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CLERK OF COURTS

2022 CV 0282

Tone, Tygh M

IN THE COURT OF COMMON PLEAS ERIE COUNTY, OHIO

OTTAWA COUNTY PROSECUTING  
ATTORNEY

Case No. 2022-CV- 0282

Plaintiff,

Judge Tygh M. Tone

vs.

CHARLES TINGLER

**JUDGMENT ENTRY**

Defendant.

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This matter comes before the Court on the Plaintiff's Motion for Default Judgment filed on September 8, 2022. The Court hereby makes the following findings:

- 1) Plaintiff's Complaint was filed on June 27, 2022
- 2) Defendant Charles Tingler was served with said complaint, by certified mail, on July 2, 2022
- 3) On June 29, 2022, Defendant Tingler filed a Motion to Dismiss
- 4) On August 11, 2022, the Court denied Defendant Tingler's Motion to Dismiss
- 5) As of September 8, the Defendant has not filed any answer or responsive pleadings to Plaintiff's Complaint.

Pursuant to Ohio Civ. R. 55, the Plaintiff is entitled to default judgment as the Defendant has failed to answer the Plaintiff's Complaint herein.

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CLERK OF COURT  
SUPREME COURT OF OHIO

Pursuant to Ohio Civ. R. 8(D), Defendant Tingler's failure to answer is deemed an admission to each and every allegation contained in the Plaintiff's Complaint. As a result of the Defendant's admissions to Plaintiff's Complaint, the Court hereby adopts and incorporates herein by reference, as factual findings and evidence, each and every averment contained in Plaintiff's complaint.

#### CONCLUSION

The evidence and averments herein establish Plaintiff's cause of action to the required standard of proof. The evidence shows Defendant Tingler's conduct was and is vexatious, meaning (1) the Defendant's conduct obviously serves merely to harass or maliciously injure another party to a civil action; and (2) the conduct is not warranted under existing law and cannot be supported by a good faith argument for extension, modification, or reversal of existing law. The Court further finds that Defendant Tingler's conduct has been habitual, persistent, and without reasonable grounds. Judgment is entered against the Defendant and in favor of Plaintiff upon the Complaint.

#### DECLARATION

Defendant Charles Tingler is declared to be a vexatious litigator, and consistent with that designation, the Court FINDS AND ORDERS Defendant Charles Tingler is hereby indefinitely prohibited from doing any of the following without first obtaining leave of this Court to proceed:

- a) Instituting legal proceedings in the Court of Claims or in a Court of Common Pleas, Municipal Court, or County court;
- b) Continuing any legal proceedings that he has instituted in any Ohio trial court prior to the entry of this Judgment Entry;

- c) Making any application, other than an application for leave to proceed under R.C. 2323.52(F)(1), in any legal proceedings instituted by him or another person in any of the Ohio trial courts listed above; or
- d) Instituting or continuing any legal proceedings in the Court of Appeals without first obtaining leave from the Court of Appeals pursuant to R.C. 2323.52(F)(2).

The Clerk of Courts of Erie County is ORDERED to send a certified copy of this Judgment Entry to the Ohio Supreme Court for publication pursuant to R.C. 2323.52(H).

Defendant shall pay all costs associated with this legal action. This Judgment Entry constitutes a final appealable order under R.C. 2505.02.

Under Ohio Civ. R. 58, the Clerk is ordered to deliver notice of this entry and a copy thereof to the parties.

IT IS SO ORDERED.

/s/ TYGH M TONE, JUDGE

THEREBY CERTIFY THIS TO BE  
A TRUE COPY OF THE ORIGINAL  
FILED IN THIS OFFICE.

LUVADA S. WILSON, CLERK OF COURTS  
Erie County, Ohio

By: 