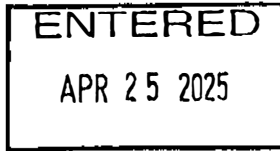




D144637789



COURT OF COMMON PLEAS
DIVISION OF DOMESTIC RELATIONS
HAMILTON COUNTY, OHIO

Nugent Tyra III

Plaintiff

- VS -

Case No: DR1101775
File No : E257165
CSEA :

JUDGE'S ENTRY
DECLARING DEFENDANT A
VEXATIOUS LITIGATOR

Judge Flottman

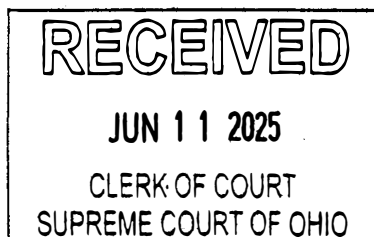
Julie Anne Griffith

Defendant

This matter came before the Court for Judicial Review of Plaintiff Nugent Tyra III's ("Father") *Motion to Declare Defendant a Vexatious Litigator* filed March 6, 2025. Based on Father's Motion and Defendant Julie Anne Griffith's ("Mother") *Response to Plaintiff's Motion to Declare Mother a Vexatious Litigator* filed April 3, 2025, the Court finds as follows.

R.C. §2323.52 governs vexatious litigators in the State of Ohio and empowers a court to declare a litigant "vexatious" if the litigant "habitually, persistently, and without reasonable grounds [engages] in vexatious conduct in a civil action or actions." R.C. §2323.52(A)(3). "Vexatious conduct" means either conduct that "obviously serves merely to harass or maliciously injure another party to the civil action" or conduct that "is not warranted under existing law and cannot be supported by a good faith argument for an extension, modification, or reversal of existing law." R.C. §2323.52(A)(2)(a)-(b).

Pursuant to R.C. §2323.52 a person or government official may commence an action to declare a litigant vexatious when that litigant engages in "habitual and persistent vexatious conduct." R.C. §2323.52(B).



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The purpose of R.C. §2323.52 is also to prevent abuse of the legal system by those who habitually engage in frivolous conduct in trial courts. *Mayer v. Bristow*, 91 Ohio St. 3d 3, 13 (2000)¹; see also *Chia-Chi Ho v. Evans*, 2024-Ohio-5184, ¶ 9 (1st Dist.), citing R.C. 2323.52(A)(3) (vexatious conduct must be habitual, focusing on repeated abuses of the legal system.) Frivolous conduct “is not limited to the filing of a civil action. . . but encompasses . . . any other action in connection with a civil action.” *Watkins v. Perry*, 2017-Ohio-9347 ¶ 34 (11th Dist.), citing R.C. §2323.51(A)(1)(a).

When determining whether a person is a vexatious litigator, Courts look to the nature of the conduct, not the number of actions filed. *Borger v. McEr Lance*, 2001-Ohio-4030 ¶ 11 (1st Dist.); see also *State v. West*, 2022-Ohio-2060 ¶ 32 (2d Dist.)² As such, “consistent repetition of arguments and legal theories that have been rejected by the trial court numerous times can constitute vexatious litigation.” *Lasson v. Coleman*, 2008-Ohio-4130 ¶ 36 (2d Dist.).

When a court declares a person to be a vexatious litigator in Ohio, that court may order that the vexatious litigator obtain leave to “continue” any legal proceedings. R.C. §2323.52(D)(1)(b) and (F)(1) and (2). “Continue” means “to resume” or “add to or draw out.” Webster's Third New International Dictionary 493 (1993). If a vexatious litigator subject to such an order continues a legal proceeding without first obtaining leave, the court in which the vexatious litigator continued the proceeding must dismiss the case. R.C. §2323.52(I). *State ex rel. Mobley v. Franklin Cnty. Bd. of Comm'rs*, 2023-Ohio-3993.

In considering motions to declare a parent a vexatious litigator in parenting matters, this Court is mindful of parents' fundamental right to raise their children. This Court's primary duty in all custody cases is to the children, with the focus on ensuring their well-being to the greatest extent possible in light of their parents' conflict. In considering Father's request to declare Mother a vexatious litigator, this Court has weighed whether limiting Mother's ability to bring concerns about the children to the Court's attention could prevent the Court from serving the children. The Court has concluded that it will not. The parties' children have a Guardian ad litem (“GAL”) with

¹ The court in *Mayer v. Bristow* upheld a trial court's order preventing an inmate from using the prison mail system in limited circumstances because he was exploiting that mail system for vexatious purposes. *Mayer v. Bristow*, 91 Ohio St. 3d 3, 13 (2000).

² The *West* court held that there was no genuine issue of material fact as to whether the defendant in an underlying criminal case was a vexatious litigator. Although defendant's 111 filings were submitted to support him being designated a vexatious litigator, the First District found that only three of those filings were civil in nature but, the “repetitiveness of his claims was sufficient to deem [him] a vexatious litigator***”



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whom they are very familiar. In her cases, the GAL can and has filed motions to ensure that children's best interest is being met. Further, Mother retains the right to request leave to file; she is not barred from asserting claims. In addition, the Court had to consider the right of the other parent and the professionals involved to be free from undue harassment, and to be spared the time and expense of frivolous litigation. Finally, the Court considered the children's right to not have ceaseless litigation and contention between their parents. Declaring a parent to be a vexatious litigator is not a decision this Court takes lightly.³

This Court finds ample evidence to support Father's motion in both Mother's repetitive filings and in her inexplicably rude and ungoverned behavior. Mother is abusing the legal system by habitually engaging in frivolous and vexatious conduct.

