the Alabama Parties, and had "repeatedly engaged in a vexatious pattern of filing lawsuits in various jurisdictions . . . based on or including the same claims he has previously filed . . . and then voluntarily noticing their dismissals when faced with a dispositive motion." Moreover, the court acknowledged the Alabama state court's recent contempt finding against Hayden (discussed below) based on his creation of the "imposter" Nevada Steel entity, and found that Hayden's "vexatious complaint and

filings with this Nevada court have unsuccessfully attempted to confuse this Court as to his relationship with the actual Western Steel, Inc., headquartered in Alabama."

### **C. More Alabama litigation**

In 2019, while the Nevada litigation was pending, the Alabama Parties filed a second suit against Hayden in Alabama state court ("Second Alabama Case"), seeking additional relief for Hayden's failure to purge himself of the court's two contempt rulings in the First Alabama Case. In 2021, the Alabama state court held Hayden in contempt of the earlier orders and entered a judgment against him for \$203,400 – the total fines accrued at \$150/day for each day Hayden was in contempt of the 2013 Judgment. The court found that Hayden's 2019 creation of the "imposter corporation" was a willful act of contempt of the 2013 Judgment. The court enjoined Hayden from presenting himself as an owner, officer, or director of Alabama Steel and from conducting or attempting to conduct any business whatsoever on its behalf. The court ordered Hayden to "immediately dissolve" Nevada Steel and to dismiss any court filings in which he claimed any interest in Alabama Steel, and imposed an additional fine of \$150/day (for a total of \$300/day) until Hayden dissolved Nevada Steel.

In August 2022, the new judge presiding over the First Alabama Case declared Hayden a "vexatious litigant," ruling that multiple judges, clerks, and court staff had "spent countless hours reviewing his pleadings, conducting hearings, and drafting orders on his baseless 'motions,'" and that

his "useless filings" had caused plaintiffs "to incur additional, completely unnecessary legal fees." The court found that "[e]ach and every motion filed" by Hayden was "an attempt to stall the execution of" the 2013 Judgment. The court permanently enjoined Hayden from filing any document in the First Alabama Case without leave of court and without satisfying a number of conditions.

**D. Hayden files his chapter 13<sup>2</sup> case and involuntary chapter 11 case for Nevada Steel**

**1. Hayden's chapter 13 case**

In October 2022, two months after being declared a vexatious litigant by the Alabama state court, Hayden filed a chapter 13 case in the District of Nevada. The filing included only the petition and Schedules D/E/F. Hayden listed two businesses in his petition – his medical practice and "Western Steel Inc." with FEIN ending in "3168," the FEIN belonging to Alabama Steel. In his Schedule D, Hayden listed a real property in Alabama valued at \$400,000 and asserted that creditor Regions Bank (an Alabama bank) was owed \$203 secured by the property. Regions Bank later filed a secured proof of claim for \$218,594.03 and valued the Alabama property at over \$1.2 million. Hayden listed Cashion as an unsecured creditor with judgments totaling close to \$455,000.

---

<sup>2</sup> Unless specified otherwise, all chapter and section references are to the Bankruptcy Code, 11 U.S.C. §§ 101-1532, all "Rule" references are to the Federal Rules of Bankruptcy Procedure, and all "Civil Rule" references are to the Federal Rules of Civil Procedure.

Less than two weeks later, and without filing his remaining bankruptcy documents, Hayden moved to dismiss his chapter 13 case, stating that he was uncertain as to the amount owed to Regions Bank, his "largest creditor,"<sup>3</sup> and that he believed its claim for "legal expenses" could be so high he would be unable to propose a feasible plan. Hayden also stated that an undisclosed male creditor's failure to provide him with an accurate payoff amount made completion of his schedules "exceptionally difficult."

The Alabama Parties filed a response to Hayden's motion to dismiss, disclosing that the Alabama property Hayden listed was actually owned by his professional corporation, and that it was to be sold in a sheriff's sale the next business day after he filed his chapter 13 case. The Alabama Parties did not oppose dismissal, but they argued that Hayden should be sanctioned for filing a meritless petition.

The bankruptcy court granted Hayden's motion to dismiss his chapter 13 case, but it retained jurisdiction to decide the Alabama Parties' sanctions request. In their separate motion for sanctions under Rule 9011, the Alabama Parties explained the long litigation history with Hayden and argued that his chapter 13 filing was part of a lengthy campaign to interfere with Alabama Steel and defraud and harass Cashion. Hayden opposed the sanctions motion and responded with a sanctions motion against Cashion and Schwarz, counsel for the Alabama Parties. Hayden later withdrew his sanctions motion once the bankruptcy court set it for an evidentiary hearing.

---

<sup>3</sup> By this time, Hayden owed the Alabama Parties well over \$500,000.



After an evidentiary hearing and further briefing, in which Hayden asserted that he was the president of Alabama Steel, the bankruptcy court granted the Alabama Parties' motion for Rule 9011 sanctions against Hayden and awarded attorney's fees upon proof, but denied the request for a two-year nationwide bar. The court found that Hayden's chapter 13 filing "was nothing more than a tactic deployed to stall the Alabama [Parties'] efforts to collect on their state court judgments," that it was filed "in bad faith and for an improper purpose," and that "his filing was frivolous" and "constituted an abuse of process."

## **2. Nevada Steel's involuntary chapter 11**

Meanwhile, in February 2023, one month after the bankruptcy court dismissed his bad-faith chapter 13 case, Hayden filed an involuntary chapter 11 petition against Nevada Steel, identified with Alabama Steel's FEIN and whose principal place of business was in Reno, Nevada. Hayden listed his dismissed chapter 13 case as a pending case by any partner or affiliate of Nevada Steel, describing himself as an "officer of debtor." Hayden was the sole petitioning creditor with an alleged claim for \$1,530,000 based on a "demand promissory note." Put simply, Hayden was the petitioning creditor while also claiming to be the debtor's representative. Attached to the petition was recent correspondence from the IRS addressed to "Western Steel, Inc.," c/o Hayden at a Las Vegas address. The IRS letter stated that the account for Western Steel, Inc. (with Alabama Steel's FEIN) had been updated per Hayden's request, listing him as the responsible party for the entity. Hayden

never filed an executed summons for the involuntary petition.

