IN THE FRANKLIN COUNTY COURT OF COMMON PLEAS
CIVIL DIVISION

CARL H. WOODFORD,	:	Case No. 15CVH-04-2863
Plaintiff	:	JUDGE HOLBROOOK
vs.	:	
PARK TOWERS CONDOMINIUM ASSOCIATION, et al.,	:	
Defendants.	:	

JINX S. BEACHLER, et al.,	:	Case No. 15CVH-07-6383
Plaintiffs	:	JUDGE HOLBROOK
vs.	:	
CARL H. WOODFORD, et al.,	:	
Defendants.	:	

JINX S. BEACHLER, et al.,	**:**	**Case No. 19CVH01-180**
Plaintiffs	**:**	**JUDGE HOLBROOK**
vs.	**:**	
CARL H. WOODFORD,	**:**	
Defendant.	**:**	

DECISION AND JUDGMENT ENTRY GRANTING PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT

AND

ORDER DECLARING DEFENDANT A VEXATIOUS LITIGATOR

This matter comes before the Court on the Motion for Summary Judgment filed by Plaintiffs Park Towers Condominium Association, Jinx S. Beachler, Alex Macke, and Frank Macke ("Movants"). Therein, Movants argue there are no genuine issue of material

fact on their claim in Case No. 19CV-180 to have Defendant Carl H. Woodford ("Woodford") declared a vexatious litigator. Woodford opposed the motion.

Having carefully reviewed the evidence, arguments of the parties and the salient law, the Court issues the following decision.

BACKGROUND

Movants initiated Case No. 19CV-180 asserting a singular cause of action seeking an Order declaring Woodford to be a vexatious litigator pursuant to R.C. 2323.52 (the "Vexatious Litigator Case"). According to the complaint, Woodford's pattern of habitual and vexatious conduct against Movants commenced with the filing of a complaint on February 1, 2012 styled *Aires Quality Properties, LLC v. Park Towers,* Franklin CP No. 12CV-1316 (the "2012 Case") and has continued in *Woodford v. Park Towers Condo Ass'n*, Franklin CP No. 15CV-2863 (the "2015 Case"), *Beachler v. Woodford*, Franklin CP No. 15CV-6383 (the "Consolidated Case"), and *Woodford v. Beachler*, Franklin CP No. 18CV-9043 (the "2018 Case"). Complaint at ¶¶20, 22.

Without detailing each instance of vexatious conduct here, the complaint directs the Court to specific instances of unwarranted, intimidating, and harassing conduct in each of the cases including, but not limited to, Woodford's placement of air fresher on the table during a deposition and when asked about the same "made grossly inappropriate and offensive comments regarding Ms. Beachler's hygiene and genitalia" in the 2012 Case, and Woodford's repeated threats stating that his goal in these lawsuits is to maximize the litigation costs incurred by the Movants and other named defendants. Complaint at ¶¶31, 44.

In response to the complaint, Woodford filed an answer and counterclaim. The answer contains mostly general denials. Though Woodford does respond to the allegation concerning the air freshener stating:

> * * * Defendant Woodford has received highly confidential information relative to Plaintiff Beachler's personal hygiene in years past, from a prior Board member. Defendant Woodford also knows for a fact Plaintiff Beachler had an awful body odor. Defendant Woodford will attest to this fact in open Court. Defendant Woodford had been in close proximity to Plaintiff Beachler and there was no doubt she had a wretched smell coming from her body.

Answer at ¶31. The counterclaim is nothing more than an argument disputing that any of his actions amount to vexatious conduct.[1]

Thereafter, Plaintiffs filed the instant motion supported by the affidavits of Jinx S. Beachler, Frank Macke, Alex Macke, and Steven Chang together with the exhibits attached thereto. Responding to the motion, Woodford argues that Plaintiffs have failed to meet their burden under Civ.R. 56.

LAW AND ANALYSIS

Pursuant to Civ.R. 56(C), summary judgment is appropriate when the moving party is entitled to judgment as a matter of law because there is no dispute of material fact. *Temple v. Wean United, Inc.*, 50 Ohio St.2d 317, 327 (1977). The party moving for summary judgment must inform the trial court of the basis for the motion and point to parts of the record that demonstrate the absence of a genuine issue of material fact, *Dresher v. Burt*, 75 Ohio St.3d 280, 292-293 (1996), and it must do so in the manner required by Civ.R. 56(C). *Castrataro v. Urban*, 2003-Ohio-4705, ¶ 14 (10th Dist.). Once the moving party has met this burden, the non-moving party's reciprocal burden to point

[1] On March 7, 2019, Plaintiffs filed an amended complaint without leave of court. Woodford responded by filing an amended answer, also without leave. The Court finds both filings are without legal effect. See e.g. *Hunter v. Shield*, , 2019-Ohio-1422, P17 (10th Dist.).

to parts of the record demonstrating an issue of material fact is triggered. *Dresher* at 293. "[S]ummary judgment is appropriate if the nonmoving party does not respond, by affidavit or as otherwise provided in Civ.R. 56, with specific facts showing that a genuine issue exists for trial." *Davis & Meyer Law, Ltd. v. Pronational Ins. Co.*, 2007-Ohio-3552, ¶ 12 (10th Dist.).

