

THIS IS A FINAL
APPEALABLE ORDER

FILED
LUCAS COUNTY

2000 AUG 22 A 11: 58

COMMON PLEAS COURT
BERNIE QUILTER
CLERK OF COURTS

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MARCIA J. MENGEL, CLERK
SUPREME COURT OF OHIO

IN THE COMMON PLEAS COURT OF LUCAS COUNTY, OHIO

| | | |
|------------------------|---|--------------------------|
| Russell W. Porritt II, | : | Case No. CI 99 - 4133 #4 |
| Plaintiff, | : | |
| | : | Decision and Journal |
| -vs- | : | Entry |
| | : | |
| Gregory T. Howard | : | |
| Defendant. | : | |

This 15th day of August 2000 the above captioned case came on for decision on Defendant's motion for Summary Judgment filed May 23, 2000, the Plaintiff's motion for Summary Judgment filed June 19, 2000, the Defendant's memorandum in opposition filed June 23, 2000, and the Plaintiff's memorandum in opposition filed June 9, 2000.

Having reviewed the motions, the pleadings, the memorandum, the affidavits, the file and the law, and construing the evidence most favorably to the defendant, I am persuaded the defendant is a vexatious litigator.

The Defendant's motion for summary judgment asserts the incorrect evidentiary standard and is unsupported in any meaningful way contemplated by the rules. That motion is denied.

The Plaintiff's motion is supported by competent, credible evidence. Perhaps most compelling is Judge Katz's language of September 22, 1999 concerning the defendant "... he has consistently failed to respond to the reasoning behind the Court's decisions and continues to rehash old arguments that the Court has already rejected." It is clear from the court records provided by the plaintiff that the defendant has filed multiple law suits asserting the same or similar claims and filed numerous redundant motions which have no merit. The defendant's conduct serves merely to harass or maliciously injure the plaintiff and his conduct cannot be warranted under existing law and cannot be supported by a good faith argument for an extension, modification, or reversal of existing law.

The Plaintiff's motion is found well taken and granted.

99-4133

IN TESTIMONY WHEREOF, I have hereunto
signed my name officially and affixed the seal of said court
at the Courtroom in Toledo, Ohio, in said County, this 22nd
day of July A.D., 2002

BERNIE QUILTER, Clerk

By Barbara Glaser
Deputy

SEAL

JOURNALIZED

AUG 23 2000
Clerk's Office 285
P.B. 784

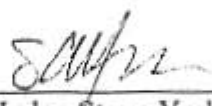
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JOURNAL ENTRY

The Defendant's motion for summary judgment is found not well taken and denied. The Plaintiff's motion for summary judgment is found well taken and granted. It is therefore **ORDERED, ADJUDGED AND DECREED** that the defendant, GREGORY T. HOWARD is found to be a vexatious litigator.

It is further **ORDERED, ADJUDGED AND DECREED** that the Defendant GREGORY T. HOWARD shall:

1. Be prohibited from continuing this action; and,
2. Be prohibited from instituting any legal proceedings in the Court of Claims, the Common Pleas Court, Municipal Court, or County Court without first obtaining leave of that court to proceed; and,
3. Be prohibited from making any application in any of the above named courts other than an application for leave to proceed as provided in this order; and,
4. Present any application to the presiding Judge of any court in which he wishes to appear accompanied by any pleading he intends to file; and,
5. Be hereby notified that any violation of this order will result in a finding of contempt of court which could result in fees, fines, and or imprisonment; and,
6. Be hereby notified that this order shall continue in full force and effect for a period of three years form the date of filing.



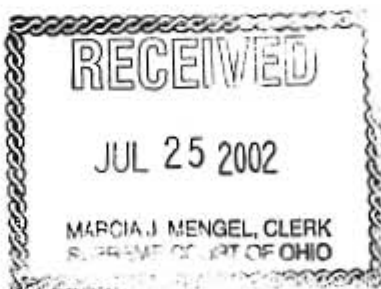
Judge Steve Yarbrough

8/22/01

Date

INSTRUCTIONS TO THE CLERK:

Please serve all parties with the foregoing by certified mail return receipt requested.



