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COPY**

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

FILED
HURON COUNTY
COMMON PLEAS COURT
2023 MAY 31 P 2:12

Huron County Prosecuting Attorney,
James Joel Sitterly

Plaintiff,

vs.

Edward E. Blair

Defendant.

CASE NO.: CVH 2023-0096

JUDGE CHRISTOPHER J. COLLIER
(sitting by assignment)

**JUDGMENT ENTRY WITH
INSTRUCTIONS TO THE CLERK**

JOURNALIZED 06-01-2023
VOL 834 PG 286

SUSAN S. HAZEL
CLERK OF COURTS

This case is before the Court upon Plaintiff's motion for judgment on the pleadings or, in the alternative, motion for summary judgment and Defendant's answer thereto. Based upon the evidence allowable pursuant to Civ. R. 56 (C), the Court finds there are no genuine issues of material fact upon which reasonable minds could differ. Plaintiff is entitled to judgment as a matter of law. Accordingly, Plaintiff's motion for summary judgment is hereby granted.

On February 8, 2023, Plaintiff, who is the Huron County Prosecutor, filed a complaint seeking to have Defendant Edward E. Blair declared a vexatious litigator as defined in R.C. 2323.52 (A)(3). On March 8, 2023, Defendant in response filed a response entitled, "motion to object to being declared a vexatious litigator." On April 5, 2023, Plaintiff filed a motion for judgment on the pleadings, or in the alternative, motion for summary judgment. This Court has considered this matter on Plaintiff's summary judgment application.

I. Standard of Review

Summary judgment is appropriate when (1) no genuine issue as to any material fact remains to be litigated; (2) the moving party is entitled to judgment as a matter of law; and (3) it appears from the evidence that reasonable minds can come to but one conclusion, and viewing

the evidence in favor of the non-moving party, that conclusion favors the moving party. *Dresher v. Burt*, 75 Ohio St. 3d 280 (1996); *Temple v. Wean United, Inc.*, 50 Ohio St.2d 317 (1977).

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When deciding matters of summary judgment, the “judge’s function is not to personally weigh the evidence and determine the truth of the matter, but to determine whether there is a genuine issue of fact for the trial.” *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 249 (1986). “[T]here is no issue for trial unless there is sufficient evidence favoring the nonmoving party for a jury to return a verdict for that party.” *First National Bank of Arizona v. Cities Services Co.*, 391 U.S. 253, 288-89 (1968).

II. Vexatious Litigator Defined

R.C. 2323.52 authorizes actions for a declaration of vexatious litigator by a prosecuting attorney who has defended against such litigation. The civil action may be commenced while the civil action in which the habitual and persistent vexatious conduct occurred are still pending or within one year after the termination of the civil action or actions in which the habitual and persistent vexatious conduct occurred.

"Vexatious litigator" means any person who has habitually, persistently, and without reasonable grounds engaged in vexatious conduct in a civil action or actions, whether in the court of claims or in a court of appeals, court of common pleas, municipal court, or county court, whether the person or another person instituted the civil action or actions, and whether the vexatious conduct was against the same party or against different parties in the civil action or actions. R.C. 2323.52 (A)(3).

The conduct that identifies conduct as “vexatious” includes any of the following:

(a) The conduct obviously serves merely to harass or maliciously injure another party to the civil action.

(b) The conduct is not warranted under existing law and cannot be supported by a good faith argument for an extension, modification, or reversal of existing law.

(c) The conduct is imposed solely for delay.

The specifics of that vexatious conduct include:

(a) The filing of a civil action, the assertion of a claim, defense, or other position in connection with a civil action, the filing of a pleading, motion, or other paper in a civil action, including, but not limited to, a motion or paper filed for discovery purposes, or the taking of any other action in connection with a civil action;

(b) The filing by an inmate of a civil action or appeal against a government entity or employee, the assertion of a claim, defense or other position in connection with a civil action of that nature or the assertion of issues of law in an appeal of that nature, or the taking of any other action in connection with a civil action or appeal of that nature. R.C. 2323.51 (A)(1).

III. Findings of Fact

On September 16, 2022, Defendant Edward E. Blair filed a civil complaint against the Huron County Sheriff in case number CVH 2022-0685 alleging he and the inmates of the Huron County Jail were being denied mail access. The Court, on October 6, 2022, dismissed his complaint for failure to state a claim upon which relief can be granted.

