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

**FILED**

PHYLLIS FAEHRICH, ET AL  
Plaintiff

WINDOW 7  
CLERK OF COURTS  
CUYAHOGA COUNTY

Case No: CV-16-859817

2017 *MAY 1* P 9 32

Judge: MAUREEN CLANCY

CLERK OF COURTS  
CUYAHOGA COUNTY

ANTHONY PETRONZIO, ET AL  
Defendant

**JOURNAL ENTRY**

96 DISP.OTHER - FINAL

ORDER AND OPINION.

OSJ.

COURT COST ASSESSED TO THE DEFENDANT(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.

*OSJ*

Judge Signature

Date

THE STATE OF OHIO Cuyahoga County	} SS.	I, THE CLERK OF THE COURT OF COMMON PLEAS WITHIN AND FOR SAID COUNTY,
HEREBY CERTIFY THAT THE ABOVE AND FOREGOING IS TRULY TAKEN AND COPIED FROM THE ORIGINAL <i>filed 04/28/2017</i>		
NOT ON FILE IN MY OFFICE.		
WITNESS MY HAND AND SEAL OF SAID COURT THIS <i>1</i> DAY OF <i>May</i> , A.D. 20 <i>17</i>		
CUYAHOGA COUNTY CLERK OF COURTS		
By <i>D. Williams</i> , Deputy		

STATE OF OHIO )  
 ) SS:  
CUYAHOGA COUNTY )

IN THE COURT OF COMMON PLEAS  
CASE NO. CV-16-859817

PHYLLIS FAEHNRICH, ET AL., )  
 )  
Plaintiffs, )  
 )  
v. )  
 )  
ANTHONY PETRONZIO, )  
 )  
Defendant. )

**ORDER AND OPINION**

**Maureen E. Clancy, J:**

This matter is before the Court on the parties' Cross Motions for Summary Judgment. The Motions have been fully briefed and are now before the Court for determination.<sup>1</sup> Consistent with the following order and opinion, the Court hereby GRANTS the Plaintiff's Motion for Summary Judgment as to the Defendant's Counterclaims and as to the Plaintiffs' claims pursuant to R.C. 2323.52, and DENIES the Defendant's Motion for Summary Judgment. The Court also DECLARES the Defendant, Anthony Petronzio, to be a vexatious litigator pursuant to R.C. 2323.52.

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<sup>1</sup> On February 23, 2017 and on March 28, 2017, the Plaintiffs filed "supplements" to their Motion for Summary Judgment. Such filings are contrary to rule and no leave was requested or obtained. Accordingly, those filings will be STRICKEN and not considered by the Court.

I. **Factual Background**

The general factual background of this case is largely established by the affidavits and other evidence provided by the Plaintiffs inasmuch as the Defendant made no evidentiary filing in support of his Motion for Summary Judgment or in opposition to the Plaintiffs' Motion for Summary Judgment. In 1963 Plaintiff Phyllis Faehnrich and her husband Anthony B. Petronzio (fka Perfetto Petronzio) formally adopted Plaintiff Cynthia Smith in Huron County, Ohio. Shortly thereafter in 1964, Phyllis and Anthony formally adopted the Defendant, Anthony J. Petronzio, in Huron County, Ohio. Neither Cynthia nor the Defendant knew they were adopted until well into adulthood, on or about 2008. The Plaintiffs allege that while the Defendant had struggled with discipline throughout his life, his behavior became exceedingly erratic once he learned that he was adopted. The Defendant allegedly began sending threatening emails to the Plaintiffs regarding perceived wrongs and persecutions throughout his life that he believes were somehow a result of his adoption. Ultimately, the Defendant filed civil lawsuits against the Plaintiffs in the Cuyahoga County Court of Common Pleas in 2015 (Case No. CV-15-852193); in the United States District Court, Northern District of Ohio in 2014; in the Lawrence County Court of Common Pleas in Pennsylvania in 2011; and finally a second action in the United States District Court, Northern District of Ohio during the pendency of this matter. The subject matter of these cases ranges from alleged child abuse to his "illegal adoption" by Phyllis Faehnrich and Anthony B. Petronzio.

In his Counterclaim, the Defendant asserts claims of malicious prosecution, intentional infliction of emotional distress, child abuse, bribery and theft, identity theft, conspiracy to commit fraud, and illegal adoption.

