

[Cite as *Grundstein v. Greene*, 2006-Ohio-2078.]

COURT OF APPEALS OF OHIO, EIGHTH DISTRICT

COUNTY OF CUYAHOGA

No. 87925

ROBERT GRUNDSTEIN, ESQ.	:	ORIGINAL ACTION
	:	
	:	JOURNAL ENTRY
Relator	:	AND
	:	OPINION
vs.	:	
	:	
JUDGE LILLIAN GREENE	:	
	:	
Respondent	:	

DATE OF JOURNALIZATION: APRIL 24, 2006

CHARACTER OF PROCEEDINGS: WRIT OF MANDAMUS

JUDGMENT: Writ Denied.
Order No. 383132

APPEARANCES:

For Relator: ROBERT H. GRUNDSTEIN, pro se
P.O. Box 131
Eden, VT 05652

For Respondent: WILLIAM D. MASON
Cuyahoga County Prosecutor
BY: CHARLES E. HANNAN, JR.
Assistant County Prosecutor
Justice Center - 9th Floor
1200 Ontario Street
Cleveland, Ohio 44113

JUDGE ANTHONY O. CALABRESE, JR.

{¶ 1} On March 24, 2006, the relator, Robert Grundstein, commenced this mandamus action against the respondent, Judge Lillian Greene, to compel her to rule on a Motion for Leave to proceed in Bedford Municipal Court, which he filed in the underlying case, *Grundstein v. Ewolf's Corporation*, Cuyahoga County Common Pleas Court Case No. CV-513849 on November 15, 2005.¹ On April 5, 2006, Judge Greene, in the underlying case issued the following order: "Robert Grundstein, vexatious litigator, has leave to proceed in Bedford Municipal Court Case Number 05CVF04201."

{¶ 2} This journal entry establishes that this mandamus action is moot. Judge Greene has fulfilled her duty to rule on the motion, and Grundstein has received his requested relief, a ruling on the subject motion.

{¶ 3} Accordingly, this court, sua sponte, denies the application for a writ of mandamus as moot. Relator to pay costs. The clerk is directed to serve upon the parties notice of this judgment and its date of entry upon the journal. Civ.R. 58(B).

ANTHONY O. CALABRESE, JR.
JUDGE

SEAN C. GALLAGHER, P.J., CONCURS

¹On October 12, 2005, in the underlying case, Judge Greene ruled Grundstein to be a vexatious litigator pursuant to R.C. 2323.52. Under that statute a vexatious litigator must obtain permission from the court declaring him a vexatious litigator to institute, inter alia, another case.

KENNETH A. ROCCO, J., CONCURS