

ENTERED
OCT 30 2025

IN THE COURT OF COMMON PLEAS
HAMILTON COUNTY, OHIO

FOR COURT USE ONLY

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CONNIE PILLICH,
PROSECUTING ATTORNEY OF
HAMILTON COUNTY, OHIO,

Plaintiff,

vs.

KIMBERLY EDELSTEIN,

Defendant.

: Case No. A2401759
:
: JUDGE ROBERT A. GOERING
:
: ENTRY GRANTING
: PLAINTIFF'S MOTION FOR
: SUMMARY JUDGMENT TO
: DECLARE DEFENDANT A
: VEXATIOUS LITIGATOR
: PURUSANT TO R.C. 2323.52

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This case is before the Court on Plaintiff's, Connie Pillich, Hamilton County, Ohio Prosecuting Attorney, motion for summary judgment to declare Defendant, Kimberly Edelstein, a vexatious litigant, pursuant to Civ.R. 56 and R.C. 2323.52, Defendant's response, and Plaintiff's reply. The Court has reviewed the record, the memoranda of the parties, and the law of Ohio and decides as follows:

I. Background

On April 19, 2024, the Hamilton County prosecutor filed a complaint alleging that Defendant, Kimberly Edelstein, is a vexatious litigator pursuant to R.C. 2323.52. This Court scheduled a final hearing for September 26, 2024, which Defendant did not appear. After arguments from Plaintiff, this Court on September 30, 2024 issued a decision finding Defendant to be a vexatious litigator. On October 25, 2024, Defendant filed her appeal. On October 30, 2024, this Court then entered an amended entry declaring Defendant to be a vexatious litigator.

On August 13, 2025, the Court of Appeals entered a judgment entry reversing this Court's decision and remanded back to this Court. On August 14, 2025, this Court entered



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a case scheduling order. On September 10, 2025, Defendant filed an “Emergency Writ of Mandamus” in the Court of Appeals that is currently pending under Case No. C2500501.

On September 18, 2025, this Court entered an amended case scheduling order including jury trial dates. Plaintiff timely filed their motion for summary judgment on September 26, 2025. On October 6, 2025, this Court entered an Order allowing virtual attendance for every court setting except as to the jury trial in December. Defendant filed a response to Plaintiff’s motion, and Plaintiff filed their reply.

II. Summary Judgment Legal Standard

Under Ohio Rule of Civil Procedure 56:

[S]ummary judgment is proper when “(1) [n]o 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 such evidence most strongly in favor of the party against whom the motion for summary judgment is made, that conclusion is adverse to that party.”¹

Trial courts should hesitatingly grant summary judgment, giving the non-moving party all benefits of doubt.²

A genuine issue of fact exists when “the evidence is such that a reasonable jury could return a verdict for the non-moving party.”³ The party moving for summary judgment bears the initial burden of demonstrating that no genuine issue of material fact exists. The moving party must be able to point to evidentiary materials of the type listed in Civ. R. 56(C) that a court is to consider in rendering summary judgment.⁴

¹ *Welco Indus., Inc. v. Applied Cos.*, 67 Ohio St. 3d 344, 346, 617 N.E.2d 1129, 1132 (1993) (quoting *Temple v. Wean United, Inc.*, 50 Ohio St.2d 317, 327, 364 N.E.2d 267, 274 (1977)).

² *Id.* (citing *Murphy v. Reynoldsburg*, 65 Ohio St.3d 356, 604 N.E.2d 138 (1992)).

³ *DayCab Co., Inc. v. Prairie Technology, LLC*, 67 F.4th 837, 846 (6th Cir. 2023), *Lang v. THK Mfg. of Am., Inc.*, 2025-Ohio-4811, P9.