The Plaintiffs assert that the Defendant's actions in pursuing litigation against them in multiple jurisdictions, coupled with his actions while litigating the case at bar establish that the Defendant is a vexatious litigator. The Plaintiffs further assert that all of the Defendant's Counterclaims are baseless and without merit.

## **II. Legal Standard**

Civ.R. 56(C) provides, in part:

"Summary judgment shall be rendered forthwith if the pleadings, depositions, answers to interrogatories, written admissions, affidavits, transcripts of evidence, and written stipulations of fact, if any, timely filed in the action, show that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law. No evidence or stipulation may be considered except as stated in this rule. A summary judgment shall not be rendered unless it appears from the evidence or stipulation, and only from the evidence or stipulation, that reasonable minds can come to but one conclusion and that conclusion is adverse to the party against whom the motion for summary judgment is made, that party being entitled to have the evidence or stipulation construed most strongly in the party's favor." See also *Gilbert v. Summit Cty.*, 104 Ohio St.3d 660, 2004-Ohio-7108, citing *Temple v. Wean United, Inc.*, 50 Ohio St.2d 317 (1977).

The moving party "bears the initial burden of informing the trial court of the basis for the motion, and identifying those portions of the record that demonstrate the

absence of a genuine issue of material fact on the essential elements of the non-moving party's claims." *Dresher v. Burt*, 75 Ohio St.3d 280, 293 (1996). Once the moving party meets its initial burden, the nonmoving party must produce evidence on any issue that the party bears the burden of production at trial. *Wing v. Anchor Media, Ltd. of Texas*, 59 Ohio St.3d 108,111 (1991).

### **III. Analysis**

#### **Counterclaims:**

In his August 10, 2016 filing, the Defendant asserts seven claims for relief as Counterclaims to the Plaintiffs' Complaint: 1) malicious prosecution; 2) intentional infliction of emotional distress; 3) child abuse; 4) bribery and theft; 5) identity theft; 6) conspiracy to commit fraud; and 7) illegal adoption. The basis for these claims by the Defendant is difficult to glean from his filings, but the Court will address each claim in turn.

#### **1) Malicious Prosecution**

It is unclear from the Defendant's motion what the basis for his claim for malicious prosecution is. The Plaintiffs point to two cases from the Berea Municipal Court from August of 2013 wherein Cynthia Smith filed a police report due to allegedly threatening emails she received from the Defendant as a possible basis for the Defendant's malicious prosecution claim. The Defendant failed to identify any criminal proceedings upon which this claim is based.

The elements of a malicious prosecution claim in Ohio are: 1) malice in instituting or continuing the prosecution; 2) lack of probable cause; and 3) termination of the prosecution in favor of the accused. *Trussel v. General Motors Corp.*, 53 Ohio St.3d

142, 146 (1990). In this case, the Defendant has provided the Court with no evidence in support of any elements of a claim of malicious prosecution, and has failed to even allege facts that would support such a claim. Accordingly, the Court finds that the Plaintiffs are entitled to judgment as a matter of law on the Defendant's malicious prosecution claim.

2) Intentional Infliction of Emotional Distress

A claim for intentional infliction of emotional distress requires proof of the following elements: 1) that the actor either intended to cause emotional distress or knew or should have known that actions taken would result in serious emotional distress to the plaintiff; 2) that the actor's conduct was so extreme and outrageous as to go beyond all possible bounds of decency and was such that it can be considered as utterly intolerable in a civilized community; 3) that the actor's actions were the proximate cause of the plaintiff's psychic injury; and 4) that the mental anguish suffered by the plaintiff is serious and of a nature that no reasonable man could be expected to endure it. Serious emotional distress requires an emotional injury which is both severe and debilitating. *Burkes v. Stidham*, 107 Ohio App.3d 363 (8<sup>th</sup> Dist. 1995).

The Defendant has failed to allege any facts to establish any of the elements of a claim of intentional infliction of emotional distress. Moreover, the statute of limitations for bringing claims of intentional infliction of emotional distress is four years from when the action accrues. R.C. 2305.09(D). See also *Lisboa v. Tramer*, 8<sup>th</sup> Dist. Cuyahoga, 2012-Ohio-1549. To the extent that the Defendant has asserted that discovering that he was adopted caused mental anguish and distress, any such claims for relief were required to be filed within four years of such a discovery. It is undisputed that the

Defendant learned of his adoption no later than 2008. Accordingly, any claims based upon such a discovery were required to be filed in 2012. This claim was asserted by the Defendant in 2016. Therefore, the Defendant's claim for intentional infliction of emotional distress is time-barred.