Four proofs of claim were filed in the case on the same day by Hayden, his wife, and his son, Steven Hayden Jr. Each listed "Western Steel Inc. 63-0513168" as the debtor, and each failed to include supporting documents. All four claims listed the same return address in Las Vegas. One proof of claim was filed by the Cashion Family Trust, a Nevada trust declared "void" in 2013. It was signed by Hayden Jr. as the purported trustee.

Just before a status conference, Hayden filed a "Notice of Default and Consent to Relief," which he signed as the "IRS Responsible Party" for Nevada Steel, stating that the "Debtor Western Steel Inc. xx-xxx3168 consents to Relief." The document was also signed by Hayden Jr., as trustee of the void Cashion Family Trust, the purported owner of Nevada Steel. Hayden made various statements in the consent notice, including that Schwarz was not the attorney for "Western Steel, Inc. XX-XX3168" and that Hayden had not retained Schwarz. Several other documents were attached, including a handwritten note stating that the Cashion Family Trust owned the real property where Alabama Steel's headquarters was located on Davey Allison Blvd. in Alabama. The Cashion Family Trust's purported ownership of the Davey Allison property was evidenced by a quitclaim deed executed by Hayden's wife in 2013, which had been declared void by the 2013 Judgment.

Alabama Steel moved to dismiss the Nevada Steel bankruptcy case, arguing that Hayden's actions of creating the imposter corporation and filing the involuntary petition with documents and information from both steel

entities not only violated the permanent injunction, but interfered with Alabama Steel's business operations. Alabama Steel argued that the debtor subject to the involuntary petition was the imposter Nevada Steel, which was the only entity Hayden controlled and could have incurred obligations to the Haydens and their void Nevada trust.

Hayden filed two oppositions to the motion to dismiss, in which he repeatedly attempted to conflate the two steel entities and claim that his appointment as the responsible party for Alabama Steel by the IRS in 2021 gave him control over that entity. He claimed that he had been president of Alabama Steel since 2012, and that "WSI-3168" had been domiciled in Nevada since 2019. He also argued, in what has become a common theme, that the Alabama state court lacked jurisdiction to impose sanctions against him or to order him to cease acting on behalf of Alabama Steel.

Hayden stated at the dismissal hearing that the entity he placed into bankruptcy was Nevada Steel, not Alabama Steel. On that representation, the bankruptcy court denied Alabama Steel's motion to dismiss the involuntary chapter 11 case and entered an order for relief. Nevada Steel had two weeks to retain counsel. It never did. On the U.S. Trustee's motion, the bankruptcy court converted the Nevada Steel case to chapter 7. In February 2024, the chapter 7 trustee entered a report of no distribution. That case is still pending.

#### **E. More litigation in Alabama**

While the Nevada Steel bankruptcy case was pending, Hayden and the Alabama parties were litigating in Alabama. In April 2023, the Alabama state

court entered a further order in the Second Alabama Case holding Hayden in criminal contempt and ordering his incarceration for his failure to comply with prior orders and the 2013 Judgment, based on his continuing to present himself as an owner, officer or director of Alabama Steel and conducting or attempting to conduct business on the entity's behalf. The court also held Hayden in civil contempt for refusing to return stock certificates and records belonging to Alabama Steel, and ordered that he serve additional time in custody for his civil contempt until he returned the personal property and reversed and removed all records and certifications filed in any state in which he alleged an association with Alabama Steel. Hayden's total fines had accrued to over \$1 million as of April 14, 2023, and continued to accrue at the rate of \$300/day. The court awarded the Alabama Parties over \$750,000 in attorney's fees, and it again declared Hayden a vexatious litigant and restated the permanent pre-filing bar. Hayden did not appear for the contempt hearing.

In August 2023, the Alabama state court entered yet another order in the Second Alabama Case holding Hayden in criminal contempt and ordering his incarceration for engaging in the same conduct as before in violation of the January 2021 order and 2013 Judgment, and holding him in civil contempt for failing to return Alabama Steel's personal property as ordered. The court entered an additional judgment for attorney's fees and noted that the daily fine for Hayden's noncompliance would continue to accrue at \$300/day. Hayden did not appear for the contempt hearing.

**F. Hayden files involuntary chapter 7 case for Cashion Family Trust**

On August 22, 2023, after the contempt hearing in the Second Alabama Case, but the day before entry of the further contempt order, Hayden filed his second involuntary bankruptcy petition in Nevada, this time against the void Cashion Family Trust under chapter 7. Hayden was the sole petitioning creditor with a \$2,000 claim for rent reimbursement. The petition disclosed that the Nevada Steel bankruptcy case was a related case because the Cashion Family Trust owned Nevada Steel. The court issued a summons and an amended summons. Neither was executed by Hayden.

**G. Hayden files the adversary proceeding against the Alabama Parties**

Two days after filing the involuntary petition against the Cashion Family Trust, Hayden filed an adversary complaint against the Alabama Parties in the Nevada Steel case, which had been converted to chapter 7 ("Adversary"). Hayden sought damages for violation of Nevada Steel's automatic stay under § 362(k). Hayden alleged that he was injured when the Alabama Parties violated the automatic stay in Nevada Steel's case by continuing with the contempt proceedings against him in Alabama. Hayden also argued that the sheriff's sale of the Alabama property to Alabama Steel in July 2023 was improper. Hayden requested nearly \$2 million in damages, an order voiding the April 2023 contempt order entered against him in the Alabama state court, and avoidance of Alabama Steel's purchase of the Alabama property and transfer of the purchase funds to Nevada Steel. Hayden did not execute the court-issued summons.

