

SANDRA KURT
2018 FEB 28 AM 8:13
SUMMIT COUNTY
CLERK OF COURTS

IN THE COURT OF COMMON PLEAS
DOMESTIC RELATIONS DIVISION
SUMMIT COUNTY, OHIO

JESSICA BENEDETTI

Plaintiff

-vs-

STEVEN BENEDETTI

Defendant

) CASE NO. DR-2013-10-2932.
)
)
)
) JUDGE JOSEPH GIULITTO
)
) **JUDGMENT ENTRY**
) **1) DISMISSAL OF DEFENDANT'S**
) **MOTIONS;**
) **2) DECLARING DEFENDANT A**
) **VEXATIOUS LITIGATOR**
)

This matter came before the Court on December 18, 2017 for consideration of all pending motions filed by the parties with the exception of CSEA's Motion for Contempt filed on December 6, 2017. (That motion is scheduled for hearing on March 18, 2018 at 10:00 AM).

Plaintiff was present, represented by counsel Darren Dehaven. Defendant was not present despite having been given notice of this hearing. Defendant filed a Motion for continuance on December 15, 2017. However that Motion was not timely filed and is denied.

As Defendant was not present at this hearing, all motions filed by Defendant, including but not limited to, Defendant's "Motion for Appeal of Mistake of Fact" filed on November 20, 2017 are hereby DISMISSED with prejudice. The Court also finds that this same motion was previously dismissed due to Defendant's failure to appear for hearing on September 21, 2017.

The court heard testimony from Plaintiff in relation to Plaintiff's Motion to Declare Defendant a Vexatious Litigator which was filed on November 27, 2017. With respect to that motion, the court takes judicial notice of the docket in this case which consists of fifty-seven pages and is labeled as "Court's Exhibit A".

The Court also considered Plaintiff's Exhibit 1 which are copies of journal entries from some eleven different cases filed by Defendant in various courts. That exhibit shows the following cases:

- 1) Ninth District Case No. 28786 – Jessica Benedetti v. Steven Benedetti -filed and dismissed by Defendant as an appeal of this domestic relations case;
- 2) Ninth District Case No. 28239 – Jessica Benedetti v. Steven Benedetti -filed and

- dismissed by Defendant as an appeal of this domestic relations case;
- 3) Ninth District Case No. 28628 – Steven Benedetti v. Paul Grant – dismissed by the Court of Appeals;
 - 4) Ninth District Case No. 28726 – Steven Benedetti v. Judge Joseph Giulitto, et al – and action in prohibition -dismissed by the Court of Appeals;
 - 5) Summit County case No. CV2016-08-3483, Steven Benedetti v. Paul Grant, et al., Summary Judgment granted in favor of Defendant;
 - 6) Steven Benedetti v. Summit County CSEA, Summit County Case No. CV-2017-08-3881 – The case dismissed at plaintiff's costs;
 - 7) Steven Benedetti v. Paul M. Grant, Cuyahoga County Case No. CV-16-869042 – Petition for Protection Order Denied;
 - 8) Steven Benedetti v. Paul M. Grant, Cuyahoga County Case No. CV-17-880836 – Petition for Protection Order Denied – Ex-parte order denied, full CPO denied as Petitioner failed to appear
 - 9) Jessica Benedetti v. Steven Benedetti, Supreme Court of Ohio Case No. 16-AP-091, Affidavit of Disqualification filed by Mr. Benedetti against Judge Joseph Giulitto denied;
 - 10) Jessica Benedetti v. Steven Benedetti, Supreme Court of Ohio Case No. 16-AP-007, Affidavit of Disqualification filed by Mr. Benedetti against Judge Carol Dezso denied;
 - 11) Steven Benedetti v. Carol J. Dezso, et al, U.S. District Court Case No. 5:16CV2114 - Defendant's Motion to Dismiss granted, case dismissed.

The Court also considered Plaintiff's Exhibit No. 2 which is a docket printout on the instant case with several items highlighted. That exhibit highlights several items filed by Defendant which cite substantially similar statements which assert that this court has no jurisdiction and that judgments are void. Specifically, such assertions are made in filings by Defendant on December 8, 2017, December 7, 2017, November 20, 2017, October 25, 2017, September 20, 2017, September 19, 2017, July 25, 2017, July 24, 2017, and July 23, 2017. This exhibit contains highlights by Plaintiff's counsel of numerous filings by Defendant, all of which have been denied as being without merit.

Plaintiff Jessica Benedetti also testified that she had received an email from Defendant on November 24, 2017 telling her to "be prepared for a very expensive and time consuming battle in multiple courts across multiple counties." The email further stated "I will make your life a living hell with court filings and legal proceedings". A copy of this email was filed as an exhibit with the Motion to Declare Defendant a Vexatious litigator. Plaintiff also testified that she has incurred legal fees and missed time from work due to defending the various litigation with Defendant. Plaintiff testified that she feels the litigation filed by Defendant is to harass her and that Defendant has not been successful in any of the litigation against her. Also, Plaintiff's motions have been delayed due to filings made by Defendant.

Findings:

Ohio Revised Code 2323.52(A) defines "Vexations Conduct" as

(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

Further, a Vexatious Litigator is defined as:

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. R.C. 2323.52(A)(3)

The Court finds that Defendant's conduct as illustrated by the testimony and evidence meets the definition of vexatious conduct. Accordingly Defendant is hereby declared to be a vexatious litigator pursuant to R.C. 2323.52(D)(1). Until further order of this Court, Defendant is hereby prohibited from doing any of the following without 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 division (D)(1)(a) of this section prior to the entry of the order;
- (c) Making any application, other than an application for leave to proceed under division (F) (1) of this R.C. 2323.52, in any legal proceedings instituted by the vexatious litigator or another person in any of the courts specified in division (D)(1)(a) of R.C. 2323.52..

The Clerk of Courts shall send a certified copy of this Order to the Supreme Court of Ohio for publication pursuant to R.C. 2323.52(H).

All other motions not specifically addressed by this Order, with the exception of CSEA's Motion for Contempt are hereby denied.

Costs of this action shall be taxed to the Defendant. _____

TO THE CLERK:

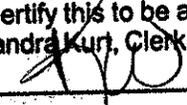
PURSUANT TO CIVIL RULE 58(B), THE CLERK IS DIRECTED TO SERVE UPON ALL PARTIES NOT IN DEFAULT FOR FAILURE TO APPEAR NOTICE OF THE FILING OF THIS JUDGMENT ENTRY AND OF THE DATE OF ENTRY UPON THE JOURNAL.

IT IS SO ORDERED.



Judge JOSEPH GIULITTO

I certify this to be a true copy of the original
Sandra Kurt, Clerk of Courts.



Deputy Clerk

CC:

BENEDETTI, JESSICA, Plaintiff
BENEDETTI, STEVEN, Defendant
DEHAVEN, DARREN, Attorney for Plaintiff
ZURZ, RICHARD, Attorney for Plaintiff
KATHY WILSON, Domestic Supervisor, Clerk of Courts
Clerk, Supreme Court of Ohio