### 3) Child Abuse

The Defendant has provided no specific allegations of child abuse, has not presented the Court with any documented reports of child abuse or any affidavit testimony as to the nature of the alleged abuse, and offered no evidence of criminal proceedings related to alleged child abuse. R.C. 2903.15 sets forth the crime of "Permitting Child Abuse," R.C. 2919.25 establishes the crime of "Domestic Violence," and R.C. 2919.22 defines the crime of "Endangering Children." R.C. 2307.60 permits an individual "injured in person or property by a criminal act" to file a civil claim for relief for damages. To the extent that the Defendant has alleged a claim pursuant to these enumerated statutes, the statute of limitations for claims for relief brought pursuant to R.C. 2307.60 is one year. *Steinbrick v. Cleveland Elec. Illuminating Co.*, 8<sup>th</sup> Dist. Cuyahoga No. 66035, 1994 Ohio App. LEXIS 3756, \*5 (August 25, 1994). R.C. 2901.13(A)(1)(a) provides that the statute of limitations for criminal prosecution for a non-murder felony is six years; however the statute is tolled until such time as a child reaches the age of majority, i.e. eighteen years old. *State v. McGraw*, 8<sup>th</sup> Dist. Cuyahoga No. 65202, 1994 Ohio App. LEXIS 2599, \*8 (June 16, 1994). The Defendant is currently 52 years old; any claim he has as a result of felony child abuse or neglect that he arguably asserts in this case is clearly barred by the applicable statute of limitations.

#### 4) Bribery and Theft

The Defendant does not clearly articulate the basis for this claim and the Court is unsure as to the nature of the "theft" or what act of "bribery" allegedly occurred. To the extent that the Defendant is referring to his "adoption file" and the Plaintiffs' alleged attempt to keep it from him, Cynthia testified in her affidavit that all documents that she and her husband possessed regarding the adoption were provided to a friend of the Defendant in 2011. Additionally, other than vague requests to this Court which were denied, the Defendant apparently never made any further attempts himself to obtain the adoption record. Accordingly, the Court finds that the Defendant has failed to present any credible evidence of allegations of theft or bribery.

#### 5) Identity Theft

R.C. 2307.611 permits recovery in a civil action for victims of the crime of "identity fraud" as defined in R.C. 2913.49. The Defendant has asserted that his adoptive mother, Phyllis, somehow stole his identity. The Defendant never filed a criminal complaint regarding the alleged theft and has failed to articulate in this proceeding the nature of his claim of identity theft. In his deposition, the Defendant alluded to a bank account that Phyllis allegedly opened in his name, but has produced no evidence of such an account. Moreover, he admits that the account was closed in 1986. In short, the Defendant has failed to provide the Court with evidence to support his claim of identity theft.

#### 6) Conspiracy to Commit Fraud

The elements of a civil conspiracy claim are: 1) a malicious combination, 2) involving two or more persons; 3) causing injury to person or property; and 4) the

existence of an unlawful act independent from the conspiracy. *Pappas v. Ippolito*, 177 Ohio App.3d 625, 2008-Ohio-3976, ¶61.

The Defendant alleges that the Plaintiffs conspired to keep his adoption records from him. As stated above, the undisputed affidavit testimony from Cynthia establishes that a friend of the Defendant was given all documents relating to his adoption that the Plaintiffs possessed. Presumably those documents were then passed on to the Defendant. The Defendant fails to identify any other alleged "unlawful" act independent of the conspiracy and therefore fails to satisfy that element of a civil conspiracy claim. Accordingly, the Plaintiffs are entitled to judgment as a matter of law on that claim.

#### 7) Illegal Adoption

R.C. 3107.011(B) provides that a "person seeking to adopt a minor who knowingly makes a false statement that is included in an application submitted to an agency or attorney to obtain services of that agency or attorney in arranging an adoption is guilty of the offense of falsification under section 2921.13 of the Revised Code." However, neither R.C. 3107.011 nor 2921.13 create a private right for relief separate from the criminal offense. *Allen v. Pirozzoli*, 8<sup>th</sup> Dist. Cuyahoga No. 103632, 2016-Ohio-2645, ¶18. Cynthia testified in her affidavit that she is not aware of any criminal proceedings involving the adoption and the Defendant has provided no evidence to establish otherwise. Accordingly, the Defendant's claim for illegal adoption is without merit and cannot be maintained.

