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UNION COUNTY, MARYSVILLE, OHIO

IN THE COURT OF COMMON PLEAS, UNION COUNTY, OHIO

2007 MAR - 6 PM 2: 01
COURT OF COMMON
PLEAS
UNION COUNTY, OHIO
Rosa P. [Signature]
CLERK

NICHOLAS J. KINSTLE,
PLAINTIFF

-vs-

CASE NO. 06-CV-0524

UNION COUNTY SHERIFF
OFFICE, ET AL.,
DEFENDANTS

JUDGMENT ENTRY

Defendant The Cincinnati Insurance Company's Motion to find Plaintiff to be a vexatious litigator under ORC 2323.52, sanctioning Plaintiff and imposing Rule 11 sanctions came on for evidentiary hearing on January 25, 2007, in the Union County Common Pleas Courtroom. Plaintiff appeared pro se, the requested Rule 11 sanction portion of the hearing having been converted to an ORC 2323.51 sanction hearing.

Upon due consideration the Court finds that Plaintiff's conduct in this matter serves merely to harass or maliciously injure other parties to the civil action. The Court finds that the allegations in Plaintiff's complaint are not warranted under existing law and cannot be supported by a good faith argument for an extension, modification or reversal of existing law.

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The Court further finds that the conduct of Plaintiff has caused harm to the parties named in this litigation in that they have incurred expenses in retaining counsel to defend themselves from the allegations.

This Court finds that Plaintiff Nicholas J. Kinstle is a *vexacious litigator* as defined in Ohio Revised Code Section 2323.52 and further finds that an award of attorney fees in the sum of \$1,651.46 should be paid by Plaintiff to Defendant The Cincinnati Insurance Company and that Plaintiff should be prohibited from filing any litigation in any state court in the State of Ohio without first obtaining leave of that court to proceed.

It is therefore ORDERED, ADJUDGED and DECREED that Plaintiff Nicholas J. Kinstle be and he is hereby declared a *vexatious litigator* and is ORDERED to pay the sum of \$1,651.46 to Lawrence A. Huffman, counsel for Defendant The Cincinnati Insurance Company as and for re-imbusement of expenses by way of attorney fees incurred by said Defendant in defense of this action, for which judgment is awarded.

The Court notes that, on January 29, 2007, a Notice of Rule 41 Dismissal was filed by Plaintiff, and therefore Plaintiff's contemporaneous Motion for Default Judgment against Defendant Richard K. Warren is OVERRULED because of the Dismissal filed and for the reason that Richard K. Warren had already been Judgment on the Pleadings on January

18, 2007. Further, Motion of Defendants Citizens National Bank of Bluffton and Cliff Barber to Dismiss, filed January 25, 2007, is now moot, since the case is now dismissed by Plaintiff. Lastly, Motion of Plaintiff for Sanctions against L.A. Huffman and The Cincinnati Insurance Company is found to have no merit and is OVERRULED.

The Court, having found that the within action is frivolous and without merit in its inception and prosecution, further finds that the action is frivolous as to its application to each Defendant, and it is ORDERED, ADJUDGED and DECREED, that Plaintiff be and hereby is Ordered to pay the attorneys' fees and costs incurred by all other Defendants named by Plaintiff Nicholas Kinstle in this matter. Such Defendants are Ordered to submit and file affidavits and detailed fee and cost bills incurred in defense of this action to this Court on or before March 21, 2007, to which Plaintiff shall have two weeks to respond or register written objections by filing in this case. Thereafter, the matter of fees and costs will be deemed submitted and ready for decision.

It is ORDERED that, as a *vexatious litigator*, Plaintiff Nicholas J. Kinstle be and he hereby is prohibited from instituting any legal proceedings in the Court of Claims, a Court of Common Pleas, Municipal Court, County Court, or a Court of Appeals within the State of Ohio, without

first making application to that Court for leave to proceed in that Court and he is further prohibited from continuing in any legal proceedings in any court in which he instituted proceedings prior to the Entry of this Order, without first obtaining leave to proceed from that Court.

It is further ORDERED that the Clerk of any Court listed above shall not accept any pleadings or other papers for filing from Nicholas J. Kinstle unless he has first obtained leave of that Court to proceed.

It is further ORDERED that the Clerk of this Court send a certified copy of this Order to the Supreme Court of Ohio for publication in a manner that the Supreme Court deems is appropriate and that will facilitate the Clerk of the Court of Claims, a Clerk of a Court of Appeals, a Clerk of a Common Pleas Court, Clerk of a Municipal Court or County Court, in refusing to accept pleadings or other papers submitted for filing by Nicholas J. Kinstle unless and until he has obtained leave to proceed as described in Ohio Revised Code Section 2323.52.

Plaintiff is to pay Court Costs, for which execution is awarded.


Richard E. Parrott, Judge

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