

IN THE COURT OF COMMON PLEAS
SUMMIT COUNTY, OHIO

CASE NUMBER: CV-2023-11-4297

DOUGLAS DRUMM vs SAVANNA HASTINGS

JUDGE: ALISON E. MCCARTY

ORDER FILED: 06/20/2024

NOTICE

TO:

OHIO SUPREME COURT
65 SOUTH FRONT ST
ATTN: CLERK OF COURTS
Columbus, OH 43215

You are hereby notified that the following has been filed with the Summit County Clerk of Courts Office:

DEFENDANT SAVANNA HASTINGS IS DECLARED A VEXATIOUS LITIGATOR AS IT IS DEFINED BY R. C. 2323.52(A)(3) AND IS PROHIBITED FROM DOING ANY OF THE FOLLOWING WITHOUT FIRST OBTAINING LEAVE OF THIS COURT TO PROCEED. A) INSTITUTING LEGAL PROCEEDINGS IN THE COURT OF CLAIMS OR 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 COURT SPECIFIED IN DIVISION (D)(1)(a) (C) MAKING ANY APPLICATION, OTHER THAN AN APPLICATION FOR LEAVE TO PROCEED UNDER DIVISION (F)(1) OF THIS SECTION, IN ANY LEGAL PROCEEDINGS INSTITUTED BY THE VEXATIOUS LITIGATOR OR ANOTHER PERSON IN ANY OF THE COURTS SPECIFIED IN DIVISION (D)(1) (a) OF THIS SECTION. JUDGE ALISON MCCARTY

June 20, 2024

Tavia Galonski, Clerk
Summit County Clerk of Courts

**IN THE COURT OF COMMON PLEAS
COUNTY OF SUMMIT**

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|------------------|---|--------------------------|
| DOUGLAS DRUMM |) | CASE NO. CV-2023-11-4297 |
| |) | |
| Plaintiff |) | JUDGE ALISON McCARTY |
| -vs- |) | |
| |) | |
| SAVANNA HASTINGS |) | <u>ORDER</u> |
| |) | |
| Defendant |) | |

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This matter comes before the Court as a Trial on the parties’ briefs. Plaintiff Douglas Drumm (“Plaintiff”) filed his Trial Brief on May 24, 2024. Defendant Savanna Hastings (“Defendant”) filed neither a Trial Brief nor any response to Plaintiff’s Trial Brief.

FACTS

Plaintiff filed the instant action on November 8, 2023, requesting this Court determine that Defendant is a vexatious litigator pursuant to R.C. 2323.52 and that this Court issue an order that prevents Defendant from commencing any legal actions against Plaintiff in any Courts of Claims, Courts of Common Pleas, or Municipal Courts.

Plaintiff is the legal custodian of his granddaughter, J.B., (“J.B.”) by way of an Order issued by the Summit County Juvenile Court on April 17, 2019, in Case No. LC-19-01-00027. Following that Order, Plaintiff hired Defendant as a caregiver for J.B. sometime around November 2021. Around that same time, Defendant began to reside at Plaintiff’s home. Soon thereafter, according to Plaintiff’s Trial Brief, Defendant began to develop a “wild and unfounded obsession” with Plaintiff’s granddaughter. Specifically, Defendant apparently began to believe that J.B. was her daughter going so far as to make social media posts that indicated as much.

About one year later, Plaintiff terminated Defendant's employment as J.B.'s caregiver. Following her termination as J.B.'s caregiver, Defendant filed a series of legal actions against Plaintiff in both the Civil Division and Domestic Relations Division of the Summit County Court of Common Pleas. Between November of 2022 and December of 2023, Defendant filed seven (7) cases against Plaintiff:

1. Case No. DR-2022-11-3119; Complaint for Legal Custody, Motion for Temporary Custody, and Motion to Take a Co-Parenting Course
2. Case No. DR-2023-01-0076; Petition for Domestic Violence Civil Protection Order
3. Case No. DR-2023-02-0408; Motion to Intervene and Motion to Modify Legal Custody
4. Case No. DR-2023-03-0626; Petition for Domestic Violence Civil Protection Order
5. Case No. DR-2023-09-2318; Petition for Domestic Violence Civil Protection Order
6. Case No. DR-2023-12-3187; Petition for Domestic Violence Civil Protection Order
7. Case No. CV-2023-12-4775; Petition for Temporary Protection Order

All of the above-listed cases have been dismissed by the Courts in which they were filed. Most recently, Plaintiff was able to obtain a civil protection order in the Summit County Court of Common Pleas on August 18, 2023, which protects both Plaintiff and J.B.

