

APR 08 2025

IN THE COURT OF COMMON PLEAS
PROBATE DIVISION
SUMMIT COUNTY, OHIO

JUDGE ELINORE MARSH STORMER

IN THE MATTER OF
THE ADOPTION OF:

) CASE NO. 2021 AD 121
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) JUDGE ELINORE MARSH STORMER
)
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) JUDGMENT ENTRY
)

This case has been pending since October, 2021. The matter is now before the Court on Kostantinos Pamboukis's, *pro se* ("Kosta") objection to the Magistrate's Decision regarding the adoption of his son as well as a number of other pleadings which are difficult to understand. Magistrate George Wertz decided on January 29, 2025 that the adoption of [REDACTED] [REDACTED] by the Petitioner, Shmaryahu Moshe Lewis ("Petitioner") is in the child's best interest. Kosta objected, but has not filed a transcript of the best interest hearing.

The Court reviewed the record and pleadings in this case and for the reasons stated below ADOPTS the Magistrate's Decision and Overrules the objection.

I. Statement of the Case

[REDACTED] s biological mother, Nicole Gleghorn-Lewis ("Nicole") and Kosta had [REDACTED] while married and living together. Nicole left Kosta six months later because she no longer felt safe. She obtained a protection order preventing Kosta from contacting her or [REDACTED] and their divorce finalized September 27, 2016.

[REDACTED] is now ten years old and has lived with the Petitioner since he was three. After living together for some time, they purchased a home together in 2016 and Petitioner and Nicole married on March 8, 2020. [REDACTED] calls Petitioner "dad" because he accepted a parental role

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with [REDACTED]. He coaches [REDACTED]'s sports teams, manages his daily routine, healthcare, school activities, and spends quality time with [REDACTED] independent of Nicole. Kosta failed to involve himself in [REDACTED]'s life, instead continuing a chaotic and abusive relationship with Nicole resulting in protection orders and a felony conviction in 2019.

On October 25, 2021, Petitioner filed to adopt [REDACTED]. Nine months later, on June 24, 2022, the Magistrate found Kosta's consent not required because Kosta failed to provide support for [REDACTED] during the lookback period. Paul Kelley, Kosta's Attorney, withdrew on July 6, 2022. On July 8, 2022, Kosta filed *a pro se* Objection to the Magistrate's Decision on consent as well as unsuccessful appeals ending with the Supreme Court of Ohio denying jurisdiction on October 1, 2024. Thus, Kosta's lack of financial support became *res judicata* and consent ceased to be an issue. On January 29, 2025, the Magistrate decided that it is in [REDACTED]'s best interest that Petitioner adopt him.

II. Discussion

Civ.R. 53(D)(4)(d) provides that the Court must undertake an independent review as to the objected matters to ascertain that the magistrate has properly determined the factual issues and appropriately applied the law. *Lakota v. Lakota*, 9th Dist. Medina No. 10CA0122-M, 2012-Ohio-2555, ¶ 14. While he filed many motions, Kosta did not file a transcript. As such, Civ. R. 53(D)(3)(b)(iii) is applicable to the Objections and states:

Objection to magistrate's factual finding; transcript or affidavit. An objection to a factual finding, whether or not specifically designated as a finding of fact under Civ. R. 53(D)(3)(a)(ii), shall be supported by a transcript of all the evidence submitted to the magistrate relevant to that finding or an affidavit of that evidence if a transcript is not available. With leave of court, alternative technology or manner of reviewing the relevant evidence may be considered. The objecting party shall file the transcript or affidavit with the court within thirty days after filing objections unless the court extends the time in writing for preparation of the transcript or other good cause. If a party files timely objections prior to the date on which a transcript is prepared, the party may seek leave of court to supplement the objections.

(emphasis added)

“When portions of the transcript necessary for resolution of assigned errors are omitted from the record, the reviewing court has nothing to pass upon and thus, as to those assigned errors, the court has no choice but to presume the validity of the lower courts proceedings, and affirm.” *Knapp v. Edwards Laboratories*, 61 Ohio St.2d 197, 199 (1980). “In the absence of a complete record, [the] Court must presume regularity in the trial court’s proceedings and accept its judgment.” *Wozniak v. Wozniak*, 90 Ohio App.3d 400, 409 (9th Dist. 1993). Under *Knapp*, the Court would have no choice but to affirm the Magistrate’s decision on all findings of fact since Kosta has not filed a transcript accompanying his Objection.