Later, Hayden simultaneously sought an extension of time to serve the summons and complaint along with an entry of default against defendant Alabama Steel. Confusingly, he stated that the Alabama Parties would not agree to waive service and so more time was needed to complete it, but he also stated, under penalty of perjury, that the Alabama Parties had failed to answer but that they had waived service in any event.

**H. Orders to show cause for dismissal and sanctions in Cashion Family Trust case and Adversary**

The bankruptcy court issued an order to show cause ("OSC") why the Cashion Family Trust case should not be dismissed ("CFT Dismissal OSC"). The court noted that this was Hayden's third bankruptcy filing, and that each filing appeared directed to ongoing litigation with Cashion to obtain control over Cashion's assets. Further, Hayden had not executed the summons on the alleged debtor or taken any other action in the three months since the case had been filed.

Before filing a response, Hayden filed an amended involuntary petition, increasing his rent reimbursement claim to \$20,000. That same day, he filed a Consent to Involuntary Bankruptcy, signed by Hayden Jr. as trustee of the alleged debtor. The consent stated that the Cashion Family Trust would not contest the petition and agreed to entry of an order for relief. In his later response to the CFT Dismissal OSC, Hayden argued that his son's consent effectively commenced the involuntary bankruptcy case, and he denied that the involuntary petition was part of his efforts to obtain Cashion's assets.

Just before the hearing began for the CFT Dismissal OSC, Hayden filed a notice of voluntary dismissal of the Cashion Family Trust petition.

Meanwhile, the bankruptcy court also entered an OSC why the Adversary should not be dismissed. The court expressed its concerns about the apparent lack of service on the Alabama Parties and the Adversary's merits. The court opined that Hayden could not have a claim against the Alabama Parties for violation of the automatic stay, because Nevada Steel's bankruptcy did not affect the Alabama litigation or entry of a contempt order against Hayden. Further, if there was a stay violation as to Nevada Steel, only the chapter 7 trustee could prosecute it. Finally, the sheriff's sale of the Alabama property had nothing to do with Nevada Steel. The court surmised that the Adversary was simply Hayden's continued effort to conflate the two steel entities for his own purposes, without any basis in fact or law.

Later that same day, Hayden filed a notice of consent to entry of judgment in the Adversary on behalf of defendant Alabama Steel, despite having previously requested an entry of default against that entity. The consent was signed by Hayden as president of Alabama Steel and his son as trustee of alleged stockholder, the void Cashion Family Trust. The consent stated that Alabama Steel admitted to the facts in the complaint, consented to jurisdiction, acknowledged that it received service of the summons and complaint, and agreed to all relief requested by Hayden.

In response to the consent notice, the bankruptcy court issued an OSC why sanctions should not be entered against Hayden in the Adversary

("Adversary Sanctions OSC"). The court opined that Hayden's filing of the consent for judgment was inconsistent with his prior positions and filings and appeared to be yet another attempt to confuse and conflate the two steel entities. If so, noted the court, such an action was wholly without merit and filed for an improper purpose in violation of Rule 9011. As it stood, Hayden's filings of the complaint on his own behalf as plaintiff and the consent notice on behalf of defendant Alabama Steel appeared to have been done for the improper purpose of harassing the Alabama Parties and to avoid various Alabama judgments.

Per his usual procedure when faced with a dispositive motion or sanctions, Hayden promptly filed a notice of dismissal of the Adversary. The bankruptcy court dismissed the Adversary, notwithstanding Hayden's prior filing of consent to entry of judgment on behalf of defendant Alabama Steel. However, the court found that Hayden's timing of filing the dismissal notice indicated an attempt to avoid sanctions. Accordingly, it retained jurisdiction to decide the Adversary Sanctions OSC.

Hayden appeared remotely at the joint hearing for the CFT Dismissal OSC and the Adversary Sanctions OSC. He informed the bankruptcy court that despite filing the Cashion Family Trust's consent to the involuntary bankruptcy, he had just filed a notice of voluntary dismissal of the petition. The court expressed its concerns about Hayden using the bankruptcy court to place entities that he controlled into involuntary bankruptcy, while never serving or otherwise pursuing the actions and then dismissing them. As for



the now-dismissed Adversary, the court informed Hayden that it was not sanctioning him even though it believed he engaged in frivolous and vexatious litigation by filing stay violation claims that he lacked standing to assert and a consent to judgment on behalf of Alabama Steel, only to dismiss the Adversary against the Alabama Parties after being threatened with sanctions.

Soon after the joint hearing, the bankruptcy court learned of a document Hayden filed in the dismissed Adversary the morning of the joint hearing entitled "Notice of Corporate Ownership Statement of Western Steel IN [sic] XXXXX3168." In that notice, Hayden stated that the debtor was Alabama Steel and that he was the company's president. This was contrary to what he had stated earlier on the record, that the debtor was Nevada Steel. The filing also included Articles of Dissolution for Western Steel, Inc. dated January 23, 2024, signed by Hayden Jr. as trustee/stockholder and filed with the Alabama Secretary of State, reflecting that Hayden Jr. had dissolved Alabama Steel.

Hayden's filing, which he failed to disclose at the joint hearing, caused the court to re-examine its decision to refrain from imposing sanctions. In response, the court entered three orders: (1) an order dismissing the Cashion Family Trust case, which the court said was likely not a legitimate filing; (2) an OSC why sanctions should not be entered in the Cashion Family Trust case ("CFT Sanctions OSC"), which the court determined had been filed in bad faith and for the improper purpose of conflating the two steel entities and

to avoid final judgments in Alabama; and (3) an order setting a further scheduling conference for the Adversary Sanctions OSC, asserting that the Notice of Corporate Ownership Statement filed in the dismissed Adversary appeared to have been filed for the sole and improper purpose of continuing Hayden's efforts to confuse and relitigate the ownership of Alabama Steel.