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JUL 23 2002
CLERK'S OFFICE 285
F-2. 784

2001 JUN 11 A 11:17

IN THE COURT OF COMMON PLEAS OF LUCAS COUNTY, OHIO

COMMON PLEAS COURT
BERNIE QUILTER
CLERK OF COURTS

Russell W. Porritt, II,

Plaintiff,

vs.

Gregory T. Howard,

Defendant,



Case No. 99-4133

JUDGE JAMES D. BATES

JUDGMENT ENTRY

C

This matter comes before this Court upon the pending motions filed by the defendant, Gregory T. Howard, pro se. It appears from the record that the defendant, Gregory T. Howard, was declared a vexatious litigator on August 22, 2000 by Judge Stephen Yarbrough pursuant to the provisions of Revised Code 2323.52.

Pursuant to that order the Defendant was prohibited from instituting legal proceedings without first obtaining leave of court to do so. The Defendant's appeal of that decision was dismissed for want of prosecution Porritt v. Howard (November 16, 2000), Lucas App.No. L-00-1259, unreported. Later in State ex rel. Howard v. Court of Common Pleas (May 10, 2001), Lucas County App. No. L-01-1254, the Court of Appeals upheld the requirement that the Defendant must seek leave of the court before filing actions with the court.

In this case a number of matters are pending:

1. Motion to Recuse Judge Yarbrough filed on May 8, 2001.

THE STATE OF OHIO, LUCAS COUNTY, ss

I, BERNIE QUILTER, Clerk of Common Pleas Court and Court of Appeals, hereby certify that the following is a true and accurate copy of entry from the Journal of the proceedings of said Court filed

2. Motion for Leave to Renew Motion for Summary Judgment filed on May 8, 2001.

3. Motion for Sanctions and Reasonable Expenses filed on May 10, 2001. **JOURNALIZED**

IN TESTIMONY WHEREOF, I have hereunto subscribed my name officially and affixed the seal of said court at the Courthouse in Toledo, Ohio, in said County, this 22nd day of July A.D., 2002

BERNIE QUILTER, Clerk

JUN 12 2001

Cassette 300
PG. 816

SEAL

By Barbara Glaser
Deputy

4. Notice of Removal filed on May 17, 2001.
5. Motion for Sanctions filed on May 18, 2001.
6. Reply Memorandum filed on May 25, 2001.

It appears that the defendant, Gregory T. Howard, continues to file legal proceedings without obtaining leave of court to do so. Pursuant to the provisions of Revised Code Section 2323.52(I) all of the above mentioned motions and responses filed by the Defendant must be stricken.

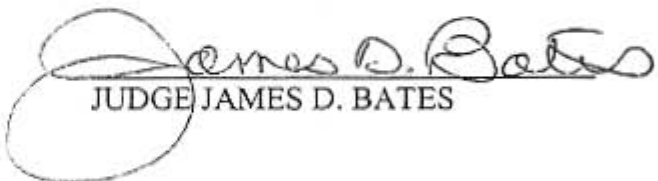
It is therefore **ORDERED, ADJUDGED AND DECREED** that the pending motions and responses filed by the defendant, Gregory T. Howard, are hereby dismissed.

It is further **ORDERED, ADJUDGED AND DECREED** pursuant to Revised Code Section 2303.08 that the Lucas County Clerk of Courts shall refuse to accept any filings submitted by the defendant, Gregory T. Howard, unless the Defendant has first obtained leave of court.

It is further **ORDERED, ADJUDGED AND DECREED** pursuant to Revised Code Section 1901.31(E) that the Toledo Municipal Clerk of Courts shall refuse to accept any filings submitted by the defendant, Gregory T. Howard, unless the Defendant has first obtained leave of court.

It is further **ORDERED, ADJUDGED AND DECREED** that the defendant, Gregory T. Howard, shall comply with the Order dated August 22, 2000 or be subject to contempt of court for violations of that order.

DATE: 6/11/01


JUDGE JAMES D. BATES

JOURNALIZED

JUN 12 2001

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cc: Gregory T. Howard
Bernie Quilter,
Clerk of Common Pleas Court
Margaret Thurber,
Clerk of Toledo Municipal Court
Russell W. Porritt, II

James S. Nowak
Thomas A. Dixon
Michael Vanderhorst
John A. Borell, Jr.

JOURNALIZED

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