Based upon the foregoing, the Court finds that the Defendant has failed to provide evidence to support any of his Counterclaims. The Plaintiffs have sufficiently rebutted the Defendant's allegations and established that no questions of fact remain as

to any of the Counterclaims. Accordingly, the Plaintiffs are entitled to judgment as a matter of law on the Defendant's Counterclaims.

Vexatious Litigator

R.C. 2323.52(A)(3) provides:

"Vexatious litigator" means 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.

"Vexatious conduct" pursuant to R.C. 2323.52(A)(2) includes conduct of a party in a civil action that "serves merely to harass or maliciously injure another party to the civil action;" "is not warranted under existing law and cannot be supported by a good faith argument;" or "is imposed solely for delay."

The Plaintiffs assert that the Defendant's numerous filings in the Federal Court system, in Ohio courts, and in Pennsylvania Courts, as well as his conduct in the instant case establish his status as a vexatious litigator under the statute.

"The purpose of the vexatious litigator statute is clear. It seeks to prevent abuse of the system by those persons who persistently and habitually file lawsuits without reasonable grounds and/or otherwise engage in frivolous conduct in the trial courts of this state. Such conduct clogs the court dockets, results in increased costs, and oftentimes is a waste of judicial resources -- resources that are supported by the taxpayers of this state. The unreasonable burden placed upon courts by such baseless litigation prevents the speedy consideration of proper litigation." *Mayer v. Bristow*, 91

Ohio St.3d 3, 23, quoting *Central State Transit Auth. v. Timson*, 132 Ohio App.3d 41 (10<sup>th</sup> Dist. 1998).

"It is the nature of the conduct, not the number of actions, that determines whether a person is a 'vexatious litigator.'" *Borger v. McErlane*, 1<sup>st</sup> Dist. Hamilton No. C-010262, 2001 Ohio App. LEXIS 5544, at \*11. "whether undertaken in an array of cases or in a single action, the consistent repetition of arguments and legal theories that have been rejected by the court numerous times can constitute vexatious litigation." *Prime Equip. Grp., Inc. v. Schmidt*, 10<sup>th</sup> Dist. Franklin No. 15AP-584, 2016-Ohio-3472.

The conduct to which the statute refers does not apply to proceedings in Federal Court, administrative proceedings, and proceedings in other states. *Carr v. Riddle*, 136 Ohio App.3d 700 (8<sup>th</sup> Dist. 2000); *Mayer*, supra. Therefore, the Court must restrict its review to the Defendant's conduct in this action and in Case No. CV-15-852193. However, as the language of the statute clearly states, the finding that a person is a vexatious litigator can be based upon his behavior in a single action. *Farley v. Farley*, 10<sup>th</sup> Dist. Franklin No. 02AP-1046, 2003-Ohio-3185, ¶48.

The Defendant filed Case No. CV-15-852193 on October 6, 2015, and asserted many of the same claims that he now asserts as Counterclaims in this case. On February 25, 2016, he voluntarily dismissed that action.

The Plaintiffs then filed this case on March 3, 2016.<sup>2</sup> Throughout the litigation of this matter, the Defendant has continuously demonstrated vexatious behavior with intent to maliciously injure and harass the Plaintiffs and their Counsel. The Defendant's

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<sup>2</sup> The Plaintiffs initially attempted to assert their vexatious litigator claim as a counterclaim in Case No. CV-15-852193; however, the Defendant voluntarily dismissed that case before the Plaintiffs were granted leave to assert their claim.

animosity toward the Plaintiffs and their Counsel is evident from his filings and from his actions during pretrials, both on and off the record. The Defendant has filed six separate motions to dismiss, all of which were without merit. Additionally, the pleadings and filings that the Defendant<sup>3</sup> has made on the docket in this case and his appearances on the record for pretrial hearings are replete with threats of future vexatious conduct, harassment, legal filings, and accusations against the Plaintiffs, Counsel for the Plaintiffs, and the Court; including:

- In his January 20, 2017 brief, the Defendant accuses counsel for Plaintiffs of fraud of violating his civil rights, and threatens to file in Federal Court;
- In his January 30, 2017 "motion for change of venue and judge to willing recuse herself from the case," the Defendant accuses the Court and the Plaintiffs of conspiring to "continue on with this 3 ring circus of events," and accuses the Court of not being fair and impartial. He further states that he intends to "file with the supreme court with all proof;"
- Also on January 30, 2017, the Defendant filed a "notice to the 8<sup>th</sup> district court of appeals ohio supreme court PA federal supreme court," wherein he again accuses the Court of conspiring with the Plaintiffs' attorney and attempting to "railroad and frame the defendant from the beginning;"
- On January 31, 2017, the Defendant filed a motion to stay proceedings wherein he makes reference to an alleged criminal investigation by the

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<sup>3</sup> The Court has quoted directly from the Defendant's filings, including improper spelling and grammar.

