

**IN THE COURT OF COMMON PLEAS, FRANKLIN COUNTY, OHIO
CIVIL DIVISION**

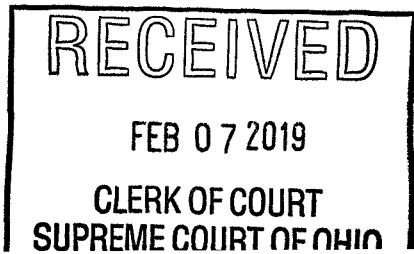
George Bilderback, III)	JUDGE: Guy Reece
)	
)	CASE NO: 14 CV 006282
Plaintiff)	
)	
-vs.-)	
)	
LaTonya Fordham,)	
)	
Defendant)	

**JUDGMENT ENTRY ADOPTING MAGISTRATE'S
DECISION FILED JULY 14, 2015**

Pursuant to the Ohio Rules of Civil Procedure, the Court has, by specific order of reference filed on June 12, 2015, directed that that this cause be referred to a Magistrate, which Magistrate has the powers specified in said Ohio Civil Rules.

This cause came before this Court on July 14, 2015 for a damages hearing and upon the Plaintiff's Motion to Prohibit the Defendant from Instituting Proceeds Without Further Order of this Court ("Motion to Prohibit"), which was filed on June 20, 2015. At the hearing, the Plaintiff appeared with counsel. The Plaintiff indicated he was withdrawing his claim of additional damages but wished to present evidence as to his Motion to Prohibit. The Defendant failed to appear and has not filed an Answer in this case.

The Court further finds that there is no error of law or other defect on the face of the Magistrate's decision filed on July 14, 2015. The Court hereby ADOPTS and INCORPORATES by reference, the Magistrate's Findings of Fact and Conclusions of Law filed in his decision on July 14, 2015 and makes the same the judgment of this Court.



This case is terminated and all future hearing dates stricken. Costs shall be equally split by the parties.

IT IS SO ORDERED.

PRAECIPE: TO THE CLERK OF COURTS

Pursuant to Civil Rule 58(B), you are hereby instructed to serve upon all Parties not in default for failure to appear, notice of the judgment and its date of entry upon the journal.

See signature page attached

Judge Guy Reece

Copies to:
Lisa K. Meier
6810 Caine Rd.
Columbus, OH 43235

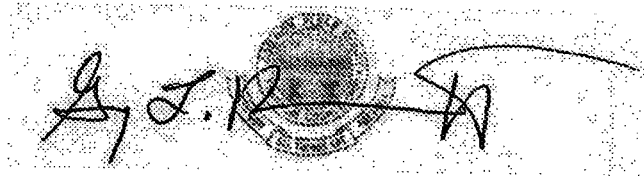
LaTonya Fordham
426 Wilson Ave.
Columbus, OH 43205

***** Pursuant to the Court's Fifth Amended Administrative Order issued January 12, 2015, the party submitting a proposed order/entry shall, after the order/entry has been signed by the Judge and e-Filed, print out a copy of the same and mail it to all non-registered parties on the case. *****

Franklin County Court of Common Pleas

Date: 07-28-2015
Case Title: GEORGE BILDERBACK III -VS- LATONYA FORDHAM
Case Number: 14CV006282
Type: JUDGMENT ENTRY

It Is So Ordered.



/s/ Judge Guy L. Reece, II

Electronically signed on 2015-Jul-28 page 3 of 3

THE STATE OF OHIO Franklin County, ss	} I, MARYELLEN O'SHAUGHNESSY, Clerk 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.
<i>Entry</i>	
NOW ON FILE IN MY OFFICE	
WITNESS MY HAND AND SEAL OF SAID COUNTY	
THIS <u>6</u> DAY OF <u>Feb</u> A.D. 20 <u>19</u>	
MARYELLEN O'SHAUGHNESSY, Clerk	
By <u>[Signature]</u>	Deputy

Court Disposition

Case Number: 14CV006282

Case Style: GEORGE BILDERBACK III -VS- LATONYA FORDHAM

Case Terminated: 18 - Other Terminations

Final Appealable Order: Yes

IN THE COURT OF COMMON PLEAS, FRANKLIN COUNTY, OHIO

GEORGE BLIDERBACK, III,

Plaintiffs,

vs.

LaTONYA FORDHAM,

Defendant.

Case No. 14CVC-06-6282

Judge REECE

Magistrate Petrucci

MAGISTRATE'S DECISION
ON DAMAGES HEARING HELD ON JULY 14, 2015

PETRUCCI, MAGISTRATE

Pursuant to Civil Rule 53 and Local Rule 99.02, the above-styled matter was referred to the undersigned Magistrate for a damages hearing. See *Order of Reference*. The hearing was conducted on July 14, 2015.

