

IN THE COURT OF COMMON PLEAS  
SUMMIT COUNTY, OHIO

JAMES MACKEY, et al.	)	CASE NO. CV 2025-01-0229
	)	
Plaintiffs,	)	JUDGE CHRISTINE CROCE
	)	
vs.	)	
	)	<u>JUDGMENT ENTRY &amp; ORDER</u>
MICHAEL MACKEY	)	
	)	
Defendant.	)	

This matter is before the Court on Plaintiffs’ Motion for Default Judgment.<sup>1</sup>

The Court finds that Defendant, Michael Mackey, has been served with a Summons and Complaint, but is in default for failure to file an Answer or other responsive pleading and has by reason thereof confessed the allegations in the Complaint to be true.

As a result, the Court grants Plaintiffs’ Motion for Default Judgment and enters judgment in favor of Plaintiff for the relief sought in its Complaint.

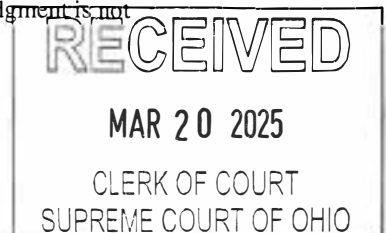
Plaintiffs filed their Complaint to Declare Defendant a Vexatious Litigator pursuant to O.R.C. §2323.52. The Court issued a Temporary Restraining Order on January 29, 2025. In addition, the Court conducted a hearing on February 6, 2025 regarding Plaintiffs’ request for a preliminary injunction. By Judgment Entry & Order issued herein on February 12, 2025, a preliminary injunction was issued.

Ohio’s vexatious litigator statute, O.R.C. §2323.52, states in part as follows:

(A) As used in this section:

(1) “Conduct” has the same meaning as in section 2323.51 of the Revised Code.

<sup>1</sup> Plaintiffs filed a Motion for Default Judgment or in the Alternative Summary Judgment. As Defendant has not filed an Answer or other responsive pleading, the Court finds that a Motion for Summary Judgment is not necessary.



(2) “Vexatious conduct” means conduct of a party in a civil action that 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.

(3) “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. “Vexatious litigator” does not include a person who is authorized to practice law in the courts of this state under the Ohio Supreme Court Rules for the Government of the Bar of Ohio unless that person is representing or has represented self pro se in the civil action or actions. For the purposes of division (A)(3) of this section, “civil action” includes a proceeding under section 2743.75 of the Revised Code.

“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 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.” Mayer v. Bristow (2000), 91 Ohio St.3d 3, 13, citing Cent. State Transit Auth. v. Timson (1998), 132 Ohio App.3d 41, 50 (OHCA10).

“A court may take judicial notice of a document filed in another court “not for the truth of the matters asserted in the other litigation, but rather to establish the fact of such litigation and related filings.” State ex rel. Coles v. Granville, 116 Ohio St.3d 231, 2007-Ohio-6057 ¶20,

citing Liberty Mut. Ins. Co. v. Rotches Pork Packers, Inc., 969 F.2d 1384, 1388 (2d Cir. 1992) quoting Kramer v. Time Warner, Inc., 937 F.2d 767, 774 (2d Cir. 1991).

Both in their Complaint and at the hearing conducted herein regarding the preliminary injunction, Plaintiffs detailed previous law suits filed by Defendant. The Court takes judicial notice of the following actions filed by Defendant:

**Summit County Common Pleas Court, General Division:**

Case No. CV 2023-02-0655

Defendant filed an action naming James Mackey (Defendant's brother), Attorney Robert Rischitelli, Harold Mackey (Defendant's brother), the Estate of Jack Wigley, Attorney Steve Mutersbaugh, Tim Wigley, Jeff Wigley, Jamie Wigley, Westfield Bank, Harold Bindreiter and Richard Comstock. Motions to dismiss were filed and ultimately granted by the assigned Judge.

Case No. CV 2024-11-5200

Defendant filed a Petition for Civil Stalking Protection Order against Timothy Wigley, owner of Wigley Title Agency. The Petition was dismissed with prejudice by the Court.

Case No. CV 2024-11-5201

Defendant filed a Petition for Civil Stalking Protection Order against Harry Wittbrod, an employee of Wigley Title Agency. The Petition was dismissed with prejudice by the Court.

Case No. CV 2024-11-5202

Defendant filed a Petition for Civil Stalking Protection Order against Jeff Wigley, owner and/or employee of Wigley Title Agency. The Petition was dismissed with prejudice by the Court.

**Summit County Domestic Relations Court:**

Case No. <sup>DR</sup>CV 2024-11-3098

Defendant filed a Petition for Domestic Violence Civil Protection Order against James Mackey which did not allege any type of domestic violence but appears to be a continuation of the claims made in the General Division complaint. The Petition was dismissed by the Domestic Relations Court.

DR  
Case No. ~~CV~~ 2024-11-3099

Defendant filed a Petition for Domestic Violence Civil Protection Order against Harold Mackey which did not allege any type of domestic violence but appears to be a continuation of the claims made in the General Division complaint. In this matter, Defendant also filed a number of subpoenas to individuals. The Petition was dismissed by the Domestic Relations Court.

### Akron Municipal Court

Case No. 24-CV-06112

Defendant filed a small claims action against G. Adams (an individual apparently employed or somehow related to Wigley Title Agency), Attorney Michael Creveling and Attorney Mark Bernlohr, alleging that they owed him money for flash drives that Defendant voluntarily sent to them of his own accord. In this matter, Defendant issued more than ten subpoenas, including one to Judge Alison McCarty of this Common Pleas Court. The Municipal Court denied judgment and this action was dismissed.

In the past two years, Defendant has filed at least seven actions in municipal and county courts in Summit County involving the same individuals, almost all of which (with one exception) regard some type of dissatisfaction on Defendant's part regarding a trust established by his parents a number of years ago. All of the complaints and petitions have been dismissed by a Court.

The Court finds that Defendant has filed numerous actions which are not warranted under existing Ohio law and his claims are not supported by a modification or extension of existing law; and has filed actions meant merely to harass or maliciously injure the individuals named in those actions.

It is therefore ORDERED that Defendant, Michael Mackey, is declared a vexatious litigator in the State of Ohio pursuant to O.R.C. §2323.52. Michael Mackey is prohibited indefinitely from doing any of the following without first obtaining leave of Court to proceed:

1. Instituting any legal proceeding in the Court of Claims, or in a Court of Common Pleas, Municipal Court or county court;

2. Continuing any legal proceeding that he may have instituted in the Court of Claims, or in a Court of Common Pleas, Municipal Court or county court prior to the entry of this Order; or

3. Making any application, other than application for leave to proceed under O.R.C. 2323.52(F)(1), in any legal proceedings instituted by himself or any other person in the Court of Claims, or in a Court of Common Pleas, Municipal Court or county court.

This Order shall continue indefinitely.

The Summit County Clerk of Courts is hereby directed to send a certified copy of this Judgment Entry & Order to the Supreme Court of Ohio, pursuant to O.R.C. §2323.52(H).

Costs of this action to Defendant.

There is no just cause for delay. This is a final appealable Order.

IT IS SO ORDERED.

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

Dr. Wisbey Deputy Clerk



JUDGE CHRISTINE CROCE

Direction to Clerk: Pursuant to Civ. R. 58(B), you are to serve notice of this judgment and its date of entry upon the journal to all parties not in default for failure to appear within three days of the judgment's entry upon the journal, and note the service in the appearance docket.

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

CC: ATTORNEY MICHAEL A. CREVELING

LME