Hayden failed to appear at the combined scheduling conference for the CFT Sanctions OSC and the Adversary Sanctions OSC (together, "Sanctions OSCs") set for March 14, 2024.<sup>4</sup> The Alabama Parties appeared and requested that the bankruptcy court declare Hayden a vexatious litigant. The court stated its preference that the Alabama Parties pursue a vexatious litigant determination by motion instead of the court doing it sua sponte.

## **I. Vexatious litigant determination**

### **1. Vexatious litigant motions, other pre-evidentiary hearing filings, and related hearings**

After the bankruptcy court entered orders setting evidentiary hearings for the Sanctions OSCs and a briefing schedule for any vexatious litigant motions, the Alabama Parties filed their vexatious litigant motions in the Cashion Family Trust case and in the Adversary, seeking to have Hayden declared a vexatious litigant in the United States Bankruptcy Court for the

---

<sup>4</sup> Instead of appearing at the March 14 scheduling conference as ordered, Hayden filed a motion to recuse Judge Spraker in the Adversary, accusing him of bribery and corruption. Hayden filed similar recusal motions in his dismissed chapter 13 case after Judge Spraker granted the Alabama Parties' motion for sanctions, and in the Nevada Western Steel case. Judge Barnes denied those motions, as well as a similar recusal motion Hayden later filed against Judge Spraker in the Cashion Family Trust case. Hayden appealed the recusal orders, which the BAP affirmed in May 2025.

District of Nevada ("Vexatious Litigant Motions"). The Vexatious Litigant Motions set forth the lengthy, detailed history of the Alabama and Nevada litigation and Hayden's conduct in the Nevada bankruptcy cases. They were supported by requests for judicial notice containing the various Alabama and Nevada orders and judgments and the vexatious litigant orders from those two state courts.

Hayden filed no less than three responses to the Sanctions OSCs and Vexatious Litigation Motions. He raised a litany of disjointed and virtually incomprehensible arguments, including: the court was exceeding its jurisdiction and could not take judicial notice of the Alabama Parties' documents; Alabama Steel had never filed its "Corporate Ownership Statement" under Rule 7007; § 303(i) was the sole remedy for a bad faith involuntary filing; the 2013 Judgment had expired and was unenforceable; and Judge Spraker had engaged in misconduct by his "collaboration" with the Alabama Parties and their counsel. Hayden also continued to assert that the void Cashion Family Trust had owned Alabama Steel since 2012 and that Schwarz was not authorized to act as Alabama Steel's counsel.<sup>5</sup>

Ultimately, the evidentiary hearings for the Sanctions OSCs and

---

<sup>5</sup> Hayden filed several other documents during this time, including a document entitled "Notice of Judge Sprakers [sic] Violation of Code of Conduct for Federal Judges," asserting that the March 14 scheduling conference at which Hayden failed to appear constituted an improper ex parte communication with the Alabama Parties. Hayden later withdrew this notice in the Cashion Family Trust case, stating that it "may contain inaccurate information" because he was "NOT a CERTIFIED EXPERT IN JUDICIAL CONDUCT." Hayden did not withdraw the same notice filed in the Adversary.

Vexatious Litigant Motions were continued to July 29 and 30, 2024, and scheduled to be held in Reno, which Hayden said was his preferred location. Hayden was ordered to appear in person to provide testimony and was told that failure to appear could result in monetary or other sanctions being entered against him.

Three days before the evidentiary hearings were to begin on July 29, Hayden moved to continue or vacate them until after his appeals of the recusal orders were decided (which was nearly a year later). Hayden said he would not be attending the evidentiary hearings because he thought it best to avoid any appearances before Judge Spraker, whom he had now reported to the Office of the Circuit Executive for the Ninth Circuit Court of Appeals for judicial misconduct. Hayden again asked the court to strike all filings by the Alabama Parties, and again argued that the bankruptcy court lacked jurisdiction to impose sanctions. The court denied Hayden's motion to continue or vacate.

Hayden did not appear at the evidentiary hearings on the Sanctions OSCs and the Vexatious Litigant Motions on July 29. After hearing argument from the Alabama Parties and taking limited testimony from the president of Alabama Steel, the court took the matter under submission. It vacated the continued evidentiary hearings set for July 30.

## **2. Post-hearings filings**

The day after failing to appear at the July 29 evidentiary hearings, Hayden filed an "Affidavit of Authenticity and Declaration" in the dismissed

Adversary. Attached was a complaint captioned for filing in the U.S. District Court for the District of Nevada listing Hayden as plaintiff and individuals in Alabama as defendants which challenged the prosecution of the Alabama state court matters during the pendency of Hayden's various bankruptcy cases. He alleged claims for abuse of process and tortious interference with contractual relations and sought millions of dollars in compensatory and punitive damages.<sup>6</sup>

This latest filing from Hayden prompted the Alabama Parties to seek leave to file a supplement to the Vexatious Litigant Motions, to which Hayden objected. Hayden confusingly argued that the Vexatious Litigant Motions had already been denied in 2018 by the U.S. District Court for the District of Nevada. Hayden requested that all evidence and argument submitted by the Alabama Parties be disregarded due to their lack of standing, and he again argued that the bankruptcy court lacked jurisdiction to sanction him, notwithstanding the court's July 2, 2024 order entered in the Cashion Family Trust case rejecting that argument.