On December 12, 2022, Defendant Edward Blair filed a civil action against Huron County Sheriff's Office employees, case number CVH 2022-0915, alleging intentional infliction of emotional distress in violation of his First Amendment rights under the United States Constitution. The court dismissed his complaint for failure to state a claim upon which relief can be granted on January 17, 2023.

On January 30, 2023, Defendant Edward Blair filed a civil suit against the Huron County Sheriff and Huron County medical staff, case number CVH 2023-0070, alleging violations of his

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rights under the Health Insurance Portability and Accountability Act and for intentional infliction of emotional distress. The court dismissed his complaint on February 27, 2023 (Amended Order), for failure to state a claim upon which relief can be granted.

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This Court has reviewed the filed complaints and other pleadings, motions, and entries in each of the three civil matters filed by Edward E. Blair, which are either pending on appeal or which have been dismissed within one year of the filing of complaint herein, to determine Edward E. Blair to be a vexatious litigator.

In the first case, CVH 2022-0685, Edward E. Blair decried the Huron County Jail mail rules wherein Mr. Blair claims that the inmates are only permitted post cards as incoming mail.

In the second case, CVH 2022-0915, Edward E. Blair made claims that two deputies at the jail were causing him mental distress. One deputy was “badgering me into talking to him about things I know nothing about.” The other deputy was “trying to lure me into a conversation so that he could gain favor or congratulations from his co-workers...”

In the third case, CVH 2023-0070, Edward E. Blair sued the Huron County Sheriff and the medical staff at the jail. The claim appears to be that he (1) is generally unhappy with medical treatment he is receiving or not receiving at the jail, and (2) objects to the process by which information is sent to the medical staff by the inmates.

In each of these cases Mr. Blair was an inmate at the Huron County Jail when he filed them. In each case the Mr. Blair either sued the Huron County Sheriff or the Huron County Sheriff’s deputies. In all of the cases, the court dismissed Edward E. Blair’s complaints for failure to state a claim upon which relief can be granted.

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Mr. Blair's response to the Huron County Prosecutor's complaint to declare him a vexatious litigator is a general objection. Mr. Blair points out that he has not been convicted of any recent crimes. Further, Mr. Blair insists that his dismissed civil claims are viable and with further investigation can be proven. Finally, Mr. Blair says that the allegations are "just a ridiculous attempt to break my spirit and keep my voice from being heard in court so that the court can attempt to bully me into a plea on charges I am not guilty of..."

This Court has heretofore reviewed the three cases which support the current complaint requesting Mr. Blair be determined a vexatious litigator. Historically Mr. Blair has demonstrated this practice in the past. Each of these cases listed below is outside the one-year period for filing a complaint to declare a person a vexatious litigator but is illustrative of this pattern of conduct. In each case Mr. Blair was an inmate at the Huron County Jail and in each case the Huron County Sheriff was the defendant. Each case is found on the docket of this court in the Huron County Common Pleas Court.

Case number CVH 2016-0645, a civil complaint of cruel and unusual punishment, lockdown while at the Huron County Jail, dismissed upon Defendant's motion for judgment on the pleadings.

Case number CVH 2016-0731, a civil complaint mishandling his release date, dismissed upon Defendant's motion for judgment on the pleadings.

Case number CVH 2018-0783, a civil complaint of cruel and unusual punishment, dismissed for failure to state a claim upon which relief can be granted.

Case number CVH 2019-0635, a civil complaint of insufficient medical attention, dismissed for want of prosecution.

Case number CVH 2020-0050, a civil complaint for defamation and slander, dismissed for want of prosecution.

The Court finds that Edward E. Blair has resided and has been housed in Huron County Jail during the relevant times relating to this case. Mr. Blair was an inmate of the Huron County

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Jail during the times he filed each civil claim against a governmental entity or employee, to wit: the Sheriff, his deputies, and/or his employees.

The Court finds that the complaint herein was timely filed. The initial three cases discussed were dismissed within one year prior to filing of the complaint.

The Court finds that Edward Blair has habitually, persistently, and without reasonable grounds engaged in vexatious conduct in civil actions in the Huron County Court of Common Pleas.