Under ORC § 3107.07(B)(1), a trial court “shall consider all relevant factors including . . . [t]he least detrimental available alternative for safeguarding the child’s growth and development...” R.C. 3107.161(A) specifically provides that “[a]s used in this section, ‘the least detrimental available alternative’ means the alternative that would have the least long-term negative impact on the child.” R.C. 3107.161(C) further provides that “a person who contests an adoption has the burden of providing the court material evidence needed to determine what is in the best interest of the child and must establish that the child’s current placement is not the least detrimental available alternative.”

Kosta filed fourteen separate motions *pro se* since the January decision:

- 1) Motion to Vacate Best Interest Hearing Due to Procedural Misconduct and Request for New Hearing filed on January 29, 2025;
- 2) Motion for Reconsideration and Objection to the January 29, 2025, Magistrate’s Order filed on January 31, 2025;

- 3) Birth Father's Motion for Relief from Judgment Pursuant to Ohio Civ. R. 60(B) and Response to Petitioner's Reply to Objections and Reconsideration filed on February 5, 2025;
- 4) Reply to Petitioner's Response to Respondent's 60(B) Motion filed on February 10, 2025;
- 5) Motion to Stay Proceedings (60b) (*sic*) Pending Resolution of Writ of Mandamus and Child Support Proceedings filed on February 10, 2025;
- 6) Notice of Appeal (Appealing the Entire Adoption Case Due to Fraud and Violations of Law) filed on February 11, 2025;
- 7) Notice of Appeal (Regarding the Denial of Motion to Vacate the Adoption Ruling) filed on February 11, 2025;
- 8) Motion to Supplement My 60b (*sic*) to Compel a (*sic*) Audit of Child Support Allocations During Pandemic Unemployment Period Due to New Evidence filed on February 11, 2025;
- 9) Motion to Appoint Counsel and Notice of Continuing Lack of Representation filed on February 24, 2025; and
- 10) Notice of Appeal (Regarding the Denial of Motion to Vacate the Adoption Ruling) filed on February 26, 2025.

On March 6, 2025, Magistrate George Wertz issued an Order addressing the motion for counsel giving clear instructions to Kosta as to the necessary steps to qualify for and obtain counsel. On March 10, 2025, Kosta, filed the following items:

- 11) Notice of Appeal of the March 6, 2025 Magistrate's Order;

- 12) Motion to Recuse Judge Elinore Marsh Stormer and Magistrate George R. Wertz Due to Bias, Misconduct, and Failure to Ensure a Fair Hearing;
- 13) Motion to address Gary Rosens involvement that withheld the stay motion and for his disqualification (*sic*); and
- 14) Motion to sanction plaintiffs for the fraud and perjury that took place in this court (*sic*).

After review, the court finds that Kosta has not produced an argument that rises to the level of an actual objection to the best interest determination under R.C. 3107.161. Instead, the 14 pleadings attempt to litigate issues that have either: a) been adjudicated by this Court; b) been adjudicated by the Ninth District Court of Appeals; or c) are matters litigated outside the jurisdiction of this Court. In the “Objection” filed on January 31, 2025, Kosta does not mention the only relevant best interest factor, the “least detrimental available alternative”, to which he has the burden of proof under R.C. 3107.161(C). The least detrimental available alternative is a question of fact. Under Civ. R. 53(D)(3)(b)(iii), the Court must affirm the Magistrate’s findings of fact when a transcript of the evidence is not filed with the Court. Here the court has reviewed the record and affirms.

III. Allegations of the Court’s Bias and Conspiracy

The Court separately addresses Kosta’s allegations that this Court and Magistrate George Wertz are biased against him and conspiring with a Domestic Relations visiting Judge from Portage County. “As trial judges are presumed to be un-biased and un-prejudiced, the party alleging bias or prejudice must set forth evidence to overcome the presumption of integrity.” *Barnett-Soto v. Soto*, 2003-Ohio-535 (9th Dist.) “The existence of prejudice or bias against a party * * * is difficult to question unless the judge specifically verbalizes personal bias or prejudice

toward a party.” *Soto*, 2003-Ohio-535 at ¶ 23, citing *In re Adoption of Reams* (1989), 52 Ohio App.3d 52, 59, 557 N.E.2d 159.

