

HOCKING CO.
IN THE COURT OF COMMON PLEAS, HOCKING COUNTY, OHIO
GENERAL DIVISION

2014 AUG 26 PM 2 48

OHIO ATTORNEY GENERAL BROWN EDWARDS
CLERK OF COURTS

Plaintiff(s), : Case No: 14CV0084

vs. :

DENNIS R. BROCK, #519-506 : JUDGMENT ENTRY

Defendant(s). :

Plaintiff Ohio Attorney General's office has filed a motion for summary judgment as to its vexatious litigator claims filed against Defendant Dennis R. Brock. Mr. Brock is an inmate in the Southeastern Ohio Correctional Complex which is located in Hocking County, Ohio. The Attorney General's complaint was filed under R.C. Sect. 2323.52. This statute permits the Attorney General to file a complaint to have a person who has engaged in habitual and persistent vexatious conduct found to be a vexatious litigator. The labeling of an individual as a vexatious litigator allows this Court to enter an order which would prohibit instituting or continuing legal proceedings without leave of this Court.

However, this Court, as it stated that it would, in its order of July 10, 2014, will examine the motions, beside the summary judgment motion, which are pending.

The first motion filed by Mr. Brock is a motion for trial by brief or video conference. This motion is not ripe for determination at this moment, so it is overruled at this time.

The next motion filed by Mr. Brock is a motion under Ohio R. Civ. Pro. 12(B) (1) and (6). Rule 12 (B) (1) concerns the defense of no subject matter jurisdiction. Review of the law reveals that this Court has jurisdiction over matters filed under R.C. Sect. 2323.52. As such, this Court has jurisdiction. This branch of the motion is overruled. As to claims made by Mr. Brock under Rule 12 (B) (6), defendant has filed a number of items which are the subject of this suit beside a writ of Habeas Corpus. Even if there was law which could be cited which prohibited filing a vexatious litigator petition when a writ of Habeas Corpus was pending, there would be other activity which could support the vexatious conduct petition. Motion overruled.

As to the State's motion to dismiss Mr. Brock's counterclaim, it is granted. Under Civ. R. 8, a counterclaim must contain a short and plain statement of the claim and a demand for judgment to which the party claims to be entitled. Mr. Brock has not presented a short and plain statement or a demand for judgment besides what he requested in his answer – the dismissal of the petition to find him a vexatious litigator. State's motion is granted.

Mr. Brock's next motion is a motion in opposition: Proof Habeas Corpus Action not vexatious. This Court will consider this motion to be an anticipatory response to the Attorney General's summary judgment motion. As such, this Court will deal with this motion when it decides the summary judgment motion.

The next motion to be considered is Mr. Brock's motion for conflict of interest. He claims that the attorney for the petitioner, Ms. Maura O'Neill Jaite has

violated R. C. Sect. 2725.22. Review of R. C. Sect. 2725.22 causes the undersigned to believe that this statute only applies when a state official will not obey a writ of Habeas Corpus. No writ has been issued. Mr. Brock's motion is frivolous and is overruled.

The next motion from Mr. Brock is styled as a motion to grant Habeas Corpus if Brock's Petition For Writ Of Habeas Corpus Is Believed On Its Merits Presented As Evidence. This motion is an attempt to argue the merits of Mr. Brock's Habeas Corpus petition. This matter has been repeatedly reviewed by the Court of Appeals and rejected. The motion is overruled because it is barred by res judicata.

The next motion that Mr. Brock filed is another Rule 12 (B)(1) motion. This has been ruled on above. Motion overruled.

The next motion by Mr. Brock, which was filed on July 24, 2014, is for forfeited funds and reimbursement of costs. There has been no successful grant of Mr. Brock's petition for writ of Habeas Corpus so this motion is overruled.

Once again on July 25, 2014, Mr. Brock filed a motion to dismiss under Civ. R. 12 (B)(1). It is overruled. Also, on July 25, 2014, Mr. Brock filed a motion for clarification. Mr. Brock wants this Court to explain its order of July 10, 2014. This Court's order of July 10 provided the parties with a cut-off date as to motions. The order also provided the parties with the period between July 30, 2014, and August 13, 2014, to respond to the other side's motions. This Court has the right and obligation to manage the cases that come before it.

