

2018 May-2 PM 2:39

In the Court of Common Pleas
Erie County Ohio

LUVADA S WILSON
CLERK OF COURTS

2018 CV 0090

Tygh M Tone

Kevin Baxter/Plaintiff

Judge Robert C Pollex

vs

Case No. 2018 CV 0090

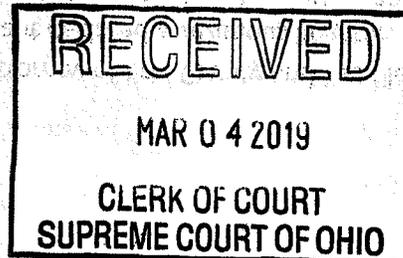
Gregory R Haddox/Defendant

Judgment Entry

This matter came on for consideration of the plaintiff's motion for summary judgment. The Court finds that this judgment should be granted after having reviewed both the parties' memorandum in favor and in opposition.

Findings of Fact:

1. The Plaintiff is the Prosecuting Attorney of Erie County and has filed a complaint in this Court seeking to have the defendant declared a vexatious litigator.
2. This Court has jurisdiction under Ohio revised code section 2323.522 consider this motion.
3. The defendant has filed numerous motions and complaints in this court and others.
4. These motions and actions have been found to be not well taken and denied.
5. It appears from these filings of the defendant that he will not accept any ruling unless the court modifies his jail time credit.
6. He is under the mistaken impression that his 300+ days served in the underlying case is required to be applied to each and every count on which he was sentenced. This is erroneous.
7. The court found that some of the counts for which he was sentenced would be served concurrently and others consecutively. The court then properly total the service time required of the defendant and gave credit for the 300+ days he served. He feels this is an error.
8. He has attempted numerous times to enforce his mistaken position.
9. In retaliation to the prosecution he has filed other complaints alleging inappropriate action by the prosecutor, all without merit.
10. There have been numerous appeals and his due process rights have been granted, but not the remedy that he seeks.

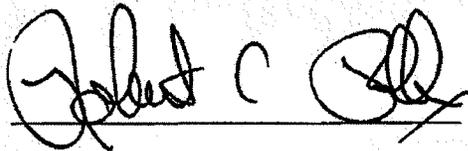


11. It is apparent that he will continue to file these pleadings until he receives the answer he seeks. This is not permitted under the law, and the courts and the prosecution should not be subjected to this retaliatory behavior.
12. Accordingly, the Court finds that the defendant is a vexatious litigant as defined in the statute and under the statute he should be ordered to refrain from said filings.
13. Henceforth the defendant needs to file any future pleadings with this court seeking permission to file under the statute.

Conclusions of Law

The Ohio Revised Code provides that a Prosecuting Attorney may file a case as was done here to have a vexatious litigant's vexatious conduct prohibited. The court in this case finds that the defendant is a vexatious litigant who has habitually and persistently filed frivolous motions and actions which have all been denied by various courts. The court has found the defendant to be a vexatious litigator and that the provisions of section 2323.52 apply requiring the defendant to curb such vexatious behavior. In the plaintiff's motion for summary judgment there have been factual allegations supporting the complaint, although the estimate of 60 motions may be exaggerated, nonetheless it is clear that there have been far too many pleadings filed in numerous appeals and motions by the defendant. One such appeal even was denied by the Ohio Supreme Court. If the defendant were to continue to engage in further vexatious conduct, as it appears he will, there is no action left to address this issue other than to grant the motion for summary judgment.

It is therefore ordered adjudicated and adjudged that the plaintiff's motion for summary judgment should be granted and that the defendant be declared to be a vexatious litigant. The defendant is hereby ordered to cease and desist from the filing of any litigation or motions without first obtaining from this court's authority to do so. The court is hereby issuing an injunction prohibiting the defendant from instituting, continuing, making any motion or application or initiating any litigation in any Ohio courts without first obtaining leave from this court. The court retains jurisdiction to provide further relief to which the plaintiff is entitled in the interest of justice



Judge Robert C Pollex

Sitting by assignment

Journalized 05/02/2018

I HEREBY CERTIFY THIS TO BE
A TRUE COPY OF THE ORIGINAL
FILED IN THIS OFFICE.

LUVADA SWILSON, CLERK OF COURTS
Erie County, Ohio

By: 