Here, a review of the record shows that the Magistrate appeared to treat all parties in an even-handed manner in exercising control over the proceedings. Kosta offers no evidence of bias from Magistrate Wertz beyond Magistrate Wertz deciding against him. The allegations of bias against the court is without evidence. The only court interaction with the case prior to this decision was its affirmation that Kosta’s consent was not necessary. Finally, Kosta offers no evidence supporting his allegation that the Magistrate and this Court are conspiring with Judge Giulitto to deprive him of his parental rights. As this Court remains unaware of Judge Giulitto’s role here, the allegations of bias on the part of the Court and the Magistrate are dismissed.

IV. Appointment of counsel

Kosta mentions that he has repeatedly requested the court to appoint counsel for him. Despite being told how to obtain appointed counsel, he has failed to act. The question is thus, moot.

V. Vexatious Litigation

Ohio’s vexatious litigator statute defines vexatious conduct as conduct of a party in a civil action that either “serves merely to harass or maliciously injure another party to the civil action” or “is not warranted under existing law and cannot be supported by a good faith argument” for remedy. R.C. 2323.52(A)(2). Anyone “habitually, persistently, and without reasonable grounds” engaged in vexatious conduct will be declared a vexatious litigator. R.C. 2323.52(A)(3). Ohio courts are typically hesitant to apply the vexatious litigator statute to pro se litigants as inexperience can look vexatious. *Lasson v. Coleman*, 2008-Ohio-4140 (2nd Dist.) (stating “[b]ehavior that is more consistent with that of an inexperienced litigant should not

trigger the vexatious litigator designation.) The Supreme Court reiterates the purpose of the statute: to prevent vexatious conduct that “clogs the court dockets, results in increased costs, and oftentimes is a waste of judicial resources—resources that are supported by the taxpayers of this state.” *Mayer v. Bristow*, 91 Ohio St.3d 3 (2000).

Since the Ninth District Court of Appeals affirmed that Kosta’s consent was not required, he has sought remedies in 27 different filings that are unsupported by existing law. Kosta habitually, persistently, and without reasonable grounds seeks to litigate matters in this Court under the guise of procedural motions and notices. This conduct over the course of the nearly four years of proceedings meets the standard for vexatious conduct serving merely to harass or maliciously injure the Petitioner and [REDACTED]’s biological mother. This Court has spent hours simply trying to understand the repetitious and unfounded arguments raised. Kosta attacks the court, its staff as well as attorneys because he disagrees with outcomes.

The Court declares Kostantinos Pamboukis a vexatious litigator, and hereby requires him to obtain leave of this Court prior to filing any further legal proceedings or make any other application other than the application for leave to file in the Summit County Court of Common Pleas, Probate Division pursuant to R.C. 2323.52(D).

VI. Conclusion

After due consideration and review, the Court finds that the Objection to the Magistrate’s Decision is not well-taken and is hereby OVERRULED. The Court further determines that there is no error of law or defect in the Magistrate’s Decision and pursuant to Civ. R. 53(D), the Court adopts the Magistrate’s Decision, its conclusions, findings and recommendations as the Court’s own, and as the Court’s Judgment Entry and Order of the Court in the above-captioned matter.

Accordingly, the Court finds that it is in [REDACTED]'s best interest to grant the petition for adoption.

Further, the Motions enumerated above filed by Kostantinos Pamboukis from January 29, 2025 through March 10, 2025 in this matter are not well-taken and are hereby DENIED.

The Court further declares Kostantinos Pamboukis a vexatious litigator, and requires him to apply to this Court for leave to file any action or motion in this Court from this day forward.

The case shall proceed according to law.

IT IS SO ORDERED.



JUDGE ELINORE MARSH STORMER

cc: Attorney Gary Rosen
Kostantinos Pamboukis, pro se
Magistrate George R. Wertz

PROBATE COURT
COUNTY OF SUMMIT, OH
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JUDGE ELINORE MARSH STORMER

CERTIFICATION OF COPY

I certify this to be a true copy of the original *
now on file in _____
the Summit County Probate Court, State of Ohio.
This _____ day of _____ 2025

ELINORE MARSH STORMER
Judge and Ex-Officio Clerk

Deputy Clerk


*except for redacted information

CERTIFICATION OF COPY

I certify this to be a true copy of the original *
Judgment Entry now on file in
the Summit County Probate Court, State of Ohio.
This 30th day of June 2025.

ELINORE MARSH STORMER
Judge and Ex-Officio Clerk

By


Deputy Clerk

*except for redacted information