

**IN THE COURT OF COMMON PLEAS  
CUYAHOGA COUNTY, OHIO**

SHAWN ARMSTRONG, Inmate No. 664-072,

Plaintiff,

vs.

Marc Bullard, in his Official Capacity,

Defendant.

) CASE NO. CV-17-877522

) JUDGE MICHAEL P. SHAUGHNESSY

) JOURNAL ENTRY GRANTING

) DEFENDANT'S MOTION FOR

) JUDGMENT ON THE PLEADINGS

) AND

) GRANTING DEFENDANT'S MOTION  
) FOR SUMMARY JUDGMENT ON THE  
) COUNTERCLAIM

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SHAUGHNESSY, J.:

This matter is before the Court upon Plaintiff's Complaint, Defendant's Answer and Counterclaim seeking that Plaintiff be declared a Vexatious Litigator, Plaintiff's Motion to Strike (which the Court deems an Answer) and Defendant's Motion for Summary Judgment on the Counterclaim. Plaintiff did not file a brief in opposition to Defendant's motion prior to the due date of 06/16/2017. The Court finds that:

- a. The parties have received proper and effective service of the Complaint and Counterclaim herein pursuant to O.R. Civ. P. 4.1 (A) and (C);
- b. Even construing the material allegations of Plaintiff's complaint as true, Plaintiff can prove no set of facts in support of his claim that would entitle him to relief. As such, Defendant's motion for judgment on the Pleadings pursuant to Rule 12(C) is hereby granted;
- c. There is no genuine issue of material fact with regard to Defendant's Counterclaim to declare Plaintiff a Vexatious Litigator as reasonable minds can come to but one conclusion. Plaintiff has engaged in vexatious conduct by filing this matter, as the uncontested evidence shows Plaintiff has filed this case with no authority to support a legal basis for his claims,

and Plaintiff has filed the same claim in several different cases. Therefore, Defendant's motion for summary judgment on his Counterclaim to declare Plaintiff a vexatious litigator is hereby granted;

d. Defendant has established its right to relief under Ohio Rev. Code §§ 2323.51; 2323.52, et seq.;

e. Plaintiff is found to be a vexatious litigator and it is therefore ORDERED, ADJUDGED AND DECREED that Plaintiff is prohibited from:

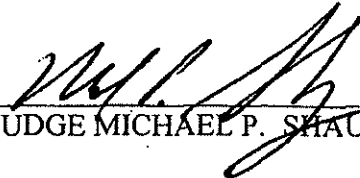
(1) instituting any legal proceedings in the court of claims, or in a court of common pleas, municipal court, or county court, court of appeals, or the Ohio Supreme Court without first obtaining leave of this Court to proceed;

(2) continuing any legal proceedings that he has instituted or participated in the Cuyahoga County Court of Common Pleas and other courts to the extent permissible prior to the entry of the Order;

(3) making any application, other than an application for leave to proceed under R.C. 2323.52(F) and (4) any other relief provided in R.C. 2323.52 as this Court deems just.

f. Plaintiff to pay all costs incurred in this action.

**IT IS SO ORDERED. FINAL.**

  
JUDGE MICHAEL P. SHAUGHNESSY

Copies sent to all record parties by interoffice or U.S. mail as follows:

SHAWN ARMSTRONG, 664-072  
C/O WARDEN MARION CORR INST  
P O BOX 57  
MARION, OH 43301

To the Clerk: The Clerk is ordered to serve upon all parties (above listed) notice of this judgment and its date of entry upon the journal and within three (3) days of entering the judgment upon the journal. The Clerk shall serve the parties in a manner prescribed by Civ. R. 5(B) and note the service in the appearance docket.