As relative to the claim before the Court, R.C. 2323.52 provides the authority for a common pleas court to designate a person as a vexatious litigator. R.C. 2323.52(A)(3) defines "vexatious litigator" as:

> [A]ny 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 conduct" is defined as conduct of a party in civil actions 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.

R.C. 2323.52(A)(2)(a)-(c). The Supreme Court of Ohio has expressed that the vexatious litigator statute serves an important function:

> [t]he 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-Ohio-109, 91 Ohio St.3d 3, 13. The high court further expressed:

> * * * vexatious litigators oftentimes use litigation, with seemingly indefatigable resolve and prolificacy, to intimidate public officials and employees or cause the emotional and financial decimation of their targets. Such conduct, which employs court processes as amusement or a weapon in itself, undermines the people's faith in the legal system, threatens the integrity of the judiciary, and casts a shadow upon the administration of justice. Thus, the people, through their representatives, have a legitimate, indeed compelling, interest in curbing the illegitimate activities of vexatious litigators.
>
> The relationship between these goals and the methods employed in R.C. 2323.52 to achieve them is substantial. At its core, the statute establishes a screening mechanism that serves to protect the courts and other would-be victims against frivolous and ill-conceived lawsuits filed by those who have historically engaged in prolific and vexatious conduct in civil proceedings. It provides authority to the court of common pleas to require, as a condition precedent to taking further legal action in certain enumerated Ohio trial courts, that the vexatious litigator make a satisfactory demonstration that the proposed legal action is neither groundless nor abusive. Thus, 'the vexatious litigator statute bears a real and substantial relation to the general public welfare because its provisions allow for the preclusion of groundless suits filed by those who have a history of vexatious conduct.'

Id. at 13-14. (Citations omitted). R.C. 2323.52(B) outlines the procedure to institute a civil action seeking a vexatious litigator designation:

> A person * * * who has defended against habitual and persistent vexatious conduct in the court of claims or in a court of appeals, court of common pleas, municipal court, or county court 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. The person * * * may commence this civil action while the civil action or actions in which the habitual and persistent vexatious conduct occurred are still pending or within one year after the termination of the civil action or actions in which the habitual and persistent vexatious conduct occurred.

There is no magic number of frivolous claims that must be filed before crossing the vexatious litigation threshold. The Tenth District has held that a vexatious litigator designation may be based upon a person's behavior in a single civil action or multiple civil

actions. *Earthy v. Farley*, 2003-Ohio-3185, ¶48 (10th Dist.); see also *Catudal v. Netcare Corp.*, 2015-Ohio-4044, ¶ 8 (10th Dist.) (By including the word "actions," the statute permits a court to examine other actions that a person has participated in to determine if that person is a vexatious litigator.). In *Earthy*, the Tenth District determined that appellant's:

> repetitive arguments and unrelenting pleadings on issues already decided issues have congested the judicial process and hindered the trial court's and receiver's lawful duties. His persistent and tedious grievances inserted into every pleading of every type have amounted to an unnecessarily massive record. His tormenting of every party whom he sees as aiding his wife has risen to the level of compulsiveness.

Earthy at ¶ 49. Significantly, the Tenth District quoted with approval the following passage from *Borger v. MrErlane*, 1st Dist. No. C-01026, 2001-Ohio-4030:

> * * * vexatious conduct, as defined in R.C. 2323.52(A)(2)(a), requires proof that [the appellant's] conduct serves merely to harass or maliciously injure another party to the civil action. It is not necessary, therefore, that [the appellant] intends for her conduct to be harassing, or that she not sincerely believe in the justness of her cause. Rather, it is sufficient that her conduct served the purpose, or has the effect, of harassing [the appellee] by obligating her to respond to a legal action for which there is no objective, reasonable grounds.

Id. at ¶ 51.

After careful consideration and guided by the forgoing legal framework, the Court finds the uncontroverted evidence in the record clearly and convincingly demonstrates that Woodford's actions constitute vexatious conduct pursuant to R.C. 2323.52 as a matter of law. While there could have been a legal or factual basis for Woodford's dispute with Park Towers concerning its management of the condominium property at the initiation of the 2012 Case, it quickly morphed into Woodford's obvious efforts to weaponize the judicial process.