Previously, on June 8, 2015, the Court issued an Entry Granting Plaintiff's 'Motion for Default' as filed on October 15, 2014. Said Entry contained the following:

The Court finds pursuant to Civil Rule 55(A) that the allegations in Plaintiff's Complaint are admitted and that the Plaintiff is entitled to a Default Judgment against the Defendant, LaTonya Fordham. The Court shall hold a hearing regarding damages and attorney's fees on **July 14, 2015, at 9:00 a.m.** in front of **Magistrate Petrucci in courtroom 7C.**

As noted, contained within the Entry was a referral of the case for a damages hearing to take place before this Magistrate.

At today's damages hearing, the Plaintiff appeared with counsel. The Plaintiff indicated that it was withdrawing and claim of additional damages but wished to present legal arguments that would allow this Court to hold that not only is the Defendant a Vexatious litigator but Plaintiff wanted to bar the Defendant from having the right to file any new actions without prior Court approval.

The Defendant failed to appear.

Having weighed the evidence and arguments at the hearing, this Magistrate hereby renders the following Decision.

FINDINGS OF FACT

The Defendant has repeatedly filed the same or similar motions based upon the same or similar facts.

The Defendant has filed numerous and/or frivolous motions which served to merely harass the Plaintiff.

The Defendant filed motions solely for the purpose of delay.

By Entry dated June 8, 2015 this Court held that that admissions served upon the Defendant – that were not responded to – are deemed admitted. The deemed admissions establish the frivolous and vexatious nature of the Defendant’s filings.

CONCLUSIONS OF LAW

Plaintiff has withdrawn any claim for monetary damages but requests that the undersigned decide that not only is the Defendant a vexatious litigator but that her actions should be deemed to preclude her from filing any further civil actions without prior approval. The Plaintiff desired that a decision be made that would utilize R.C.

§2323.52(D)(1). Please note the following from the statute:

(D)(1) If the person alleged to be a vexatious litigator is found to be a vexatious litigator, subject to division (D)(2) of this section, the court of common pleas may enter an order prohibiting the vexatious litigator from doing one or more of the following without first obtaining the leave of that 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 section, in any legal proceedings instituted by the vexatious litigator or another person in any of the courts specified in division (D)(1)(a) of this section.

Please note the following from *Roo v. Sain*, 2005 Ohio 2436 (10th Dist.) at ¶6:

"The 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), 91 Ohio St.3d 4, 13, quoting *Cent. Ohio Transit Auth. v. Timson* (1998), 132 Ohio App.3d 41, 50.

Also, one need not establish acts in multiple cases. Multiple acts of vexatious conduct in one case is all that is required. *Roo v. Sain*, 2005 Ohio 2436 (10th Dist.) at ¶18.

With the deemed admissions, and with the deemed factual allegations in the complaint – due to the default judgment – the undersigned concludes that not only is the Defendant a vexatious litigator, but her ability to continue to pursue unwarranted litigation against the Plaintiff should not remain unfettered. Plaintiff is entitled to the relief requested.

DECISION

The Defendant LaTonya Fordham is a vexatious litigator pursuant to R.C. §2323.52. As such, the Defendant LaTonya Fordham is prohibited from the following:

- 1) Instituting legal proceedings in the court of claims or in a court of common pleas, municipal court, or county court;
- 2) Continuing any legal proceedings that the vexatious litigator had instituted in any of the courts specified in division (D)(1)(a) of R.C. §2323.52 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)(1) in any legal proceedings instituted by the vexatious litigator or another person in any of the courts specified in R.C. §2323.52(D)(1)(a).

4) This prohibition is limited to *pro se* actions of the Defendant against the Plaintiff.

Plaintiff **SHALL** prepare and submit an appropriate judgment entry for the Court adopting this decision and terminating this case.

A PARTY SHALL NOT ASSIGN AS ERROR ON APPEAL THE COURT'S ADOPTION OF ANY FACTUAL FINDING OR LEGAL CONCLUSION, WHETHER OR NOT SPECIFICALLY DESIGNATED AS A FINDING OF FACT OR CONCLUSION OF LAW UNDER CIV.R. 53(D)(3)(a)(ii), UNLESS THE PARTY TIMELY AND SPECIFICALLY OBJECTS TO THAT FACTUAL FINDING OR LEGAL CONCLUSION AS REQUIRED BY CIV.R. 53(D)(3)(b).

Copies to:

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Attorney for the Plaintiff

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COLUMBUS, OH 43205
Defendant pro se