⁴ *Id.*



Once the moving party meets this burden, the nonmoving party has a reciprocal burden requiring it to present evidence to demonstrate that there is some issue of material fact yet remaining to be resolved. The nonmoving party does this by presenting specific facts demonstrating the existence of a genuine triable issue; the nonmoving party may not rest on the mere allegations or denials in its pleadings. Summary judgment is proper if the nonmoving party fails to set forth such facts. In determining whether a genuine issue of material fact exists, the evidence must be construed in favor of the nonmoving party.⁵

III. R.C. 2323.52 Vexatious Litigator Standard

“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.”⁶

Such vexatious conduct includes “filing unnecessary, inappropriate or supernumerary pleadings and motions which raise or re-raise arguments that have been repeatedly rejected by the courts.”⁷ Vexatious Conduct also includes the “consistent repetition of arguments and legal theories that have been rejected by the court numerous times.”⁸

The purpose of the vexatious litigator statute is clear. It seeks to prevent abuse of the system by those persons who persistently and habitually file lawsuits without

⁵ *Bell v. Cedar Fair, LP*, 2025-Ohio-3112, ¶ 10.

⁶ R.C. 2323.52(A)(3).

⁷ *Id.*, quoting *Howdyshell v. Battle*, 2019-Ohio-5232, ¶ 18.

⁸ *Id.*, quoting *Prime Equip. Group, Inc. v. Schmidt*, 2016-Ohio-3472, 66 N.E.3d 305 ¶ 40 (10th Dist.), *Uh Oh Ohio, LLC v. Buchanan*, 2024-Ohio-11, ¶ 18.

reasonable grounds and/or otherwise engage in frivolous conduct in the trial courts of this state. Such conduct 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. The unreasonable burden placed upon courts by such baseless litigation prevents the speedy consideration of proper litigation.⁹

The vexatious litigator statute was designed to curb "the untoward effects of vexatious litigation in depleting judicial resources and unnecessarily encroaching upon the judicial machinery needed by others for the vindication of legitimate rights."¹⁰ The statute "[a]t its core * * * establishes a screening mechanism that serves to protect the courts and other would-be victims against frivolous and ill-conceived lawsuits filed by those who have historically engaged in prolific and vexatious conduct in civil proceedings."¹¹

Further, R.C. 2323.52(B) provides that a prosecuting attorney who has defended against "habitual and persistent vexatious conduct," and "may commence a civil action in a court of common pleas with jurisdiction over the person who allegedly engaged in the habitual and persistent vexatious conduct to have that person declared a vexatious litigator."¹²

IV. Analysis

a. Duty to Check Docket

⁹ *Lasson v. Coleman*, 2008 Ohio 4140, at ¶ 31, quoting *Mayer*, 91 Ohio St.3d 3, 13, 740 N.E.2d 656, quoting *Cent. Ohio Transit Auth. v. Timson*, 132 Ohio App.3d 41, 50, 724 N.E.2d 458 (10th Dist.1998).

¹⁰ *Mayer v. Bristow*, 91 Ohio St.3d 3, ¶ 13.

¹¹ *Lasson* at ¶ 35, quoting *Mayer* at ¶ 13, *Easterling v. Union Sav. Bank*, 2013-Ohio-1068, ¶ 15.

¹² *Ottawa Cnty. Prosecuting Atty. v. Tingler*, 2023-Ohio-2793, ¶ 10.

First, Defendant argues she “has not seen” Plaintiff’s pending motion for summary judgment.¹³ However, service under Civ.R. 5 may be completed by “[s]ending it by electronic means to a facsimile number or e-mail address provided in accordance with Civ.R. 11 by the attorney or party to be served.”¹⁴ Therefore, service is complete via email.

Further, Defendant is a licensed attorney in the state of Ohio and representing herself in the instant action. Accordingly, Defendant, as an attorney is aware of the Court system and acting as a *pro se* litigant, “[p]arties have a duty to check the docket.”¹⁵ Further, “[t]he court speaks through its docket, and attorneys bear the responsibility of checking the docket to keep themselves informed of the progress in their case.”¹⁶

Defendant’s argument that she “has not seen” Plaintiff’s motion, does not know when the motion was filed, and files the response “out of necessity” without actually reading the motion, is not well-taken and appears to the Court to be a tactic to delay the proceedings.

b. Vexatious Conduct

As noted above, vexatious conduct means any person who has habitually, persistently, and without reasonable grounds engaged in vexatious conduct. Additionally, a trial court is “permitted to take judicial notice of the filings in the case before it.”¹⁷ While

¹³ Defendant’s response, ¶ 1.