Cuyahoga County Prosecutor and "PA federal civil investigation," but provided the Court with no evidence that such an investigation exists;

- On February 8, 2017, the Defendant filed a "notice to the courts" accusing counsel for Plaintiffs of unethical behavior for asking for leave to file a Motion for Summary Judgment;
- On February 15, 2017, the Defendant filed a "notice to the 8<sup>th</sup> district court of appeals ohio supreme court and pa federal court" of alleged "vixacious methods" by the Court and counsel for the Plaintiff's against him, including alleged unsubstantiated ex parte communications;
- On February 23, 2017, the Defendant filed a "notice to the courts" that this Court was acting in "conspiracy with the lawfirm to railroad the defendant." The Defendant also stated that his claims "will always be filed until justice is served," and that "if justice is not served in this court it will be served in federal court."<sup>4</sup>
- On February 24, 2017, the Defendant filed a "notice" wherein he stated that he was going to "expose this lawfirm and all civil rights violations for past and present violations," further accused counsel for the Plaintiffs and the Court of participating in a conspiracy against him, accused counsel for Plaintiff using unethical methods to "frame" him, threatened to "expose you all" and stating that he will "never stop telling the truth," stating that the

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<sup>4</sup> The Court notes that this filing was made contemporaneous with the filing of a lawsuit in United States District Court, Northern District of Ohio in which the Defendant named the Plaintiffs and counsel for the Plaintiffs and the law firm Buckingham, Doolittle & Burroughs, L.L.P.

Court has not been fair to him and that he will therefore "keep filing in court to expose the truth," and stating that "the suit will continue to be filed over and over and over until the truth comes out using false in names in the applications to adopt children illegally..you committed more civil rights offences wich your firm will have to for ....see you in bith ohio and pa federal court;"

- In his February 26, 2017 filing, addressed to "court of appeals ohio.pa federal court," the Defendant stated that he was "never going to stop telling the truth...till justice is served," threatened to "attack your life with the truth" and "make it my personal gaol in life to disbar you and your firm" with regard to counsel for the Plaintiffs;
- In a document filed March 3, 2017, the Defendant stated that "I will file again an again till the truth is to I will file in evry court," and "ill file again in ohio in conspiracy does not go forward and ill keep filing in federal courts;"
- Finally, in a filing on April 10, 2017, that he styled "Notice of Being Railroaded," and filed after the conclusion of the briefing schedule for the Motions for Summary Judgment, the Defendant stated that he "will not stop till justice is served by an honest and unbiased judge," and that he "will not stop telling the trith about his life and will file again in pa court if ohio in conspiracy does not go forward,,the suirt will continuous be filed till justice is served."

Furthermore, at pretrials held via telephone and on the record in open court, the Defendant frequently interrupted the Court and opposing counsel with loud outbursts

threatening to "never stop" his crusade against the Plaintiffs and their "conspiracies," and repeatedly called the Plaintiffs and their Counsel "liars."

In *Farley v. Farley*, supra, the Court of Appeals of Ohio, Tenth Appellate District addressed conduct similar to that exhibited by the Defendant in this case. In declaring the Defendant-Appellant Robert T. Farley, Jr. a vexatious litigator, the Tenth District characterized Mr. Farley's conduct and pleadings as going beyond mere "aggressive" litigation, including personal attacks on the other party. Mr. Farley's filings, like the Defendant's, were "purely for harassment purposes and serve no support for his often spurious legal arguments" and lack any "evidentiary support for the accusations." *Farley*, at ¶45. The Tenth District went on to say at Paragraphs 49-52 that:

"Mr. Farley's incessant filings and 'newsletters' disparage and attempt to coerce and intimidate the trial court, the court employees, the receiver, his wife's attorneys, and his own former attorneys. These filings and 'newsletters' certainly seek his wife's emotional and financial destruction. Further, his repetitive arguments and unrelenting pleadings on issues already decided have congested the judicial process and hindered the trial court's and receiver's lawful duties. His persistent and tedious grievances inserted into every pleading of every type have amounted to an unnecessarily massive record. His tormenting of every party whom he sees as aiding his wife has risen to the level of compulsiveness.

