

IN THE COMMON PLEAS COURT OF MONTGOMERY COUNTY, OHIO
CIVIL DIVISION

JORDAN RAISMAN,

CASE NO.: 2025 CV 03645

Plaintiff(s),

JUDGE KIMBERLY A. MELNICK

-vs-

ALEXIS STELMACK,

**DECISION, ORDER, AND ENTRY
GRANTING IN PART PLAINTIFF'S
MOTION FOR DEFAULT
JUDGMENT AND DECLARING
DEFENDANT ALEXIS STELMACK A
VEXATIOUS LITIGATOR
PURSUANT TO R.C. 2323.52**

Defendant(s).

This matter is before the Court on Plaintiff, Jordan Raisman's ("Plaintiff"), Motion for Default Judgment filed on July 31, 2025.

I. FACTS AND PROCEDURAL HISTORY

On June 20, 2025, Plaintiff filed the *Complaint* now before this Court seeking to have Defendant, Alexis Stelmack ("Defendant"), declared a Vexatious Litigator in accordance with R.C. 2323.52. See *Complaint*, generally.

The general basis of Plaintiff's *Complaint* is that since January 1, 2024, the Defendant has filed a total of twenty-two (22) petitions for Civil Stalking Protection Orders and/or Civil Sexually Oriented Offense Protection Orders pursuant to R.C. 2903.214 in the Montgomery County Common Pleas Court against various individuals in Case Nos. 2024 CV 00119, 2024 CV 00120, 2024 CV 00770, 2024 CV 01162, 2024 CV 03537, 2024 CV 4116, 2024 CV 04655, 2024 CV 04656, 2024 CV 04657, 2024 CV 04692, 2024 CV 04693, 2024 CV 05157, 2024 CV 05204, 2024 CV 05349, 2024

Montgomery County Common Pleas Court
General Division

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CV 05350, 2024 CV 05855, 2024 CV 06026, 2024 CV 06086, 2025 CV 00946, 2025 CV 01050, 2025 CV 01429, and 2025 CV 01516, all of which were denied or dismissed by the court. *Id.* at ¶ 9.

Of those twenty-two (22) unsuccessful petitions filed by Defendant, three (3) were filed against Plaintiff. *Id.* at ¶ 10.

On October 2, 2024, Defendant filed her initial petition for a Civil Stalking Protection Order against Plaintiff in Case No. 2024 CV 5157. *Id.* at ¶ 3. After a full hearing was conducted at which Defendant was present, the court denied Defendant's initial petition in an entry filed on November 3, 2024. *Id.* at ¶ 4; *See also* Court's Online Docket for Case 2024-CV-5157.

On November 26, 2024, the Defendant filed a second petition for a Civil Stalking Protection Order against Plaintiff in Case No. 2024 CV 06026, which was subsequently dismissed by the court for Defendant's failure to prosecute on February 4, 2025. *Complaint* at ¶ 5; *See also* Court's Online Docket for Case 2024-CV-6026.

On March 13, 2025, Defendant filed a third petition for a Civil Stalking Protection Order against Plaintiff in Case No. 2025 CV 01516. *Complaint* at ¶ 6. This petition contained many of the same allegations as Defendant's initial petition against Plaintiff that was denied in Case 2024 CV 5157. *Id.* After a full hearing was conducted, the court denied Defendant's third petition in an entry filed on May 9, 2025. *Id.*; *See also* Court's Online Docket for Case 2025-CV-1516.

Plaintiff asserts that all of the aforementioned twenty-two (22) petitions, including the three (3) petitions against Plaintiff, were all filed by Defendant without proper grounding in law or fact, and that Defendant's actions in filing those petitions only served to harass or maliciously injure Plaintiff. *Complaint* at ¶ 12-14. As such, Plaintiff asserts that "Defendant's conduct squarely falls within the definition of Ohio's Vexatious Litigator Statute codified in R.C. § 2323.52." *Id.* at ¶ 15.

As relief, in addition to seeking an order deeming Defendant a vexatious litigator and prohibiting her from filing or continuing any civil litigation for a period of ten (10) years without prior express court authorization in accordance with R.C. 2353.52, Plaintiff also requests an order for

Defendant “to pay all attorney fees and costs of both this litigation and the litigation that gave rise to this issue.” *Id.* at Prayer for Relief, generally.