¹⁴ Civ.R. 5(B)(2)(f), *Keil v. Ohio AG*, 2025-Ohio-1034, ¶ 8.

¹⁵ *Landmark Am., Inc. v. Jeries*, 2009-Ohio-6709, ¶ 28; *Maynard v. Maynard*, 1982 Ohio App. LEXIS 12307, 1982 WL 2340 (Feb. 11, 1982) (appellant “was duty bound to keep abreast of the docket entries”); *In re Adoption of J.H.*, 2006-Ohio-5957, ¶ 8 (noting that it is “well established that the parties to the case have a duty to keep apprised of the progress of the case on the docket”), *Harris v. Rossi*, 2018-Ohio-4573, ¶ 50.

¹⁶ *Pewitt v. Roberts*, 2005-Ohio-4298, ¶ 7 (8th Dist.), *Potter v. Christopher S., M.D.*, 2025-Ohio-2812, ¶ 33.

¹⁷ *Preston v. Shutway*, 2013-Ohio-185, 986 N.E.2d 584, ¶ 26 (2d Dist.).

it has not always been the case, a court "may appropriately take notice of judicial opinions and public records that are accessible via the internet."¹⁸

Here, the Court takes judicial notice of the public records that Plaintiff has provided as exhibits in their motion, that contains the multiple pleadings of Defendant in the common pleas, domestic relations, and court of appeals. Additionally, "[b]y including the word 'actions,' the statutes permits a court to examine other actions that a person has participated in to determine if that person is a vexatious litigator."¹⁹

The Court's finding in *Farley* is applicable here. "While separate or repetitive actions are not necessary for a vexatious litigator finding, which can be based on actions in a single case...the record in the present case presents overwhelming evidence of [Defendant's] determined attempt to misuse the judicial system and employ tactics that served only to harass and delay without regard for the additional burden on opposing parties and the courts."²⁰

Accordingly, "[i]t is the nature of the conduct, not the number of actions, that determines whether a person is a 'vexatious litigator.'"²¹ However, the number of actions may be relevant to the determination of whether a person "habitually and persistently

¹⁸ *State v. Lewis*, 2021-Ohio-1895, ¶ 49, fn. 7, citing *State v. Carr*, 2020-Ohio-42, ¶ 4, fn. 2; *State v. Bevers*, 2018-Ohio-4135, ¶ 13; *State v. Beverly*, 2016-Ohio-8078, 75 N.E.3d 847, ¶ 34 (2d Dist.), *Huber Heights Veterans Club, Inc. v. Grande Voiture D'Ohio La Societe Des 40 Hommes Et 8 Chevaux*, 2021-Ohio-2695, ¶ 33.

¹⁹ *Buoscio v. Macejko*, 2003-Ohio-689, ¶ 33 ("Under R.C. 2323.52(A)(3), a person's behavior in prior civil actions can also form the basis for declaring him a vexatious litigator."); *Georgiadis v. Dials*, 1999 Ohio App. LEXIS 5848 (Dec. 9, 1999) (agreeing with the trial court that the appellant fit the definition of a vexatious litigator because her vexatious conduct was demonstrated by both the instant action and prior actions). Therefore, we conclude that the trial court did not err in reviewing Catudal's conduct in other proceedings to adjudge whether he was a vexatious litigator, *Prime Equip. Grp., Inc. v. Schmidt*, 2016-Ohio-3472, ¶ 19.

²⁰ *Farley v. Farley*, 2003-Ohio-3185, at ¶ 48.