### **3. Ruling on Sanctions OSCs and Vexatious Litigant Motions**

The bankruptcy court entered identical 72-page Memorandum Decisions in the Cashion Family Trust case and in the Adversary granting the Vexatious Litigant Motions, reasoning that its Sanctions OSCs had effectively

---

<sup>6</sup> Hayden indeed filed this complaint on July 30, 2024, in the U.S. District Court for the District of Nevada. It was dismissed on defendants' motion in April 2025. Hayden's appeal of the dismissal order to the Ninth Circuit Court of Appeals was dismissed as a "frivolous appeal" on November 19, 2025.

merged with them. *In re Cashion Fam. Tr.*, 669 B.R. 341 (Bankr. D. Nev. 2025). In determining that Hayden was a vexatious litigant, the court also ruled that Hayden had engaged in sanctionable conduct under Rule 9011(b), and that this same conduct also invoked the court's inherent authority to sanction under § 105(a). *Id.* at 386-87. After the court entered orders granting the Vexatious Litigant Motions, which incorporated the Memorandum Decisions and imposed pre-filing restrictions in the Nevada bankruptcy court ("Vexatious Litigant Orders"), Hayden timely appealed.

### **JURISDICTION**

The bankruptcy court had jurisdiction under 28 U.S.C. §§ 1334 and 157(b)(2)(A). The Vexatious Litigant Orders are final and appealable as the Cashion Family Trust case and Adversary have been dismissed. *See Molski v. Evergreen Dynasty Corp.*, 500 F.3d 1047, 1055-56 (9th Cir. 2007) (holding that pre-filing orders entered against vexatious litigants are not immediately-appealable final decisions); *Koshkalda v. Schoenmann (In re Koshkalda)*, 622 B.R. 749, 757 (9th Cir. BAP 2020) (citing *Molski* and holding that pre-filing orders are not final and appealable until judgment is entered concluding the litigation). Accordingly, we have jurisdiction under 28 U.S.C. § 158.

### **ISSUE**

Did the bankruptcy court abuse its discretion when it entered the Vexatious Litigant Orders?

### **STANDARD OF REVIEW**

"We review pre-filing orders entered against vexatious litigants for an

abuse of discretion." *In re Koshkalda*, 622 B.R. at 757 (citing *Ringgold-Lockhart v. Cnty. of L.A.*, 761 F.3d 1057, 1062 (9th Cir. 2014); *Molski*, 500 F.3d at 1056)). The bankruptcy court abuses its discretion if it applies an incorrect legal standard, misapplies the correct legal standard, or makes factual findings that are illogical, implausible, or without support in the record. *United States v. Hinkson*, 585 F.3d 1247, 1261-62 (9th Cir. 2009) (en banc).

## DISCUSSION

### A. Governing law

Under the All Writs Act, 28 U.S.C. § 1651(a), federal courts have the inherent power to enjoin parties from frivolous litigation and enter pre-filing orders against vexatious litigants.<sup>7</sup> *Molski*, 500 F.3d at 1057 (citing *Weissman v. Quail Lodge Inc.*, 179 F.3d 1194, 1197 (9th Cir. 1999)). Although the Ninth Circuit Court of Appeals has not explicitly held that bankruptcy courts are "courts established by Congress" and fall within the scope of the All Writs Act, the Panel has so concluded. *See, e.g., Sui v. Marshack (In re Sui)*, BAP No. CC-13-1572-TaSpD, 2014 WL 5840246, at \*6 (9th Cir. BAP Nov. 10, 2014); *Richardson v. Melcher (In re Melcher)*, BAP No. NC-13-1168-DJKi, 2014 WL 1410235, at \*9 (9th Cir. BAP Apr. 11, 2014); *Spirtos v. Anderson (In re Spirtos)*, BAP No. CC-10-1118-PaDKi, 2011 WL 3298952, at \*13 (9th Cir. BAP Feb. 2, 2011) (citing *Ad Hoc Protective Comm. for 10 1/2 % Debenture Holders v. Itel Corp. (In re Itel Corp.)*, 17 B.R. 942, 945 (9th Cir. BAP 1982) (noting that "section

---

<sup>7</sup> 28 U.S.C. § 1651(a) provides: "The Supreme Court and all courts established by Act of Congress may issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law."

105(a) encompasses the powers of the All-Writs Act in bankruptcy proceedings."). In any case, bankruptcy courts undisputedly have the inherent power under § 105(a) to sanction "bad faith" or "willful" litigation misconduct and issue restrictive pre-filing orders against vexatious litigants. *In re Koshkalda*, 622 B.R. at 757-58; *Tangwall v. Compton (In re Bertran)*, BAP No. AK-17-1139-LBF, 2018 WL 1704306, at \*5 (9th Cir. BAP Apr. 6, 2018).

While pre-filing orders are an extreme remedy and should be used sparingly, "[f]lagrant abuse of the judicial process cannot be tolerated because it enables one person to preempt the use of judicial time that properly could be used to consider the meritorious claims of other litigants." *Molski*, 500 F.3d at 1057 (quoting *De Long v. Hennessey*, 912 F.2d 1144, 1148 (9th Cir. 1990)). Before imposing pre-filing restrictions against a vexatious litigant, the court must:

- (1) give litigants notice and an opportunity to oppose the order before it is entered; (2) compile an adequate record for appellate review, including a listing of all the cases and motions that led the district court to conclude that a vexatious litigant order was needed; (3) make substantive findings of frivolousness or harassment; and (4) tailor the order narrowly so as to closely fit the specific vice encountered.