Defendant was successfully served with the *Complaint* by certified mail on June 26, 2025. However, as of the filing of this Order by the Court, Defendant has failed to timely file any responsive pleading to the *Complaint*.

As such, Plaintiff filed his Motion for Default Judgment that is now pending before the Court on July 31, 2025. Plaintiff requests that default judgment be issued against Defendant, and that a hearing be scheduled to determine the appropriate amount of monetary damages. *Motion. for Default Judgment*, p. 2.

II. LAW AND ANALYSIS

Civ.R. 55(A) provides that default judgment may be granted “[w]hen a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend” against a cause of action. See also *CitiMortgage, Inc. v. Kermeen*, 2d Dist. Darke No. 2011 CA 2, 2012-Ohio-1655, ¶34.

Furthermore, Ohio’s “vexatious litigator” statute, which is set forth in R.C. 2323.52, “was enacted 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.’” *State v. West*, 2d Dist. Greene No. 2021-CA-17, 2022-Ohio-2060, ¶ 13, quoting *Mayer v. Bristow*, 91 Ohio St.3d 3, 13, 740 N.E.2d 656 (2000), quoting *Cent. Ohio Transit Auth. v. Timson*, 132 Ohio App.3d 41, 50, 724 N.E.2d 458 (10th Dist.1998). “If a person is declared a vexatious litigator under R.C. 2323.52, he or she cannot institute or continue legal proceedings unless he or she first obtains leave from that specific court to move forward.” *Id.*, citing R.C. 2323.52(D).

R.C. 2323.52(B) sets forth that “[a] person * * * who has defended against habitual and persistent vexatious conduct in the * * * court of common pleas * * * 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.” However, “[a]ll

of the elements of R.C. 2323.52(A)(3) must be established by clear and convincing evidence in order to have the person declared a vexatious litigator.” *West* at ¶ 14, citing *Lasson v. Coleman*, 2d Dist. Montgomery No. 21983, 2008-Ohio-4140, ¶ 33.

R.C. 2323.52(A)(3) provides in relevant part that “‘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.”

Furthermore, R.C. 2323.52(A)(2) provides the following:

“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.

Significantly, the Court notes that the “vexatious litigator” statute set forth in R.C. 2323.52 is separate and distinct from the “frivolous conduct” statute set forth in R.C. 2323.51, despite the fact that the two statutes share the same definition of reprehensible conduct. *Gevedon v. Gevedon*, 167 Ohio App.3d 450, 2006-Ohio-3195, 855 N.E.2d 548, ¶ 26-29 (2d Dist.). Although R.C. 2323.51 and R.C. 2323.52 offer “complementary” remedies, the remedies are not the same. *Id.* at ¶ 28; See also *Helfrich v. Allstate Ins. Co.*, 10th Dist. Franklin No. 12AP-559, 2013-Ohio-4335, ¶ 14.

The “frivolous conduct” statute set forth in R.C. 2323.51 allows for monetary sanctions/damages to be awarded in the form of court costs, attorney fees, and other reasonable expenses incurred for past frivolous conduct in a civil action. *Gevedon* at ¶ 28; R.C. 2323.51(B).

However, it is well settled that the “vexatious litigator” statute does *not* allow for an award of monetary damages. *Helfrich* at ¶ 14 (“[T]here is no question that damages are unavailable in an action brought pursuant to the vexatious litigator statute.”). Rather, “R.C. 2323.52 provides a ‘protective remedy in the form of a restriction on future frivolous filings.’” *Gevedon* at ¶ 28, quoting *Roo v. Sain*, 10th Dist. Franklin No. 04AP-881, 2005-Ohio-2436, ¶ 15.

Moreover, the procedures to obtain the applicable remedies outlined in R.C. 2323.51 and R.C. 2323.52 are also different. “Relief under R.C. 2323.51 is obtained by filing a motion in a pending case, while the remedy in R.C. 2323.52 requires commencement of a [separate] civil action against the alleged vexatious litigator.” *Gevedon* at ¶ 29.