Finally, Plaintiff filed this present matter on November 8, 2023, requesting this Court determine that Defendant is a vexatious litigator pursuant to R.C. 2323.52 and that this Court issue an order that prevents Defendant from commencing any legal actions against Plaintiff in any Courts of Claims, Courts of Common Pleas, or Municipal Courts. Plaintiff amended his Complaint on January 12, 2024, and Defendant filed an Answer to the Amended Complaint. However, Defendant has not filed a Trial Brief or even a response to Plaintiff's Trial Brief. This Court set out a briefing schedule setting the deadline to file Trial Briefs on May 31, 2024

and the deadline for any responses on June 14, 2024. The Court finds this matter to be fully briefed and ripe for consideration.

LAW AND ANALYSIS

Plaintiff requests this Court determine that Defendant is a vexatious litigator pursuant to R.C. 2323.52 and that this Court issue an order that prevents Defendant from commencing any legal actions against Plaintiff in any Courts of Claims, Courts of Common Pleas, or Municipal Courts. In his brief, Plaintiff argues Defendant's filings serve merely to harass and injure Plaintiff and to cause disruption and turmoil in his and J.B.'s lives and in Plaintiff's home, business, and lifestyle. Plaintiff believes that Defendant's conduct constitutes abuse of the court system and that Defendant's conduct will continue if left unchecked.

R.C. 2323.52 governs civil actions to declare a person a vexatious litigator. A vexatious litigator is defined as:

. . . 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). "Vexatious conduct" is defined as a party's conduct, in a civil action, which satisfies 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.

R.C. 2323.52(A)(2). "Conduct" is defined as:

[t]he 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.

R.C. 2323.52(A)(1); R.C. 2323.51(A)(1)(a).

Under R.C. 2323.52(D)(1)(a)-(c) a Court of Common Pleas may enter an order prohibiting one who's been determined to be a vexatious litigator from instituting legal proceedings or filing any applications in courts of claims, courts of common pleas, municipal courts, or county courts without first obtaining leave of from the Court that determined the individual to be a vexatious litigator.

Plaintiff argues Defendant has engaged in vexatious conduct by filing numerous legal actions against Plaintiff, all of which have been dismissed by the Courts in which they have been filed. In support, Plaintiff filed a number of exhibits with his Trial Brief which contain entries dismissing the seven (7) actions filed by Defendant. Notably, each of Defendant's filings were all dismissed on very similar grounds, but at various stages of litigations. Generally, it appears that the grounds for dismissal of these actions were based on Defendant's failure to meet her burden of proof, or the action was voluntarily dismissed by Defendant when she appeared in Court for her hearing. In fact, Defendant filed an appeal with the Ninth District Court of Appeals on one matter, but subsequently failed to file her brief resulting in the dismissal of her appeal. In addition, Defendant filed an Answer to the Amended Complaint in this matter, but has failed to litigate further.

Defendant has habitually, persistently, and repeatedly filed motions challenging the Juvenile Court's previous order granting custody of J.B. to Plaintiff. This Court notes that Defendant has repeatedly filed the same or similar actions to that end but has been unsuccessful. Defendant's arguments have failed seven (7) times already, and Defendant has

repeatedly failed to file necessary briefs resulting in dismissals. The biological parents of J.B. have already been determined by the Domestic Relations Division of this Court and Plaintiff has been determined to be J.B.'s legal custodian by the Juvenile Court. Thus, Defendant has no reasonable grounds on which she can challenge the Juvenile Court's Order appoint Plaintiff as J.B.'s legal custodian. This conduct has only served merely to harass or maliciously injure Plaintiff.

Therefore, this Court finds Defendant's acts of filing motions, briefs, appeals and other items in civil cases repeating her same arguments, which have been previously rejected and ignore the applicable legal standards, constitute "vexatious conduct" within the meaning of R.C. 2323.52(A)(2)(a). Accordingly, this Court finds Defendant Savanna Hastings to be a vexatious litigator as it is defined by R.C. 2323.52(A)(3).

CONCLUSION

WHEREFORE, this Court **ORDERS** the following:

1. Defendant Savanna Hastings is declared a vexatious litigator as it is defined by R.C. 2323.52(A)(3) and is prohibited from doing any of the following without first obtaining leave of this Court 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 division (D)(1)(a) of this section prior to the entry of the order;
 - (c) Making any application, other than an application for leave to proceed under division (F)(1) of this section, in any legal proceedings instituted by the vexatious litigator or another person in any of the courts specified in division (D)(1)(a) of this section;

IT IS SO ORDERED.

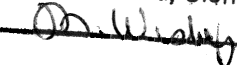
The Clerk of the Summit County Common Pleas Court shall serve a copy of this Order upon the Pro Se party, Savanna Hastings, by U.S. mail, Certificate of Service, noting return of same.



JUDGE ALISON McCARTY

CC: ATTORNEY ARTHUR AXNER

DPK

I certify this to be a true copy of the original
Tavia Galonski, Clerk of Courts.
 Deputy Clerk