*In re Koshkalda*, 622 B.R. at 758 (internal quotation marks omitted) (quoting *Ringgold-Lockhart*, 761 F.3d at 1062). The first two factors are procedural, while the latter two are substantive. *Id.* (citing *Ringgold-Lockhart*, 761 F.3d at 1062). In applying the third and fourth substantive factors for determining whether to impose pre-filing restrictions, the bankruptcy court can consider



the following five substantive factors:

(1) the litigant's history of litigation and in particular whether it entailed vexatious, harassing or duplicative lawsuits; (2) the litigant's motive in pursuing the litigation, e.g., does the litigant have an objective good faith expectation of prevailing?; (3) whether the litigant is represented by counsel; (4) whether the litigant has caused needless expense to other parties or has posed an unnecessary burden on the courts and their personnel; and (5) whether other sanctions would be adequate to protect the courts and other parties.

*Molski*, 500 F.3d at 1058 (quoting *Safir v. U.S. Lines, Inc.*, 792 F.2d 19, 24 (2d Cir. 1986)); *see also Ringgold-Lockhart*, 761 F.3d at 1062. The fifth factor of whether other sanctions would be adequate is particularly important. *Ringgold-Lockhart*, 761 F.3d at 1062.

**B. The bankruptcy court did not abuse its discretion in entering the Vexatious Litigant Orders.**

To be clear, we are reviewing only the Vexatious Litigant Orders and related Memorandum Decisions. Hayden suggests that we have the power to vacate all orders the bankruptcy court entered after the Cashion Family Trust case and the Adversary were dismissed. This is not so. Any orders other than the Vexatious Litigant Orders are not properly before us. And some, such as the bankruptcy court's prior orders denying recusal, were the subject of earlier appeals and affirmed by the Panel on May 16, 2025. *See* BAP Nos. NV-24-1115-CLB, NV 24-1116-CLB, NV 24-1117-CLB.

Before we review the bankruptcy court's analysis of the above factors, we first dispose of two threshold arguments raised by Hayden. First, citing

Civil Rule 41(a)(1)(A)(i) and Rule 7041, Hayden argues that the bankruptcy court lacked jurisdiction to enter the Vexatious Litigant Orders, because the Cashion Family Trust case and the Adversary had been voluntarily dismissed and the Vexatious Litigant Motions were filed post-dismissal. The bankruptcy court rejected that argument when Hayden raised it in his request to continue the July 11 evidentiary hearings. We also reject it.

Even when a plaintiff voluntarily dismisses a case, the court retains jurisdiction to conduct sanction proceedings and impose any authorized sanction for abusive conduct. *Cooter & Gell v. Hartmarx Corp.*, 496 U.S. 384, 395-96 (1990) (holding that determination of a collateral issue, such as the imposition of Civil Rule 11 sanctions, costs, and attorney's fees, "may be made after the principal suit has been terminated" by a voluntary dismissal). Furthermore, in its order dismissing the Cashion Family Trust case, the bankruptcy court expressly retained jurisdiction to consider whether to sanction Hayden as a vexatious litigant. Moreover, to the extent Hayden contends that the Alabama Parties lacked standing to file the Vexatious Litigant Motions, the bankruptcy court could have sua sponte declared Hayden a vexatious litigant and imposed pre-filing restrictions. *See, e.g., Block v. Wash. State Bar Ass'n*, 860 F. App'x 508, 511 (9th Cir. July 2, 2021) (affirming the district court's sua sponte imposition of a vexatious litigant bar); *Oliver v. Luner*, 829 F. App'x 294, 295 (9th Cir. Nov. 16, 2020) (same).

Next, Hayden argues that only the debtor in an involuntary bankruptcy case may seek damages under § 303(i) after dismissal. Thus, he argues, since

Alabama Steel was not the debtor in the Cashion Family Trust case, it had no standing to seek post-dismissal relief. The bankruptcy court rejected this argument as well, at least twice. We reject it for a third time.

While what Hayden states is true for a debtor with respect to § 303(i), this does not mean that sanctions authorized under other federal statutes and rules cannot be imposed in an involuntary case, including Rule 9011. *See In re Kidwell*, 158 B.R. 203, 218-19 (Bankr. E.D. Cal. 1993) (holding that Rule 9011 sanctions are also available when an involuntary bankruptcy petition is filed in bad faith); *see also In re Letourneau*, 422 B.R. 132, 138-39 (Bankr. N.D. Ill. 2010) (court imposed monetary sanctions pursuant to its order to show cause why sanctions should not be imposed under Rule 9011 for the petitioning creditor's bad faith involuntary bankruptcy filing against himself). Further, as the bankruptcy court noted, the limited damages available under § 303(i) did not absolve Hayden from his obligations under Rule 9011 to file only pleadings that are truthful and filed for proper litigation purposes.

**1. Hayden had ample notice and opportunity to oppose entry of the Vexatious Litigant Orders.**

Hayden contends he was denied due process because the Vexatious Litigant Orders were entered without an evidentiary hearing. Nothing could be further from the truth. The bankruptcy court held a scheduling conference on its Sanctions OSCs on March 14, 2024, after its prior hearing and after issuing its scheduling orders explaining why it was proceeding with the Sanctions OSCs. Hayden was ordered to appear in person so that he could be

examined under oath. He chose not to appear despite being served with notice of the hearing.

At the March 14 hearing, the court set a briefing schedule that required the Alabama Parties to file and serve any motions, including the Vexatious Litigant Motions, by April 15. Hayden had until June 3 to file his opposition, nearly 50 days from the filing of the Vexatious Litigant Motions and close to 80 days from the March 14 hearing that set the deadlines. Hayden was served with the resulting scheduling orders setting forth the briefing deadlines and setting the initial evidentiary hearings for July 11.

Hayden filed multiple oppositions/responses to the Sanctions OSCs and Vexatious Litigant Motions. He appeared telephonically at the initial July 11 hearings. Thereafter, the court entered scheduling orders continuing the evidentiary hearings to July 29. Hayden was again ordered to appear in person so that he could be examined under oath.