Turning to the case now before this Court, Plaintiff commenced this separate civil action seeking relief under the vexatious litigator statute set forth in R.C. 2323.52. See *Complaint*, generally. However, the complaint Plaintiff filed before this Court does not seek any relief under R.C. 2323.51. *Id.*

If Plaintiff sought an award of monetary sanctions/damages in the form of attorney fees and costs for Defendant’s alleged frivolous conduct in prior civil actions, then Plaintiff was required to file a motion in those prior civil actions seeking such relief in accordance with R.C. 2323.51(B). As such, the Court finds that Plaintiff is *not* entitled to any monetary award of attorney fees and costs that he requested in conjunction with his Complaint seeking to declare Defendant a vexatious litigator pursuant to R.C. 2323.52. See *Complaint*, at Prayer for Relief, ¶ 1.

However, the Court finds that Plaintiff is entitled to default judgment against Defendant on his claim seeking to declare Defendant a vexatious litigator pursuant to R.C. 2323.52.

III. CONCLUSION

Based on the foregoing, the Court hereby **GRANTS IN PART** Plaintiff's Motion for Default Judgment. The Court hereby enters **JUDGMENT** in favor of Plaintiff, Jordan Raisman, and against Defendant, Alexis Stelmack, in the following manner:

- 1). Plaintiff's request for an award of attorney fees and costs is hereby **denied**, as Plaintiff is not entitled to any award of damages in accordance with R.C. 2323.52.
- 2). Plaintiff's request for Defendant to be declared a vexatious litigator in accordance with R.C. 2323.52 is hereby **granted**.

Accordingly, the Court hereby **DECLARES** Defendant, Alexis Stelmack, a **vexatious litigator** in accordance with R.C. 2323.52.

Therefore, pursuant to R.C. 2323.52(D)(1) & (3), the Court hereby **ORDERS that, for a period of ten (10) years from the date of this *Order*, Defendant Alexis Stelmack is PROHIBITED from doing any of the following without first obtaining leave from the relevant court to proceed:**

- 1). Instituting legal proceedings in the court of claims or in a court of common pleas, municipal court, county court, or appellate court;
- 2). Continuing any legal proceedings that Defendant has instituted in any of the courts specified above prior to the entry of this *Order*;
- 3). Making any application, other than an application for leave to proceed under R.C. 2323.52(F)(1) or (2), in any legal proceedings instituted by Defendant or another person in any of the courts specified above.

Pursuant to R.C. 2323.52(F)(1), before Defendant Alexis Stelmack may commence or continue any legal proceedings in the court of claims or in a court of common pleas, municipal court, or county court, she must first file a written request for and obtain leave to proceed from this Court. Likewise, pursuant to R.C. 2323.52(F)(2), before Defendant Alexis Stelmack may commence or continue any legal proceedings in a court of appeals, she must first file a written request for and obtain

leave to proceed in the court of appeals in which the legal proceedings would be instituted or are pending. The written request must demonstrate to the satisfaction of the relevant court that the proceedings are not an abuse of process of the court in question and that there are reasonable grounds for proceedings or application.

For purposes of R.C. 2323.52(H), this Court hereby **ORDERS the Montgomery County Clerk of Courts to forthwith send a certified copy of this *Order* to the Supreme Court of Ohio** for publication in a manner that the Supreme Court determines is appropriate and that will facilitate the clerk of the court of claims and a clerk of a courts of appeals, court of common pleas, municipal court, or county court in refusing to accept pleadings or other papers submitted for filing by persons who have been found to be vexatious litigators and who have failed to obtain leave to proceed according to the statute.

Furthermore, pursuant to R.C. 2323.52(I), whenever it appears by suggestion of the parties or otherwise that Defendant Alexis Stelmack, as a person having been found to be a vexatious litigator, has instituted, continued, or made an application in legal proceedings without first obtaining leave to proceed from the appropriate court of common pleas or court of appeals to do so, the court in which the legal proceedings are pending shall dismiss the proceedings or application.

SO ORDERED:

JUDGE KIMBERLY A. MELNICK

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General Division
Montgomery County Common Pleas Court
41 N. Perry Street, Dayton, Ohio 45422

Case Number:
2025 CV 03645

Case Title:
JORDAN RAISMAN vs ALEXIS STELMACK

Type:

Order:

So Ordered,

I hereby certify this to be a true and correct copy.

Witness my hand and seal this 29th
day of August 2025.

Clerk of Common Pleas
Court of Montgomery County, Ohio

By Burndan Key
Deputy