²¹ *Borger v. McErlane*, 2001-Ohio-4030 (Dec. 14, 2001).

engages in vexatious conduct.”²² Further, the number of internal filings in a single case can be sufficient to deem a party as a vexatious litigant.²³

In the instant matter, Defendant has filed multiple, repetitive filings, including:

1. Motion to dismiss filed 6/13/2024
2. Motion to change venue filed 6/13/24
3. Objection and motion to vacate case scheduling conference filed 6/23/24
4. Motion for extension of time to file late reply filed 7/12/24
5. Reply in support of motion to dismiss and motion to change venue filed 7/12/24
6. Motion for extension of time and motion for continuance filed 8/13/24
7. Motion for telephone appearance filed 8/14/24
8. Motion for partial reconsideration of motion to dismiss filed 8/19/24

The parties were then notified in the Court’s September 3, 2024 Order that no further continuances would be granted and the parties were to appear in-person to a hearing scheduled for September 26, 2024 at 1:00 PM. Defendant continued to file:

9. Motion to appear virtually for hearing filed 9/13/24
10. Emergency motion to recuse, or in the alternative, motion for reconsideration of motion to appear virtually and motion for continuance filed 9/23/24
11. Emergency motion to dismiss filed 9/25/24
12. Emergency motion for reconsideration filed 9/25/24
13. Reply in support of emergency motion to dismiss filed 9/25/24

After the Court’s original order finding Ms. Edelstein to be a vexatious litigator, Ms. Edelstein filed an affidavit of disqualification seeking to disqualify Judge Robert A.

²² *Stephens*, 2023-Ohio-1988, at ¶ 19.

²³ Plaintiffs motion, Klosterman, 2024 Ohio App.LEXIS 2647.

Goering from presiding over the case, which was later denied.²⁴ Recently, after the Court of Appeals remanded the case to the trial Court, Defendant filed a writ in the First District Court of Appeals to further delay the instant matter.

“The statutory right to seek disqualification of a judge is an extraordinary remedy not to be used in a frivolous manner.”²⁵ Here, Plaintiff has provided specific, uncontroverted evidence that Ms. Edelstein files multiple affidavits of disqualification after receiving a ruling not in her favor. As explained by Plaintiff, “The Supreme Court of Ohio, in response, states, ‘this is not the appropriate forum to determine whether Judge Flottman’s...order was fair and equitable to both parties’ and ‘Edelstein’s dissatisfaction or disagreement with the court’s decisions ‘does not constitute bias or prejudice and thus is not the grounds for disqualification.’”²⁶

However, Ms. Edelstein continued this route of frivolous filings, for example:

1. 23AP103, Supreme Court of Ohio, In re Disqualification of Hon. Anne Flottman, Disqualification Denied
2. 24AP011, Supreme Court of Ohio, In re Disqualification of Hon. Anne Flottman, Disqualification Denied
3. 24AP038, Supreme Court of Ohio, In re Disqualification of Hon. Anne Flottman, Disqualification Denied
4. 24AP069, Supreme Court of Ohio, In re Disqualification of Hon. Anne Flottman, Disqualification Denied

²⁴ Supreme Court Case No. 24-AP-153.

²⁵ *Allen v. Addi*, 2021-Ohio-113, ¶ 5.

²⁶ Plaintiff’s motion for summary judgment, Ex. A, pgs. 35-37.

5. 24AP071, Supreme Court of Ohio, In re Disqualification of Hon. Anne Flottman, Disqualification Denied

6. 24AP109, Supreme Court of Ohio, In re Disqualification of Hon. Anne Flottman, Disqualification Denied

Further, the Court finds it is worth mentioning additional cases that Ms. Edelstein has filed:

1. Trial No. A2401680
2. Appeal No. C2200626
3. Appeal No. C2300346
4. Appeal No. C2400005
5. Appeal No. C2400044
6. Appeal No. C2400083
7. Appeal No. C2400127
8. Appeal No. C2400191
9. Appeal No. C2400279
10. Appeal No. C2400625
11. Appeal No. C2400626
12. Appeal No. C2500416
13. Appeal No. C2500417
14. Appeal No. C2500418
15. Appeal No. C2500501
16. Case No. DR2201234
17. Case No. DV2200649



As stated in Plaintiff's motion for summary judgment, "it has been established that re-raising arguments that have been ruled upon, and/or rejected by a competent court can be deemed to be vexatious conduct."²⁷ Whether undertaken in an array of cases or in a single action, the consistent repetition of arguments and legal theories that have been rejected by the court numerous times can constitute vexatious litigation.²⁸

