

IN THE COURT OF COMMON PLEAS
- GENERAL DIVISION -
TRUMBULL COUNTY, OHIO

CASE NUMBER: 2011 CV 1936

MEL MARIN,

PLAINTIFF.

vs.

JUDGE PETER J KONTOS

TRUMBULL COUNTY, et al.,

DEFENDANT.

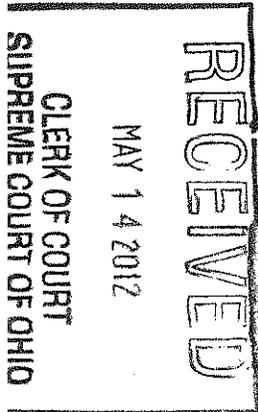
JUDGMENT ENTRY

This cause is before the Court on the Motion for Summary Judgment filed by the Cleveland Clinic Foundation, Saurabh Kandpal, M.D., Ronan Factora, M.D. and Dan Dicello. Also before the Court is a Motion for Summary Judgment on the Counterclaim of the Cleveland Clinic Foundation to declare the Plaintiff a vexatious litigator. The Court reviewed the motions, affidavits, memoranda, pleadings, depositions, exhibits, replies, and the applicable law.

The Court finds there are no genuine issues as to any material facts and after construing the evidence most strongly in favor of the Plaintiff, Mel Marin, reasonable minds could come to but one conclusion and that conclusion is adverse to the Plaintiff, Mel Marin, as to all claims pending in this Court.

Specifically, the Court agrees with the Defendants that the Plaintiff does not have legal standing to pursue claims on behalf of his mother's estate, even though he has repeatedly tried on several occasions. The Court also agrees with the Defendants that most of Plaintiff's claims would be time barred even if he were authorized under Ohio law to bring them. Having further reviewed the Complaint and the numerous other filings of the Plaintiff, it is also clear to this Court that Mr. Marin's conduct is "vexatious," as contemplated under Ohio law.

"Vexatious conduct" is the conduct of a party in a civil action that "obviously serves merely to harass or maliciously injure another party to the civil action," "is not warranted under



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Deputy
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existing law and cannot be supported by a good faith argument for an extension, modification, or reversal of existing law,” or “is imposed solely for delay.” R.C. §2323.52 (A)(2)(a) through (c). 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.” R.C. §2323.52 (A)(3). Mr. Marin, already declared a vexatious litigator in California, also meets the standard in Ohio.

NOW THEREFORE, pursuant to R.C. §2323.52, the Court hereby declares the Plaintiff, Mel Marin, aka Mel Marinkovic aka Melvin Marinkovic, a vexatious litigator, and hereby enters an Order as follows:

Plaintiff Mel Marin, aka Mel Marinkovic aka Melvin Marinkovic is hereby prohibited from the following unless having first obtained proper leave of this Court and upon proper service of any and all affected parties:

1. Instituting legal proceedings in the court of claims or in a court of common pleas, municipal court, or county court.
2. Making any application, other than an application for leave to proceed under division (F)(1) of R.C. §2323.52, in any legal proceedings instituted by the vexatious litigator or another person in any of the courts specified in division (D)(1)(a) of R.C. §2323.52.

It is further ORDERED that the Defendants, Cleveland Clinic Foundation, Saurabh Kandpal, M.D., Ronan Factora, M.D. and Dan Dicello are herein granted summary judgment on their claims, and that the claims of Plaintiff Mel Marin against them are hereby DISMISSED, with prejudice, and with costs to the Plaintiff, Mel Marin.

Furthermore, having considered the aforementioned, and having reviewed the Plaintiff's Motion to Amend his Complaint, the Court further finds that the Amended Complaint is a boilerplate for vexatious litigation and the granting of said Motion would not be in the interest of justice. The Plaintiff's Motion to Amend his Complaint is hereby DENIED. This is a final and appealable order and there is no just cause for delay.

SO ORDERED.

P. J. Kontos

JUDGE PETER J KONTOS

Date: 2/21/12

**TO THE CLERK OF COURTS:
YOU ARE ORDERED TO SERVE COPIES OF THIS JUDGMENT
ON ALL COUNSEL OF RECORD OR UPON THE PARTIES
WHO ARE UNREPRESENTED FORTHWITH
BY ORDINARY MAIL.**

P. J. Kontos

JUDGE PETER J KONTOS

FILED
COURT OF COMMON PLEAS
SEP 21 2012
FRANKLIN COUNTY, OH
KAREN ANTE ALLEN, CLERK

2-27-12
Copies to: ✓
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