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**IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO**

CHRISTOPHER MICHAEL LITWINOWICZ
Plaintiff

Case No: CV-17-888903

Judge: STEVEN E GALL

CUYAHOGA COUNTY BOARD OF ELECTION'S
Defendant

JOURNAL ENTRY

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PENDING BEFORE THE COURT IS DEFENDANT'S MOTION FOR SUMMARY JUDGMENT ON THEIR COUNTERCLAIM. DEFENDANT SEEKS A DECLARATION THAT PLAINTIFF, CHRISTOPHER MICHAEL LITWINOWICZ ("LITWINOWICZ"), IS A VEXATIOUS LITIGATOR WITHIN THE MEANING OF OHIO REV. CODE § 2323.52. WHILE LITWINOWICZ HAS NOT OPPOSED THE MOTION, THE COURT HAS CAREFULLY CONSIDERED ITS MERITS.

A VEXATIOUS LITIGATOR IS "ANY PERSON WHO HAS HABITUALLY, PERSISTENTLY, AND WITHOUT REASONABLE GROUNDS ENGAGED IN VEXATIOUS CONDUCT" IN A CIVIL ACTION OR ACTIONS, WHETHER IN THE COURT OF CLAIMS OR IN A COURT OF APPEALS, COURT OF COMMON PLEAS, MUNICIPAL COURT, OR COUNTY COURT, WHETHER THE PERSON OR ANOTHER PERSON INSTITUTED THE CIVIL ACTION OR ACTIONS, AND WHETHER THE VEXATIOUS CONDUCT WAS AGAINST THE SAME PARTY OR AGAINST DIFFERENT PARTIES IN THE CIVIL ACTION OR ACTIONS. OHIO REV. CODE § 2323.52(A)(3). THE STATUTE DEFINES VEXATIOUS CONDUCT AS FOLLOWS:

"(2) "VEXATIOUS CONDUCT" MEANS CONDUCT OF A PARTY IN A CIVIL ACTION THAT SATISFIES ANY OF THE FOLLOWING:

(A) THE CONDUCT OBVIOUSLY SERVES MERELY TO HARASS OR MALICIOUSLY INJURE ANOTHER PARTY TO THE CIVIL ACTION.

(B) THE CONDUCT IS NOT WARRANTED UNDER EXISTING LAW AND CANNOT BE SUPPORTED BY A GOOD FAITH ARGUMENT FOR AN EXTENSION, MODIFICATION, OR REVERSAL OF EXISTING LAW.

(C) THE CONDUCT IS IMPOSED SOLELY FOR DELAY."

OHIO REV. CODE § 2323.52(A)(2).

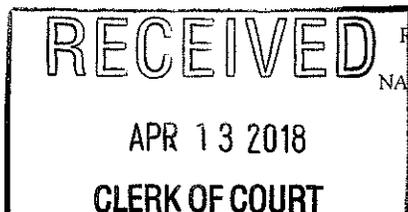
DEFENDANT'S MOTION REFERENCES SEVERAL CASES INSTITUTED BY LITWINOWICZ THAT THEY CLAIM EVIDENCE VEXATIOUS CONDUCT. THE FIRST CASE REFERENCED WAS FILED BY LITWINOWICZ IN COMMON PLEAS COURT CAPTIONED CHRISTOPHER MICHAEL LITWINOWICZ V. CUYAHOGA COUNTY BOARD OF ELECTIONS, CASE NO. CV-15-853649 AND WAS DISMISSED BY THE TRIAL COURT. FOLLOWING THE DISMISSAL, LITWINOWICZ APPEALED IN CA-16-104237. THE EIGHTH DISTRICT COURT OF APPEALS SUBSEQUENTLY DISMISSED THE APPEAL. THE SECOND COURT OF COMMON PLEAS CASE REFERENCED AND FILED BY LITWINOWICZ WAS CAPTIONED CHRISTOPHER MICHAEL LITWINOWICZ V. CUYAHOGA COUNTY BOARD OF ELECTIONS, CASE NO. CV-15-855066 AND WAS DISMISSED BY THE TRIAL COURT. FOLLOWING THE DISMISSAL, LITWINOWICZ APPEALED IN CASE NO CA-16-10439. THE EIGHTH DISTRICT COURT OF APPEALS SUBSEQUENTLY DISMISSED THE APPEAL.

ADDITIONALLY, LITWINOWICZ FILED THREE ACTIONS IN EUCLID MUNICIPAL COURT AGAINST JANE PLATTEN (THE THEN-DIRECTOR OF THE CUYAHOGA COUNTY BOARD OF ELECTIONS) IN CHRISTOPHER LITWINOWICZ V. JANE PLATON, CV-08-00292, CHRISTOPHER LITWINOWICZ V. JANE PLATON, CV-08-00629, AND CHRISTOPHER LITWINOWICZ V. JANE PLATON CV-08-00924. IN ALL THREE CASES, THE COURT GRANTED DEFENDANT/COUNTERCLAIMANT'S MOTION TO DISMISS.