A clear majority of these efforts have been aimed at the discovery process. For example, Woodford's placement of air freshener on the table at his deposition and making grossly inappropriate and offensive comments regarding Ms. Beachler's hygiene and genitalia would be sufficient evidence of vexatious conduct on its own; however, Woodford used his answer in this vexatious litigator case to double down on the issue denying that he did such a thing and then stating, "Defendant Woodford also know for a fact Plaintiff Beachler had an awful body odor. Defendant Woodford will attest to this fact in open Court. Defendant Woodford had been in close proximity to Plaintiff Beachler and there was no doubt she had a wretched smell coming from her body." Answer at ¶31. In addition to the forgoing harassing behavior, since January 5, 2024, Woodford has submitted at least 4,668 Requests for Admissions, 505 Interrogatories, and 149 Requests for the Production of Documents. The Requests for Admission include requests to admit to legal issues, to acts of racism that bear no relevancy to the claims herein, and to opinions all of which are unwarranted under existing law. Moreover, this is not a complex case which could in any way warrant the volume of his discovery requests. Attempts to schedule depositions have resulted in countless emails with the court copied thereon and have included Woodford's borderline unauthorized practice of law and misstatements of the Court's directives. See Ex. A. And most recently, Woodford wholly refused to respond to any deposition question that he considered to be a matter of public record. The deposition was ultimately terminated early after Woodford referred to counsel and "boy" and stated, "I don't know what you do with your boyfriends, but don't play with me." Woodford Depo., May 23, 2024 at pp. 13-14. Woodford's actions throughout discovery have needlessly increased the cost, and unnecessarily delayed, this litigation.

Beyond discovery, the Court notes Woodford's inclusion of every board member who served over the last 15 years as a named defendant has also unnecessarily increased the expense and length of this litigation. While Woodford takes issue with the personal actions of some specific members others were seemingly included in this litigation simply by virtue of their position as a board member. It is the latter who have truly suffered without cause. The same is true of the staff of Clerk of Courts who are tasked with preparing each of Woodford's motion packets for ordinary and/or certified mailing pursuant to his request despite the mailing being wholly superfluous as a result of the e-filing notifications of the motions the parties receive.

And although it is not the subjective intent behind the conduct, but the effect of the conduct that is at issue, Woodford has made it no secret that his intent is to decimate the Movants through the litigation process. In communications with the Park Towers Board, he threatens new board members telling them that he will immediately foreclose on their properties and garnish their wages for the actions of prior board members. See Motion at Exhibit B-3. Those members were then told to consider what financial personal devastation that would endure if they did not meet Woodford's settlement demands. Id. Woodford goes even farther in an interaction with Ms. Beachler in which he threatens to file additional lawsuits and stating "[y]ou're an ugly ass racist and you're going to get yours. You're going to get yours by way of I want to shame the hell out of you." Motion at Ex A-3. In the same interaction, Woodford states "there will be no peace at this Goddamn place until my lawsuit is settled and I'm out of here." Id. And finally, at the August 17, 2018 preliminary injunction hearing Woodford testified that his lawsuit was racial and not anything else. Hearing Trans. filed Dec. 10, 2021. Woodford further clarified, "[w]ith these people, these kind of arrogant white folks, what you got to do is embarrass them.

Embarrass the hell – not hurt them." Id. at p.360. His verbal abuse throughout this litigation serves no other purpose other than to persistently harass the Movants.

Finally, outside of the persistent harassing conduct, Woodford routinely files unwarranted actions and pleadings. For example, Woodford admitted to the filing of a bankruptcy to stay the sheriff sale of his primary residence despite having funds adequate to pay off the loan in foreclosure. Woodford Depo. October 19, 2019 at pp. 48-50. In this litigation, since January 4, 2024, Woodford has filed at least 55 motions. Included in the 55 are a motion to dismiss the Vexatious Litigator Case, a motion to stay the payment of his condo association dues, a motion to appoint a receiver, and a motion for defendants to have a forensic audit of Park Towers' finances none of which are warranted under existing law and all of which have clogged the Court's docket. Rather, this Court can only conclude that the motions are for purposes of harassment or delay, which is precisely what occurred. Indeed, there can be no doubt that Woodford's filings had a harassing and injurious effect, especially in the form of the costs borne by the defendants and the efforts expended by counsel in performing the legal obligation to defend against each frivolous motion. Beyond the parties, Woodford's repetitive arguments and unrelenting pleadings have congested the docket and hindered this Court's lawful duties. His persistent and tedious grievances inserted into every pleading of every type have amounted to an unnecessarily massive record rendering it nearly impossible to manage these cases let alone the others pending before this Court.