After all of that, Hayden chose not to appear on July 29 and provide testimony. Instead, he lodged a complaint against the bankruptcy judge with the Office of the Circuit Executive for the Ninth Circuit and sought a last-minute continuance. For Hayden to argue that his due process rights were violated because he chose not to appear at the hearings he tried to sabotage so he could cry foul is farcical.

## **2. The bankruptcy court compiled an adequate record for review.**

"An adequate record for review should include a listing of all the cases and motions that led the district court to conclude that a vexatious litigant

order was needed." *Ringgold-Lockhart*, 761 F.3d at 1063 (quoting *De Long*, 912 F.2d at 1147). All Hayden argues here is that the bankruptcy court should not have considered any of the filings and matters outside of the bankruptcy court. We disagree.

The bankruptcy court provided in its Memorandum Decisions a chronological recitation, in painstaking detail, of the numerous cases and appeals involving Hayden spanning over a decade in the Alabama state and federal courts and the Nevada state and federal courts, including other vexatious litigant orders entered against Hayden by the Alabama and Nevada state courts. Contrary to Hayden's argument, it was proper for the bankruptcy court to consider these filings. *Ringgold-Lockhart*, 761 F.3d at 1063-64 (noting that the alleged vexatious litigant's entire history can help inform the court's assessment of the litigant's conduct as abusive). The bankruptcy court further detailed Hayden's filings in the bankruptcy court, which included the filing of three cases and an adversary proceeding within 10 months. Hayden's filings in the bankruptcy court alone are sufficient to support a vexatious litigant and pre-filing order.

In summarizing Hayden's extensive and abusive filings, the bankruptcy court stated:

In sum, the Alabama federal district court and the Eleventh Circuit surmised early on that Hayden would not accept the original final judgment and injunction entered in the First Alabama Case. He has since then filed frivolous cases in Nevada and frivolous pleadings in the Alabama state court attempting to confuse ownership and control of Western Steel Alabama and to

collaterally attack the final judgment and injunctions entered against him. Despite entry of millions in fines for contempt and attorney fees, incarceration for criminal contempt, and two orders declaring him to be a vexatious litigant, Hayden evolved his collateral attacks by initiating four bankruptcy matters for the same purpose.

*In re Cashion Fam. Tr.*, 669 B.R. at 394. We conclude that the bankruptcy court compiled a more than adequate record for review of its Vexatious Litigant Orders.

**3. The bankruptcy court's findings of frivolousness and harassment were substantive and not clearly erroneous.**

Before entering a pre-filing order against a pro se litigant, "it is incumbent on the court to make substantive findings as to the frivolous or harassing nature of the litigant's actions." *De Long*, 912 F.2d at 1148 (cleaned up). To determine whether the litigation is frivolous, the court "must look at both the number and content of the filings as indicia of the frivolousness of the litigant's claims." *Ringgold-Lockhart*, 761 F.3d at 1064 (cleaned up) (quoting *De Long*, 912 F.2d at 1148). Simply being litigious is not enough. The litigant's claims "must not only be numerous, but also be patently without merit." *Molski*, 500 F.3d at 1059 (quoting *Moy v. United States*, 906 F.2d 467, 470 (9th Cir. 1990)).

"As an alternative to frivolousness, the [bankruptcy] court may make an alternative finding that the litigant's filings 'show a pattern of harassment.'" *Ringgold-Lockhart*, 761 F.3d at 1064 (quoting *De Long*, 912 F.2d at 1148). Courts must be careful not to conclude that particular types of pleadings filed by the

litigant repetitiously are harassing, and must instead determine whether the litigant's filing of several similar types of pleadings "constitutes an intent to harass" the opposing party or the court. *Id.*

Hayden argues that the bankruptcy court failed to make sufficient findings of bad faith. He apparently overlooks the court's extremely detailed and supported findings that his bankruptcy filings were frivolous and filed to harass the Alabama Parties and those that represent them. Because Hayden fails to point to any meaningful error in the court's merits determinations of his filings, we review its findings of frivolousness and harassment to determine whether they are illogical, implausible, or without support in the record.

The bankruptcy court applied the five *Safir* factors the Ninth Circuit determined in *Molski*, 500 F.3d at 1058, provide a helpful framework to analyze the frivolousness or harassment of Hayden's filings in the bankruptcy court.

**a. The litigant's history of litigation and in particular whether it entailed vexatious, harassing, or duplicative lawsuits**

The bankruptcy court observed that the Alabama federal court and Eleventh Circuit had told Hayden he could not collaterally attack the 2013 Judgment and injunctions entered by the Alabama state court, and that his litigation and filings were frivolous. Nonetheless, Hayden continued his efforts to evade the 2013 Judgment and injunctions, using corporations and trusts that he was ordered to dissolve. Once he was declared a vexatious

litigant in Alabama and Nevada, he turned his efforts to the Nevada bankruptcy court. The bankruptcy court found that each of Hayden's filings served no legitimate bankruptcy purpose and were filed only to confuse the court in the hope of impermissibly collaterally attacking the 2013 Judgment, while knowingly violating several injunctions. Precisely, the bankruptcy court found that Hayden filed the Cashion Family Trust case and the Adversary in violation of several injunctions only to raise the same facts and arguments rejected by every other court to consider them. Thus, the court said it could only conclude that Hayden's repeated filings, and his actions taken therein, were done for the improper purpose of harassing the Alabama Parties and those that represented them. *In re Cashion Fam. Tr.*, 669 B.R. at 395-96.

**b. The litigant's motive in pursuing the litigation, e.g., does the litigant have an objective good faith expectation of prevailing?**

The bankruptcy court noted that Hayden had failed to prevail on any of his repeated claims in the bankruptcy court, which had already been rejected by other courts. Thus, in light of these prior adverse decisions addressing the same claims and facts, the court found that Hayden did not have any objective good faith expectation of success in filing the Cashion Family Trust involuntary bankruptcy and the Adversary. *Id.* at 396-97.

