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MAHONING COUNTY, OHIO  
AUG 11 2017  
FILED  
ANTHONY VIVO, CLERK

**IN THE COURT OF COMMON PLEAS  
MAHONING COUNTY, OHIO**

<b>Paul J. Gains</b>	)	<b>Case No. 2017 CV 715</b>
	)	
<b>Plaintiff,</b>	)	<b>Judge Lou A. D'Apolito</b>
	)	
<b>vs.</b>	)	<b>Magistrate Daniel P. Dascenzo</b>
	)	
<b>Michael Miller,</b>	)	<b><u>Judgment Entry</u></b>
	)	
<b>Defendant.</b>	)	

Case called on Plaintiff's motion for summary judgment seeking to have Defendant adjudicated a vexatious litigator under R.C. 2323.52.

Upon review and consideration of Plaintiff's motion, the Defendant's response, and the relevant portions of the record, the Court finds as follows:

In reviewing the frequency of Defendant's various filings, along with the substance and content contained therein, this Court finds that Defendant has habitually, persistently and without reasonable grounds, engaged in vexatious conduct by filing numerous, baseless lawsuits against various courts, judges, court employees, and others. As such, this Court deems Defendant a vexatious litigator under R.C. 2323.52(D).

Defendant's status as a pro se litigant does not afford him any additional considerations when making this determination. As a result of this determination, Defendant is not precluded from proceeding on any legitimate claims, but instead, establishes a screening mechanism under which Defendant can petition this Court, on a case-by-case basis, for determination of whether any proposed action is abusive or groundless.



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Plaintiff's motion for summary judgment seeking a determination that Defendant be adjudicated a vexatious litigator pursuant to 2323.52(D) is sustained. Defendant's counterclaim is dismissed pursuant to Civil Rule 12(B)(6).

Finally, pursuant to R.C. 2323.52, Defendant must first obtain leave of this Court before proceeding in matters before any Ohio trial court, which are enumerated as follows: Municipal Courts, County Courts, the Court of Claims, and the Court of Common Pleas.

There is No Just Cause for Delay.

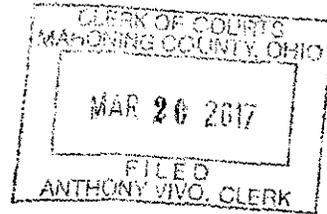
Dated: 8/10/17

  
\_\_\_\_\_  
Judge Leo A. D'Apolito

**CLERK: COPIES TO ALL COUNSEL OR  
UNREPRESENTED PARTIES**

8/15, 2017  
This is a true copy of the original JE  
Filed in Case No. 17CV 715  
By ANTHONY VIVO, Clerk of Courts  
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IN THE COURT OF COMMON PLEAS  
MAHONING COUNTY, OHIO



Paul J. Gains  
Mahoning County Prosecutor  
21 W. Boardman Street, 5<sup>th</sup> Floor  
Youngstown, OH 44503

Plaintiff

vs.

MICHAEL MILLER  
1400 Springdale, Apt. 303  
Youngstown, OH 44505

Defendant

CASE NO. 17CV715

JUDGE L.D. Apalato

**COMPLAINT TO DECLARE  
DEFENDANT A VEXATIOUS  
LITIGATOR UNDER R.C.  
§2323.52**

**INSTRUCTIONS FOR SERVICE**

Now comes Plaintiff, Mahoning County Prosecutor, Paul J. Gains, and for his complaint, states as follows:

1. At all relevant times herein, Plaintiff, Paul J. Gains, was and is the duly elected Prosecutor of Mahoning County, Ohio.
2. At all relevant times herein, Defendant, Michael Miller ("Miller"), is an individual residing in the County of Mahoning and State of Ohio.
3. Defendant Miller is not an attorney at law licensed to practice in the State of Ohio.
4. Defendant Miller has habitually, persistently and without reasonable cause engaged in vexatious conduct as defined by R.C. §2323.51(A)(2) by filing multiple civil actions for the purpose of harassing or maliciously injuring another party where no such actions were warranted under existing law and cannot be supported by a good faith belief that such actions were for an extension, modification or reversal of existing law.



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