Here, Plaintiff provides undisputed evidence that Defendant tries to control judicial discretion and re-raise issues of the Domestic Relations Court's jurisdiction, that had been previously rejected.²⁹ The First District Court of Appeals communicated to Defendant, "[w]rits cannot be used to control judicial discretion."³⁰

Further, in Appeal Nos. C240044 and C240127, the Court states, "Edelstein's application for reconsideration **relitigates** arguments made in the underlying appeal challenging the trial court's custody and property award. Edelstein additionally **relitigates** that the court erred in the oath administration process..." (emphasis added).

After receiving this ruling, Defendant raises the same argument concerning the Domestic Relations Court's jurisdiction in her February 26, 2024, writ in direct confrontation with the First District Court of Appeals ruling. Then, before the Court ruled on the February 26, 2024, Edelstein files an "emergency writ" with the Supreme Court of Ohio alleging the same argument, that the Domestic Relations Court lacks jurisdiction.

Accordingly, this is undisputed evidence that Defendant raises and re-litigates the discretion of the domestic relations court and continues to argue issues that have been

²⁷ Plaintiff's Motion for Summary Judgment, *Stephens v. Downtown Prop. Mgmt.*, 2023-Ohio-1988 at ¶ 19.

²⁸ *Farley* at ¶ 46; *Caghan v. Caghan*, 2015-Ohio-1787, *Prime Equip. Grp., Inc. v. Schmidt*, 2016-Ohio-3472, ¶ 40.

²⁹ Plaintiff's Motion for Summary Judgment, Ex. H.

³⁰ Plaintiff's Motion for Summary Judgment, Ex. G.

appropriately settled, which is an essential element of vexatious conduct. Therefore, Plaintiff has maintained their burden demonstrating that no genuine issue of material fact exists, and Defendant has failed to reciprocate her burden to present evidence to demonstrate that there is some issue of material fact yet remaining to be resolved. Defendant provides no evidence to contradict Plaintiff's claims, other than assertions that her filings are legitimate and denials in its pleadings. The Defendant has failed to present specific facts demonstrating the existence of a genuine triable issue.

V. Decision

The Court finds that Ms. Kimberly Edelstein is a vexatious litigator as defined within ORC 2323.52. It is the order of this Court, that Kimberly Edelstein as outlined by ORC 2323.52(D) shall be prohibited from doing the following without first obtaining the leave of the Hamilton County Court of Common Pleas to proceed: (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 the vexatious litigator had instituted in any of the courts specified in the above paragraph (a) prior to the entry of this order; (c) Making any application, other than an application for leave to proceed under ORC 2323.52(F)(1), in any legal proceedings instituted by the vexatious litigator or another person in any of the courts specified in paragraph (a).

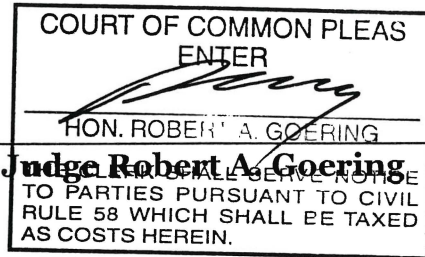
Thus, Plaintiff's motion for summary judgment to declare Kimberly Edelstein a vexatious litigator is **GRANTED**. The November 5, 2025, pretrial conference and the December 6, 2025, jury trial dates are hereby **VACATED**.

As a result of the Court's finding that Ms. Edelstein is vexatious pursuant to ORC 2323.52, Ms. Edelstein's counterclaims are **DENIED** and are considered **MOOT**.³¹

The Clerk of Courts shall send a certified copy of this Order to the Supreme Court of Ohio for publication deemed appropriate for enforcement of this order.

This is a final appealable order as there is no just cause for delay.

IT IS SO ORDERED.

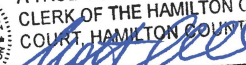


10/30/25

Date

³¹ In the event Ms. Edelstein desires to file a claim, she may request permission from this Court. R.C. 2323.52(F)(1).



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