**c. Whether the litigant is represented by counsel**

The bankruptcy court recognized that Hayden was pro se, but this was not a bar to finding that his repetitive and harassing litigation warranted



imposition of a pre-filing bar. Although the court had liberally construed Hayden's pleadings as a pro se litigant, it determined that no benefit of the doubt could offset Hayden's bad faith in his ongoing pursuit of the Alabama Parties. *Id.* at 397.

**d. Whether the litigant has caused needless expense to other parties or has posed an unnecessary burden on the courts and their personnel**

The bankruptcy court also found that Hayden's claims against Cashion and his assets, including Alabama Steel, had been adjudicated as meritless. Nonetheless, Hayden continued to litigate those claims for over a decade across states and numerous courts. The Alabama Parties had spent hundreds of thousands of dollars in legal fees defending against Hayden's meritless claims and seeking sanctions in an effort to halt his unwavering pursuit. The bankruptcy court had also awarded attorney fees against Hayden in his chapter 13 case. The court found that Hayden's bankruptcy filings were only perpetuating what the Nevada state court observed was a repeated pattern of filing frivolous lawsuits based on or including the same claims he had previously filed, and then voluntarily dismissing them when faced with a dispositive motion. For these and other reasons, the court concluded that Hayden had imposed needless and extensive expense on other parties, as well as an unnecessary burden on the courts and their staff. *Id.* at 397-98.

**e. Whether other sanctions would be adequate to protect the courts and other parties**

Finally, the bankruptcy court found that no sanction short of a pre-

filing order would deter Hayden from pursuing further litigation against the Alabama Parties. The court acknowledged that it had not previously imposed any less drastic sanctions against Hayden, other than ordering him to pay the Alabama Parties' attorney's fees for his bad faith chapter 13 filing. However, given Hayden's prior history, the court believed that any other type of sanction would have little to no effect on his litigiousness. Other courts had previously imposed fines and sanctions approaching \$2 million, held Hayden in civil contempt, and ordered his incarceration for criminal contempt to no avail. *Id.* at 398-99.

On this record, we find no error – clear or otherwise – in the bankruptcy court's frivolousness and harassment findings. Noticeably absent from Hayden's oppositions to the Sanctions OSCs and Vexatious Litigant Motions were any attempt to explain why his actions before the bankruptcy court were not vexatious. But it is clear from the record that he did not commence a single proceeding for a legitimate purpose. Rather, his purpose was to repeat frivolous arguments already rejected by other courts, and even the bankruptcy court, in hopes of getting a different answer and to harass the Alabama Parties. "It is plainly inappropriate, vexatious, and harassing for arguments to be repeated without cessation." *In re Sui*, 2014 WL 5840246, at \*9 n.22.

Hayden abused the bankruptcy court with his ongoing effort to interfere with judgment enforcement proceedings in Alabama; to collaterally attack final judgments and orders by other courts; and to harass the Alabama

Parties and their counsel. He apparently cannot accept the 2013 Judgment, affirmed by the highest court in Alabama, and has pursued a scorched earth campaign to attack and avoid it. His inordinate amount of frivolous and harassing filings has wasted the limited time and resources of multiple courts in Alabama and Nevada, as well as the Alabama Parties and others. To make matters worse, he has shamefully impugned the character of judges who have ruled against him on his frivolous and harassing claims, including the bankruptcy judge who presided over these cases.

**4. The Vexatious Litigant Orders were narrowly tailored.**

A pre-filing order "must be narrowly tailored to the vexatious litigant's wrongful behavior." *Ringgold-Lockhart*, 761 F.3d at 1066 (quoting *Molski*, 500 F.3d at 1061); accord *In re Koshkalda*, 622 B.R. at 768. Hayden argues that the Vexatious Litigant Orders were not narrowly tailored. We disagree.

In support of its decision to impose a pre-filing order, the bankruptcy court found that Hayden's numerous filings had consistently run afoul of the injunctions entered against him beginning in 2013. Nonetheless, neither the repeated failures of his claims nor the substantial sanctions imposed against him by other courts had dampened his dogged determination to pursue assets to which he has no legitimate claim. Accordingly, the court determined that an order restricting Hayden's access to the United States Bankruptcy Court for the District of Nevada was necessary. *In re Cashion Fam. Tr.*, 669 B.R. at 399-400.

In the Vexatious Litigant Orders, the bankruptcy court declared

Hayden a vexatious litigant (1) in his individual capacity, (2) as the owner, officer, or director of any entity, and (3) as trustee, trustor, or beneficiary of any type of trust. The Vexatious Litigant Orders set forth the detailed procedure that Hayden must follow before filing any further papers in the bankruptcy court. Specifically, he is required to file an application requesting leave to file, attaching the proposed document to be filed. In addition, the application must be accompanied by a declaration attesting that the matters asserted have never been raised and disposed of on the merits by any court; that the claim or claims are not frivolous, made in bad faith, or for the purpose of harassment; and that Hayden has conducted a reasonable investigation of the facts, and the investigation supports the claims or allegations. The Vexatious Litigant Orders do not extend to notices of appeal filed in existing proceedings. They also do not contain any criteria constituting an impermissible merits screening. *See Ringgold-Lockhart*, 761 F.3d at 1066; *In re Koshkalda*, 622 B.R. at 768-69. Hayden's filings may be rejected only if they fail to comply with the ordered procedural requirements.

The Vexatious Litigant Orders are appropriately narrowly tailored. They do not deny Hayden's access to the bankruptcy court, but only prevent him from filing documents that collaterally attack other rulings, seek to relitigate already-decided issues, violate other court orders, or are presented for illegitimate purposes.

## CONCLUSION

For the reasons set forth above, we AFFIRM.