

FILED
COURT OF COMMON PLEAS

2008 AUG 22 P 3: 30

GREGORY A. BRUSH
CLERK OF COURTS
MONTGOMERY CO., OHIO

IN THE COMMON PLEAS COURT OF MONTGOMERY COUNTY, OHIO

CIVIL DIVISION

CITY OF HUBER HEIGHTS

Plaintiff

-vs-

GLENN A. HESS

Defendant

* **CASE NO.: 07CV1490**

* **JUDGE O'CONNELL**

* **ENTRY & ORDER**

*

This matter came before the Court on August 12, 2008 for a bench trial regarding the Plaintiff's Complaint filed against the Defendant, Glenn A. Hess, seeking to have Mr. Hess declared a vexatious litigator. Prior to the hearing, the parties engaged in settlement negotiations and thereafter agreed as follows:

1. Defendant Glenn A. Hess shall, within ten days of the date of this Order dismiss with prejudice, any and all claims, counterclaims, cross-claims and/or third party complaints which are currently pending in any State Court in the State of Ohio against the City of Huber Heights, Ohio, any employee of the City of Huber Heights, Ohio, any elected official of the City of Huber Heights, Ohio, or any agent of the City of Huber Heights, Ohio;
2. Glenn A. Hess shall not institute any action against the City of Huber Heights, Ohio, any of its employees, elected officials, agents or residents of the City of Huber Heights, Ohio, without first complying with the specific requirements of Ohio Revised Code §2323.52(D) and §2323.52(F);
3. This Entry & Order shall not affect the lawsuit pending in the United States District Court for the Southern District of Ohio, Western Division at Dayton, Ohio, Case No. 3:08-CV-031.

4. The parties herein do not waive or otherwise relinquish any rights they may have whatsoever in Case No. 3:08-CV-031 pending in the United States District Court for the Southern District of Ohio, Western Division at Dayton, Ohio;
5. Plaintiff waives its right to file an Application for the Reimbursement of Costs and Expenses, including Attorney Fees, associated with Montgomery County Common Pleas Court Case No. 07CV1490;
6. Each party shall bear its own costs associated with this matter.

SO ORDERED.

Timothy N. O'Connell
JUDGE O'CONNELL

Copy to:

Gregory S. Page, Esq.
Glenn A. Hess

I hereby certify this to be a true and correct copy.

Witness my hand and seal this 2
day of December 20 25

M. J. Kelly
Clerk of Common Pleas
Court of Montgomery County, Ohio
By E. P. Bennett
Deputy