"We appreciate the sentiments of the Hamilton County Court of Appeals in *Borger v. McErlane*, Hamilton App. No. C-010262, 2001 Ohio 4030, in its analysis of a vexatious litigator:

"In Borger's troubled mind her conduct may be entirely justified and a necessary response to the malevolent forces that she believes are allied against her. There is ample evidence that her persecution complex has completely impaired her judgment, and that in its thrall she truly believes herself to be the object of a nefarious conspiracy. In the real world, however, her conduct is injurious. Significantly, vexatious conduct, as defined in R.C. 2323.52(A)(2)(a), requires proof that Borger's conduct serves merely to harass or maliciously injure another party to the civil action. It is not necessary, therefore, that Borger intends for her conduct to be harassing, or that she not sincerely believe in the justness of her cause. Rather, it is sufficient that her conduct serves the purpose, or has the

effect, of harassing McErlane by obligating her to respond to a legal action for which there is no objective, reasonable grounds.'

"In the present case, it is apparent Mr. Farley believes that the court system, the attorneys, the receiver, and his wife have participated in a conspiratorial effort to destroy him and the businesses he built during his marriage. It is possible that, in Mr. Farley's eyes, under all the hostility and delusions of corruption and malfeasance, he merely longs for a fair and just result; however, to the impartial observer, Mr. Farley has been given his day in court and has received justice. What Mr. Farley actually seeks is to have the outcome be in accord with his personal desires. However, human nature being what it is, it is often quite impossible to see the forest of justice for the trees of self-interest. With any judicial system, the receipt of justice often fails to coincide with the outcome desired by all participants."

The Court finds that the Defendant's actions in this case are strikingly similar to those described above. It may be that the Defendant truly believes that he has suffered some wrong at the hands of the Plaintiffs' that is the root cause of all of the trials and tribulations he has suffered in his life. However, to the Court, which sits as an unbiased arbiter, the Defendant's conduct "serves merely to harass or maliciously injure" the Plaintiffs and their Counsel.

Considering the Defendant's actions in this case, the Court can only come to the conclusion that the Defendant is a vexatious litigator. He has demonstrated a clear intent and purpose to maliciously and repeatedly pursue imagined slights and harms inflicted upon him by the Plaintiffs. Most of the Defendants filings contain outlandish statements and threats not only against the Plaintiffs and their Counsel, but also against the Court. The Defendant's statements, arguments, and theories are malicious, completely bereft of and legal or factual basis and serve only to harass and intimidate the Plaintiffs and their Counsel. The evidence presented by the Plaintiffs and the Defendant's own filings and statements clearly establishes habitual vexatious conduct

with intent to harass and maliciously injure the Plaintiffs and their Counsel, and that the Defendant intends to continue this pattern of vexatious conduct toward the Plaintiffs and their Counsel.

**V. Conclusion**

Based upon the foregoing, the Court finds that the Defendant's Counterclaims are without merit and that the Plaintiffs are entitled to judgment as a matter of law on those claims. The Court further finds that there are no genuine issues of material fact as to whether the Defendant has engaged in vexatious conduct. Accordingly, the Defendant's Motion for Summary Judgment is DENIED, the Plaintiffs' Motion for Summary Judgment is GRANTED as to the Defendant's Counterclaims and as to the Plaintiff's claims pursuant to R.C. 2323.52.

The Court hereby DECLARES that the Defendant is a vexatious litigator. Henceforth, the Defendant, Anthony J. Petronzio, without first obtaining leave, is hereby indefinitely prohibited from doing any of the following activities as described in R.C. 2323.52(D)(1) as follows:

a) Instituting legal proceedings in the court of claims or in a court of common pleas, municipal court, or county court against the Plaintiffs in this case: Phyllis Faenrich; Cynthia Smith; and George Smith, and Counsel for the Plaintiffs John Swansinger and the firm of Buckingham, Doolittle & Burroughs, L.L.P.;

b) Continuing any legal proceedings that the vexatious litigator had instituted against those individuals identified in division (D)(1)(a) in any of the courts specified in division (D)(1)(a) of this section prior to the entry of the order;

c) Making any application, other than an application for leave to proceed under division (F) (1) of this section, in any legal proceedings instituted by the vexatious litigator or another person in any of the courts specified in division (D)(1)(a) of this section.

 4/28/2017  
MAUREEN E. CLANCY, JUDGE