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IN THE COURT OF COMMON PLEAS CUYAHOGA COUNTY, OHIO

R. GRUNDSTEIN, ESQ.
Plaintiff

Case No: SD-16-077588

Judge: JOHN J RUSSO

DOCKET ENTRY OF JULY 25, 2005
Defendant

JOURNAL ENTRY

FOLLOWING REVIEW OF THE ARGUMENTS AT THE 04/03/2019 HEARING THAT WAS SET BY THIS COURT SUA SPONTE, THE COURT HEREBY SUA SPONTE VACATES ITS 06/12/2017 ORDER TERMINATING VEXATIOUS LITIGATOR STATUS.

IN THIS COURT'S 06/12/2017 ORDER, THE COURT STATED THAT ONE OF ITS REASONS WHY IT WAS TERMINATING THE STATUS WAS THAT THE PLAINTIFF WAS "TAKING REASONABLE STEPS TO FINALIZE HIS EFFORTS TO BECOME A LICENSED ATTORNEY IN VERMONT BY REMOVING UNCERTAINTY FROM HIS PENDING BAR APPLICATION VIA HIS REQUEST BEFORE THIS COURT."

WITH RESPECT TO MR. GRUNDSTEIN'S EFFORTS HOWEVER, MR. GRUNDSTEIN IMPORTANTLY FAILED TO DISCLOSE TO THE COURT THAT HE COULD NOT FINALIZE BECOMING AN ATTORNEY IN VERMONT BECAUSE HE HAD BEEN DENIED CHARACTER AND FITNESS CERTIFICATION IN VERMONT. THE COURT NOTES THAT WELL IN ADVANCE OF THIS COURT'S 06/12/2017 HEARING, THE FOLLOWING FACTS REGARDING MR. GRUNDSTEIN'S VERMONT BAR APPLICATION AS IT RELATED TO CHARACTER AND FITNESS CERTIFICATION WERE KNOWN TO MR. GRUNDSTEIN, BUT NOT MADE KNOWN TO THIS COURT:

MAY 2016: AFTER CONDUCTING AN INVESTIGATION INTO MR. GRUNDSTEIN'S MORAL CHARACTER AND FITNESS, A MEMBER OF THE VERMONT CHARACTER AND FITNESS COMMITTEE WAS UNABLE TO CERTIFY MR. GRUNDSTEIN'S GOOD MORAL CHARACTER AND FITNESS.

JANUARY 2017: AFTER A THREE MEMBER PANEL OF THE VERMONT CHARACTER AND FITNESS COMMITTEE HELD A HEARING REGARDING MR. GRUNDSTEIN'S CHARACTER AND FITNESS IN OCTOBER OF 2016, THE VERMONT CHARACTER AND FITNESS COMMITTEE FORMALLY DECLINED TO CERTIFY MR. GRUNDSTEIN'S GOOD MORAL CHARACTER AND FITNESS.

SUBSEQUENT TO THESE EVENTS, THE COURT HAS ALSO NOW BEEN MADE AWARE THAT THE SUPREME COURT OF VERMONT AFFIRMED THE VERMONT CHARACTER AND FITNESS COMMITTEE'S DETERMINATION ON 02/06/2018 IN THUS DENYING MR. GRUNDSTEIN'S ATTEMPT TO BE LICENSED IN THE STATE OF VERMONT. IN RE GRUNDSTEIN, 2018 VT 10, 283 A.3D 574 (2018).

THE COURT FINDS THAT THE OCCURRENCE OF MR. GRUNDSTEIN'S SIGNIFICANT OMISSIONS AT THE 06/12/2017 HEARING REGARDING HIS BAR APPLICATION TO BE DIRECTLY IN CONTRADICTION WITH THE COURT'S REASONING UNDERLYING ITS DECISION TO TERMINATE MR. GRUNDSTEIN'S VEXATIOUS LITIGATOR STATUS. HAD THE COURT BEEN MADE AWARE OF THE GLARING AND DISCONCERTING DEFICIENCIES WITH MR. GRUNDSTEIN'S ATTEMPT TO BECOME LICENSED IN VERMONT AT THE TIME OF THE 06/12/2017 HEARING, THE COURT WOULD HAVE CERTAINLY NOT FOUND GOOD CAUSE AND NOT FOUND IT TO BE IN THE INTEREST OF JUSTICE TO REMOVE MR. GRUNDSTEIN'S VEXATIOUS LITIGATOR STATUS. FOR THIS REASON, THE COURT HEREBY SUA SPONTE VACATES ITS OWN RULING IN ITS INHERENT DISCRETION AS THE COURT FINDS THAT MR. GRUNDSTEIN'S DISHONEST CONDUCT IN FAILING TO DISCLOSE OPERATIVE FACTS UNDERLIES THE VERY CORE

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OF CONDUCT THAT IS DEEMED VEXATIOUS IN THAT IT WAS NOT WARRANTED AND NOT SUPPORTED BY GOOD FAITH.

IN SO VACATING THE 06/12/2017 ORDER, THIS COURT HEREBY RE-INSTATES MR. GRUNDSTEIN AS A VEXATIOUS LITIGATOR UNDER R.C. 2323.52 AS ORDERED ON 10/12/2005 BY JUDGE LILLIAN J. GREENE IN CASE NUMBER CV-03-513849 IN THE CUYAHOGA COUNTY COURT OF COMMON PLEAS.

A COPY OF THIS ORDER IS ORDERED TO BE SENT BY THE CLERK TO THE FOLLOWING: (1) PLAINTIFF R. GRUNDSTEIN, 18 GRIGGS ROAD, MORRISVILLE, VT 05661; (2) THE CUYAHOGA COUNTY CLERK OF COURT - CIVIL DIVISION, 1200 ONTARIO STREET, 1ST FLOOR, CLEVELAND, OH 44113; (3) THE OFFICE OF THE CLERK - SUPREME COURT OF OHIO, 65 SOUTH FRONT STREET, 8TH FLOOR, COLUMBUS, OH 43215-3431; (4) ASSISTANT PROSECUTING ATTORNEY CHARLES E. HANNAN, COUNSEL FOR NON-PARTY CLERK OF COURT, CUYAHOGA COUNTY COURT OF COMMON PLEAS.

Judge Signature

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