The Court finds that Edward E. Blair's vexatious conduct serves merely to harass and maliciously injure another party in a civil action and is not warranted under existing law and cannot be supported by a good faith argument for an extension, modification, or reversal of existing law.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:

1. Plaintiff's motion for summary judgment is granted.
2. Defendant's objection to being declared a vexatious litigator is denied.
3. Defendant Edward E. Blair is a vexatious litigator as defined in 2323.52 (A)(3).
4. Unless Defendant Edward E. Blair first obtains leave of court, Defendant Edward E. Blair is prohibited from:
 - (a) Instituting legal proceedings in the court of claims or in a court of common pleas, municipal court, or county court;
 - (b) Continuing any legal proceedings that Edward E. Blair, the vexatious litigator had instituted in any of the courts specified in division (D)(1)(a) of R.C. 2323.52 prior to the entry of the order;

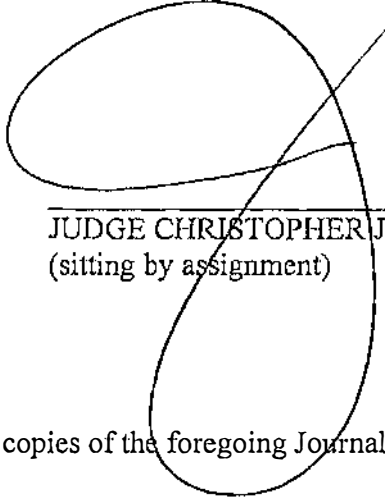
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(c) Making any application, other than an application for leave to proceed under 2323.52(F)(1), in any legal proceedings instituted by Edward E. Blair or another person in any of the courts specified in division (D)(1)(a) of R.C. 2323.52.

(d) Edward E. Blair, a vexatious litigator, may not institute legal proceedings in a court of appeals, continue any legal proceedings that the vexatious litigator had instituted in a court of appeals prior to entry of the order, or make any application, other than the application for leave to proceed allowed by division (F)(2) of R.C. 2323.52, in any legal proceedings instituted by the vexatious litigator or another person in a court of appeals without first obtaining leave of the court of appeals to proceed pursuant to division (F)(2) of R.C. 2323.52.

Cost to the Defendant.

Date 31 MAY 23

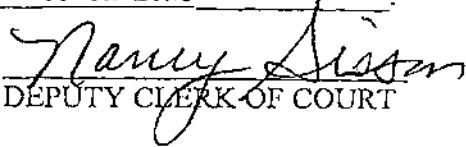


JUDGE CHRISTOPHER J. COLLIER
(sitting by assignment)

The Clerk of Courts is instructed to send copies of the foregoing Journal Entry to the following parties or their counsel of record.

- ✓Assistant County Prosecutor, Jacob J. Stephens, attorney for Plaintiff
- ✓Edward E. Blair, pro se
- ✓Ohio Supreme Court (certified copy)
- ✓Judge Christopher Collier (courtesy copy)

Copies of this Entry were mailed by the Clerk of Courts on 06-01-2023


DEPUTY CLERK OF COURT

THE STATE OF OHIO, HURON COUNTY, ss
I, the undersigned, Clerk of Courts of said
County, hereby certify that the foregoing is a
true and correct copy of the judgment entry
filed with me on May 31, 2023
WITNESS my signature and official seal this
1st day of June 20 23
by Nancy Sisson Deputy
SUSAN S. HAZEL, Clerk

HURON COUNTY COMMON PLEAS COURT

Huron County Courthouse
2 E Main Street, Courthouse Rm 202
Norwalk, Ohio 44857

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CERTIFICATE OF SERVICE

Huron County Prosecuting Attorney :
James Joel Sitterly :
Plaintiff :
vs : CASE NO. CVH 20230096
Blair, Edward E :
Defendant :

Judgment Entry with Instructions to Clerk filed 05/31/2023 was served on the following:

PARTIES:		SERVICE CODE:
Huron County Prosecuting Atty James Joel Sitterly	12 E Main St 4th Fl, Norwalk, Oh 44857	N
Blair, Edward E	c/o Erie County Jail, 2800 Columbus Avenue Sandusky OH 44870	C
ATTORNEYS:		
Jacob J Stephens	Assistant Huron County Prosecutor, 12 E Main St 4th Floor, Norwalk OH 44857	D
OTHERS:		
Ohio Supreme Court (certified copy)	Clerk's Office, 65 S Front Street 8 th Floor Columbus OH 43215	C
Judge Christopher J Collier	(courtesy copy mailed)	C

SUSAN S. HAZEL, CLERK OF COURTS

By: Nancy Assin
Deputy Clerk Date 06/01/2023

total postage \$2.52

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