This case has been in litigation continuously for the fourteen years since its inception in 2011. Viewing just the last seven of the fourteen years of litigation, the Court notes that since the Magistrate maintained the appointment of the Parenting Coordinator ("PC") in February, 2018, Mother has filed more than thirty-six motions, more than eight objections to PC Decisions, and at least four objections to decisions of the Magistrate. Mother has filed two appeals in the First District Court of Appeals. Mother has objected to almost every single decision of the PC, has moved at least four times to have the PC removed, and has tried to have the GAL removed.

Many of Mother's filings lack a good faith basis. In a Decision entered December 28, 2018, for example, the Magistrate found Mother had no basis to request that the court terminate the PC's appointment. The Magistrate found that "these same matters were previously decided in a Magistrate's Decision dated August 8, 2018. Mother is not happy with the parenting coordinator decisions but doesn't communicate with the parenting coordinator in an effective manner."

In January 2019, Mother called the PC "unorganized and unprofessional," and stated the PC had "intentionally lied to the Court, to the parties, and to their children." When the Magistrate did not find as Mother wished, Mother filed objections to the Magistrate's decision. Although she dismissed these objections two months later, she had received the benefit of a stay of the

³ The court must clarify Father's assertions in his *Motion to Declare Defendant a Vexatious Litigator* regarding *Ijakoli v. Alungbe*, 2024-Ohio-5287 ¶ 68 (1st Dist.). The Court notes that the First District upheld its designation of Mr. Alungbe as a vexatious litigator; however, that ruling was based on the fact that Mr. Alungbe had forfeited any right to challenge his designation as a vexatious litigator when he failed to oppose the motion to declare him as such. Because of this procedural issue, the First District did not reach the merits on whether appellant was a vexatious litigator.



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underlying decision for that period of time. As the PC noted in a later decision, “Mother has previously made filings with this Court that had the effect of delaying the onset of an order, only to withdraw her pleading at the eleventh hour.” The PC also found that Mother was “evasive” and had “exaggerated” the distress of the children. Mother filed objections to that PC decision as well, to which the PC had to respond. Mother’s pattern when this case was before the Magistrate was to file objections to the PC decision; when the Magistrate overruled her objections, she would file objections to the Magistrate’s decision. When the Court overruled those objections, she would restart the cycle.


Even when the original PC withdrew and a new PC was appointed in 2023, this pattern continued. In 2024 alone, Mother filed six repetitive Objections to Parenting Coordinator Decisions. Nearly all of these objections raise the same arguments: that the PC was misrepresenting her credentials, had a conflict of interest, and/or was unlicensed or uncertified to perform her duties. The Court orally denied these objections and reappointed the PC.

Similarly, Mother repeatedly files motions against Father for contempt of child support. Father does have an arrearage, but it has been added to his current order pursuant to R.C. §3123.06. This Court has explained to Mother that Father is not in contempt so long as his payment is current. Mother continues to file these motions.

The Court also notes Mother’s immature and disruptive antics in court, in her pleadings, and in her emails. Mother routinely maligns the professional neutrals in this case – the GAL and the PC – in her pleadings and in her statements to the Court. For example, Mother states in her *Motion to Dismiss Guardian ad Litem* filed December 16, 2024: “The GAL’s continued unprofessional behaviors and efforts to maintain conflict by her language of ‘chaos’ and extreme descriptions is not fitting of any guardian ad litem.” (The GAL Mother is critiquing is one of the most respected and sought-after guardians in Hamilton County, who has continued to diligently serve the Tyra children despite the ongoing verbal abuse from Mother.) Mother has also made racist remarks on the record.

Mother’s abusive commentary in her emails to Father’s counsel, the GAL, and the PC is frivolous conduct intended to harass or maliciously injure both Father and the professionals involved in this case. Father has cited to numerous emails sent by Mother that, for example, describe Father’s counsel as a “strung out drug addict” and call the GAL “unbecoming, unprofessional, and a disgrace.” Mother has made other similar unfounded and harassing remarks

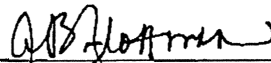


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to the PC, even telling her that Mother feels sorry for any children the PC has. Mother's behavior clearly serves merely to harass Father and other professionals in this case, and interfere with this Court's ability to serve the children's best interest.

Based on the wealth of evidence available, the Court hereby GRANTS Father's motion and DECLARES JULIE ANNE GRIFFITH A VEXATIOUS LITIGATOR.

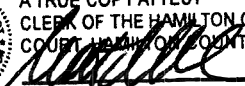
THEREFORE, IT IS HEREBY ORDERED: Julie Anne Griffith is enjoined and prohibited from filing any further litigation against Nugent Tyra III, including the filing of any petitions for civil protection orders or motions in the above-captioned post-decree divorce case in the Court of Common Pleas, Division of Domestic Relations, without leave from this Court to do so. Julie Anne Griffith must seek leave of court prior to filing any additional litigation, complaints, petitions, or motions. The Clerk shall not accept any new causes of action or filings brought by Julie Anne Griffith against Nugent Tyra, issue any subpoenas, or initiate any litigation brought by Julie Anne Griffith against Nugent Tyra.



Judge Elliottman 04/25/2025

Copies sent by Clerk of Courts to:
Nugent Tyra III, Plaintiff
Julie Ann Griffith, Defendant
Emily DeSantis, Esq. Attorney for Plaintiff
Kourtney Bruekner, Esq. Attorney for Defendant
Shannon Eckner, Guardian ad Litem
Jennifer Szeghi, Parenting Coordinator



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