THE EVIDENCE THEREFORE ESTABLISHES AND THE COURT FINDS THAT IN ADDITION TO THE PRESENT ACTION, LITWINOWICZ HAS INSTITUTED SEVEN MERITLESS LEGAL PROCEEDINGS ESSENTIALLY AGAINST THE SAME PARTY THAT SERVE MERELY TO HARASS OR MALICIOUSLY INJURE ANOTHER PARTY IN A CIVIL ACTION AND ARE NOT WARRANTED UNDER EXISTING LAW AND CANNOT BE SUPPORTED BY A GOOD FAITH ARGUMENT FOR

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AN EXTENSION, MODIFICATION, OR REVERSAL OF EXISTING LAW.

FOR ALL OF THE FOREGOING REASONS IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED THAT:

1) DEFENDANT CUYAHOGA COUNTY BOARD OF ELECTION'S UNOPPOSED MOTION FOR SUMMARY JUDGMENT IS GRANTED. THE COURT, HAVING CONSIDERED ALL THE EVIDENCE AND HAVING CONSTRUED THE EVIDENCE MOST STRONGLY IN FAVOR OF THE NON-MOVING PARTY, DETERMINES THAT REASONABLE MINDS CAN COME TO BUT ONE CONCLUSION, THAT THERE ARE NO GENUINE ISSUES OF MATERIAL FACT, AND THAT DEFENDANT IS ENTITLED TO JUDGMENT AS A MATTER OF LAW;

2) THE COURT, PURSUANT TO OHIO REV. CODE § 2323.52, DECLARES CHRISTOPHER MICHAEL LITWINOWICZ TO BE A VEXATIOUS LITIGATOR AND CONSISTENT WITH THAT DESIGNATION, THE COURT ORDERS THAT LITWINOWICZ IS INDEFINITELY PROHIBITED FROM DOING ANY OF THE FOLLOWING WITHOUT FIRST OBTAINING LEAVE OF THIS 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 HE HAS INSTITUTED IN THE COURT OF CLAIMS OR IN A COURT OF COMMON PLEAS, MUNICIPAL COURT, OR COUNTY COURT PRIOR TO THE ENTRY OF THIS ORDER;

(C) MAKING ANY APPLICATION, OTHER THAN AN APPLICATION FOR LEAVE TO PROCEED UNDER OHIO REV. CODE § 2323.52(F)(1), IN ANY LEGAL PROCEEDINGS INSTITUTED BY HIM OR ANOTHER PERSON IN THE COURT OF CLAIMS OR IN A COURT OF COMMON PLEAS, MUNICIPAL COURT, OR COUNTY COURT.

THE CLERK OF COURTS, CUYAHOGA COUNTY, OHIO, IS HEREBY ORDERED TO SEND A CERTIFIED COPY OF THIS JOURNAL ENTRY TO THE OHIO SUPREME COURT FOR PUBLICATION PURSUANT TO OHIO REV. CODE § 2323.52(H). PLAINTIFF LITWINOWICZ IS TO PAY ALL COSTS ASSOCIATED WITH THIS CASE.

AS THIS COURT'S PREVIOUS ORDER DISMISSING LITWINOWICZ'S COMPLAINT DISPOSED OF ALL OTHER CLAIMS IN THE INSTANT MATTER, THIS ORDER CONSTITUTES A FINAL JUDGMENT IN THIS ACTION.

PURSUANT TO CIV. R. 54(B), THE COURT FINDS THERE IS NO JUST REASON FOR DELAY.

IT IS SO ORDERED.

COURT COST ASSESSED TO THE PLAINTIFF(S).

PURSUANT TO CIV.R. 58(B), THE CLERK OF COURTS IS DIRECTED TO SERVE THIS JUDGMENT IN A MANNER PRESCRIBED BY CIV.R. 5(B). THE CLERK MUST INDICATE ON THE DOCKET THE NAMES AND ADDRESSES OF ALL PARTIES, THE METHOD OF SERVICE, AND THE COSTS ASSOCIATED WITH THIS SERVICE.

Judge Signature

04/09/2018

THE STATE OF OHIO } I, THE CLERK OF THE COURT
 Cuyahoga County } SS. OF COMMON PLEAS WITHIN
 AND FOR SAID COUNTY,
 HEREBY CERTIFY THAT THE ABOVE AND FOREGOING IS TRULY
 TAKEN AND CORIED FROM THE ORIGINAL _____
 NOW ON FILE IN MY OFFICE.
 WITNESS MY HAND AND SEAL OF SAID COURT THIS 10th
 DAY OF April A.D. 20 18
 CUYAHOGA COUNTY CLERK OF COURTS
 By Ch. Walker Deputy

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