

DANIEL M. HORRIGAN

2009 FEB 23 AM 11:40

SUMMIT COUNTY
CLERK OF COURTS

IN THE COURT OF COMMON PLEAS

COUNTY OF SUMMIT

CITY OF AKRON, et al.

)

CASE NO. CV 2008 05 3881

Plaintiffs

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JUDGE GIPPIN

-vs-

)

)

JUDGMENT

LEVERT GRIFFIN

)

(Final and Appealable)

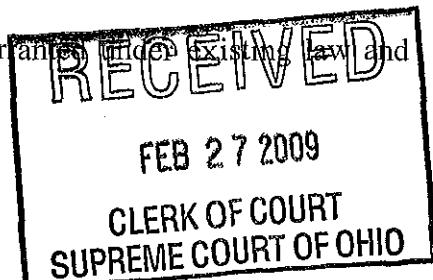
Defendant

)

Plaintiffs will be granted judgment that Defendant Levert Griffin is a vexatious litigator and appropriate orders will be issued pursuant to that judgment. The elements of R.C. 2323.52 were easily met by Plaintiffs.

The matter was tried to the bench on February 20, 2009. Testimony, exhibits and oral argument were received from both the Plaintiffs and Mr. Griffin. It is undisputed that Mr. Griffin has never been admitted to the practice of law.

The evidence was overwhelming that Mr. Griffin's habitual and persistent conduct, in particular his lawsuits, subpoenas, motion practice and other indeterminate filings, "obviously serves merely to harass" Plaintiffs and other parties to civil actions. The conduct has been without reasonable grounds and clearly is not warranted under existing law and



cannot be supported by a good faith argument for an extension, modification or reversal of existing law.

The Court does not find that Mr. Griffin maliciously injured any party, but these conclusions do not require any findings of malicious or other wrongful intent by Mr. Griffin. The verb “serves” in Division (A)(2)(a) of the statute only requires an analysis of the harassing effect of Mr. Griffin’s actions, not of his motivation. Likewise, Division (A)(3) does not contain any requirement concerning the intentions or motivations of a “vexatious litigator.” The Court only looks to *effect*, not to causation, where there is no issue of malice. That causation is perhaps obvious from the record, but the Court has no reason to analyze it and will not do so gratuitously.

While Mr. Griffin is almost always charming in his personal interactions and there is a certain affection for him in the Courthouse, despite the stress he creates, his conduct is far from harmless. Regardless of the reasons why he has become a vexatious litigator, he wreaks havoc and clearly falls within the parameters of the statute.

Plaintiffs have sought relief beyond that specified in the statute, to require Mr. Griffin to have legal counsel as well as to obtain leave of court before he is permitted to file pleadings in this Court or in the Akron Municipal Court. The Court declines to add that requirement, which could in practice preclude Mr. Griffin from pursuing justifiable claims, given the difficulty he could well encounter in trying to retain effective legal counsel. While not underestimating the screening burden that is likely now to fall upon this Court, the statute contemplates that process of control through active judicial supervision, rather than by depriving a vexatious litigator of the right he otherwise would have to proceed *pro se*. The Court will consider broader remedies only if they are shown to be necessary.

Judgment is accordingly **GRANTED** to Plaintiffs, finding that the Defendant, Levert Griffin is a vexatious litigator within the meaning of R.C. 2323.52(A)(3). The Defendant, Levert Griffin is accordingly **PROHIBITED INDEFINITELY** from doing any of the following without prior leave of the undersigned Judge or the successors of the undersigned Judge:

- (a) Instituting legal proceedings in the Court of Claims or in any Court of Common Pleas, Municipal Court or County Court;
- (b) Continuing any legal proceedings that the Defendant, Levert Griffin had instituted in any of the Courts specified in section (a) above prior to the entry of this Judgment;
- (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 Defendant, Levert Griffin, or another person in any of the Courts specified in section (a) above.

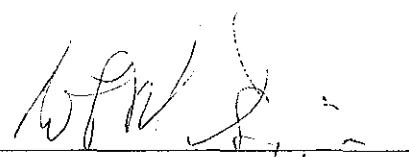
This Judgment and Prohibition shall be applied broadly to include any activity related to civil law, *including but not limited to* transmitting complaints, applications, other forms of assertions of claims or rights, motions, subpoenas, discovery (such as notices of deposition or of other matters, interrogatories, requests for admissions or inspection, etc.) or conducting any other activities of any kind directed to persons or entities (including but not limited to governmental entities, business entities, not for profit organizations, etc.), in connection with civil legal matters.

The Court advises Mr. Griffin to become familiar with all of the provisions of R.C. 2323.52, since it includes restrictions that come into effect automatically, in addition to those specifically ordered by this Court in the present Judgment.

The Defendant, Levert Griffin, shall pay the costs of this action.

IT IS SO ORDERED.

February 23, 2009



JUDGE ROBERT M. GIPPIN

cc: Attorneys Max Rothal and Stephen A. Fallis
Attorney Anita L. Davis
Mr. Levert Griffin, P.O. Box 22142, Akron, Ohio 44302

I certify this to be a true copy of the original
Daniel M. Horrigan, Clerk of Courts.

M. Wishey Deputy