On July 29, 2014, Mr. Brock filed a motion Challenging Habeas Corpus Cannot Be Dismissed As Vexatious. This is a re-hash of past arguments and is overruled. Also, on July 29, 2014, Mr. Brock filed a motion for Relief As Ohio Attorney General's Lack Of Jurisdiction Pursuant To R. C. 2721.12 Is Proof Ohio Attorney General Counsel Acting In Pro Se. Examination of this motion reveals that Mr. Brock is making the same arguments that he made in his prior motions. This motion is overruled.

On August 5, 2014, Mr. Brock filed a motion for leave to amend counterclaims. This motion was filed after the deadline and is overruled. Even if this Court considered the motion on its merits, it asks this Court to allow an amended complaint which is a re-hash of items that have been found to have no merit.

At this point, the Court returns to the motion for summary judgment. Review of the items submitted by the Attorney General's Office show that Mr. Brock has persistently raised the same facts and arguments which have already been adjudicated. A study of the items in this file shows that Mr. Brock has presented many of the same alleged facts and claims over and over again. Therefore, this Court finds that there is no genuine issue as to any material fact and reasonable minds can come to but one conclusion and that conclusion is adverse to Mr. Brock. Therefore, this Court grants the Attorney General's Office the following relief:

This Court hereby declares Dennis R. Brock a vexatious litigator under R. C. Sect. 2323.52;

This Court hereby orders under R. C. 2323.52 (d) that Dennis R. Brock is indefinitely prohibited from instituting any litigation, continuing any litigation, or making any application in any litigation, in any Ohio Common Pleas, Municipal Court or Appellate Court, without first obtaining leave from this Court, the Common Pleas Court of Hocking County, Ohio;

This Court hereby orders under R. C. 2323.52 (D)(1)(b) that Dennis R. Brock not continue any legal proceeding currently pending in any Ohio Common Pleas, Municipal, County or Appellate Court, without first obtaining leave from this Court;

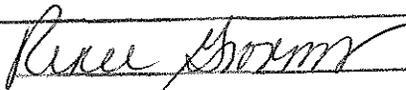
This Court hereby issues a preliminary injunction under Civ. R. 65 which prohibits Dennis R. Brock from instituting any litigation, continuing any litigation, or making any application in any litigation in any Ohio Common Pleas, Municipal, County, or Appellate Court while this litigation is pending, without first obtaining leave from this Court;

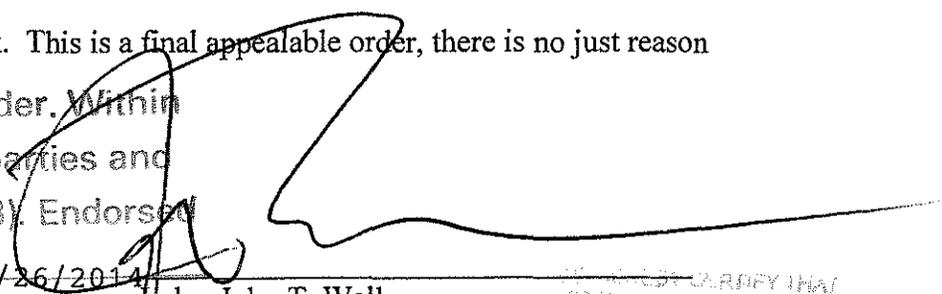
This Court orders the Clerk of the Hocking County Common Pleas Court to send a certified copy of this order to the Ohio Supreme Court.

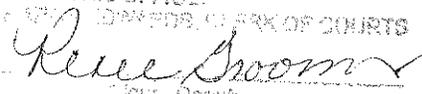
Costs to Mr. Brock. This is a final appealable order, there is no just reason

~~This is a Final Appealable Order. Within three days Clerk shall serve parties and counsel pursuant to Rule 5 (B). Endorsed service and journalized on 8/26/2014.~~

Served on: Ohio Supreme Court,
Ohio Attorney General, Dennis R. Brock


Deputy Clerk


Judge John T. Wallace

IF YOU CANNOT VERIFY THAT THIS IS A TRUE AND CORRECT COPY OF THE PLEADINGS ON FILE IN THIS OFFICE, PLEASE CONTACT THE CLERK OF COURTS AT 737-527-1000.

Renee Shoom
Clerk - Deputy
Hocking County, Ohio

Cc: Maura O'Neill Jaite, Senior Assistant Attorney General
✓ Dennis R. Brock
Ohio Supreme Court

JTW/jmc