CONCLUSION

Upon careful consideration of all the evidence before it, the Court finds there is no genuine issue of material fact and that Woodford's conduct is exactly that which the vexatious litigator statute aims to thwart. Accordingly, the Court finds that Defendant has

engaged in vexatious conduct as set forth in R.C. 2323.52(A)(2)(a)-(c), and thus a vexatious litigator designation is appropriate under R.C. 2323.52(A)(3). Therefore, Plaintiffs' Motion for Summary Judgment is well-taken and hereby **GRANTED.**

Carl H. Woodford is hereby declared a Vexatious Litigator.

Pursuant to R.C. 2323.52(D)(1), Defendant Carl H. Woodford is prohibited from doing the following without first obtaining leave of 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 section (a) above prior to the entry of this order;**
>
> **(c) Making any application, other than an application for leave to proceed under R.C. 2323.52(F)(1), in any legal proceedings instituted by the vexatious litigator or another person in any of the courts specified in section (a) above.**

It is FURTHER ORDERED that, pursuant to R.C. 2323.52(H), the clerk of the court shall send a certified copy of this Order to the Clerk of 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 court of appeals, court of common pleas, municipal court, or county court in refusing to accept pleadings or other papers submitted for filing by Carl H. Woodford without first obtaining leave to proceed under this section.

All motions currently pending in Case No. 19CV-180 are **MOOT**.

The 2015 Case and Consolidated Case shall come before the Court for a status conference on **August 8, 2024 at 9:00AM** at which Woodford must have counsel present to represent him. Failure to do so may result in the dismissal of claims.

Pursuant to Civil Rule 58(B), the Clerk of Courts is directed to serve upon all parties notice and the date of this judgment. **This is a final appealable order; there is no just reason for delay.**

Costs in Case No. 19CV-180 to Woodford.

IT IS SO ORDERED.

Electronic notification to counsel of record

EXHIBIT A

From:	carl woodford <carlwoodford4270@gmail.com>
Sent:	Monday, April 22, 2024 3:07 PM
To:	Beachler, Jinx; Chang, Steven; Hatzifotinos, Dimitrios; Barley-mcbride, Mary; Barnes, Nicholas; Wright, Cara; Coglianese, Eric; Pyers, Zachary; Sethi, Mrinali; Misny, Jonathan
Cc:	Shafer, Darcy A.
Subject:	Beverly Woodford and harassment

Jinx,

I am writing to you regarding harassing emails you sent to me and packages Steven Chang had delivered to Beverly Woodford at 1620 E. Broad St., Unit 1708, Columbus, Ohio 43203.

As you well know, Beverly Woodford, unrepresented party, does not live at 1620 E. Broad St., Unit 1708, Columbus, Ohio 43203, nor is that a good mailing address for Beverly Woodford.

Between Steven Chang delivering packages for Beverly Woodford, and you sending unwarranted and unsolicited emails to me, for Beverly Woodford, I am forced to file a protective order against both of you, as I consider this nothing more than harassment and an annoyance to me and my mother.

You both know she is not Pro Se and is an unrepresented party. Myself, and Beverly Woodford, will be delivering this package and all communication to Beverly Woodford to Darcy Shafer.

You are to cease and desist the harassment of myself and Beverly Woodford. You are both in violation of this Court's directive, as it relates to communicating with an unrepresented party.

I will be taking the proper steps in order for both of you to comply with the Court's procedures, relative to this matter.

The next time you communicate to Beverly Woodford, unrepresented party, she will be seeking a protection order from the Franklin County Prosecuting Attorney's office, as this is considered elderly abuse.

Best regards,

Mr. Woodford, Pro Se

Franklin County Court of Common Pleas

Date: 07-08-2024

Case Title: CARL WOODFORD -VS- PARK TOWERS CONDO ASSN ET AL

Case Number: 15CV002863

Type: DECISION/ENTRY

It Is So Ordered.

/s/ Judge Michael J. Holbrook

THE STATE OF OHIO } I, MARYELLEN O'SHAUGHNESSY, Clerk
Franklin County, ss } OF THE COURT OF COMMON PLEAS
WITHIN AND FOR SAID COUNTY,
HEREBY CERTIFY THAT THE ABOVE AND FOREGOING IS TRULY TAKEN
AND COPIED FROM THE ORIGINAL.
ORDER
NOW ON FILE IN MY OFFICE. WITNESS MY HAND AND SEAL OF SAID
COUNTY THIS 9 DAY OF JULY A.D. 20 24
MARYELLEN O'SHAUGHNESSY, Clerk
By _____ Deputy

Court Disposition

Case Number: 15CV002863

Case Style: CARL WOODFORD -VS- PARK TOWERS CONDO ASSN ET AL

Final Appealable Order: Yes