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SUPREME COURT OF OHIO

VOL. 0079-0303

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FILED IN THE COURT OF COMMON PLEAS
LAKE COUNTY, OHIO

2007 OCT 11 A.M.
IN RE: **SANCTIONING**) JUDGE EUGENE A. LUCCI
DERRICK PETWAY FROM)
FURTHER VEXATIOUS)
PRO SE LITIGATION)
) **MISCELLANEOUS**
) **JUDGMENT ENTRY**
) **(NUNC PRO TUNC)**

The within matter came on for consideration to address the fact that Derrick Petway has filed six separate civil anti-stalking petitions, all of which were ultimately denied, in a span of less than two months. On July 9, 2007, Deborah Andrews filed a petition seeking a civil order of protection against Derrick Petway. Prior to the commencement of the full hearing, Derrick Petway filed a counter-petition against Ms. Andrews on July 13, 2007. A full hearing addressing both petitions was conducted on July 18 and 19, 2007, by Magistrate Mathew Spangler. As a result of that hearing, Deborah Andrews was granted a one-year order of protection against Derrick Petway, and Mr. Petway's counter-petition was dismissed on its merits.

In the time since, Derrick Petway has filed five additional civil stalking petitions. On July 25, 2007, Derrick Petway filed a petition against Magistrate Spangler in Lake County, Case No. 07CS002156, and a petition against Deborah Andrews' brother, Joe Vanek, in Lake County, Case No. 07CS002157. The petition against Magistrate Spangler was denied and dismissed on its merits. The petition against Joe Vanek was voluntarily withdrawn and dismissed by Derrick Petway upon the court notifying him that it was going to deny his motion for an *ex parte* order of protection and set the matter for full hearing. The court notes that later that same day, Derrick Petway filed a second petition against Joe Vanek, this time as a Cuyahoga County resident in Cuyahoga County, Case No. CV-07-630842. This second petition has since been dismissed on its merits by that court.

On August 27, 2007, Derrick Petway filed two more civil stalking petitions. The first petition was filed against Deborah Andrews in Lake County, Case No. 07CS002546. The second petition was filed against Matthew (*sic*) Spangler in Lake County, Case No. 07CS002547. The court notes that the second petition against Magistrate Mathew Spangler contained the same set of allegations contained in the first petition against Magistrate Spangler. All tolled, Derrick Petway has filed six meritless petitions (two petitions each) against Deborah

Andrews, Joe Vanek, and Magistrate Mathew Spangler in the span of two months, in violation of Civil Rule 11, R.C. §2323.51, and R.C. §2323.52.

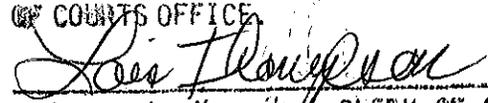
For all the foregoing reasons, the court finds that Derrick Petway has engaged in frivolous conduct as defined by R.C. §2323.51(A)(2), has engaged in vexatious conduct as defined by R.C. §2323.52(A)(2),¹ or has acted as a vexatious litigator as defined by R.C. §2323.52(A)(3).² Specifically, the court finds that Derrick Petway's conduct in filing a second petition against Deborah Andrews, Joe Vanek, and Magistrate Mathew Spangler, when the court had already denied his original petition against these parties, was done solely to harass and maliciously injure Deborah Andrews, Joe Vanek, and Mathew Spangler.

WHEREFORE, until further notice, it is the order of this court that the clerk shall refuse to accept, and refuse to file, any complaint or petition offered by, or on behalf of, Derrick Petway in any matter before this court unless signed and offered for filing by a duly licensed attorney authorized to practice law in Ohio.

IT IS SO ORDERED.


JUDGE EUGENE A. LUCCI

- c. Petitioner Derrick Petway
Honorable Paul H. Mitrovich, Judge
Honorable Richard L. Collins Jr., Judge
Honorable Vincent A. Culotta, Judge
Lynne L. Mazeika, Clerk of Courts
Marley Ford Eiger, Esq.

I CERTIFY THIS TO BE A TRUE COPY OF THE RECORDS ON FILE IN THE LAKE COUNTY CLERK OF COURTS OFFICE.

Lynne L. Mazeika, CLERK OF COURTS

¹ The court makes this finding and orders the resulting sanction solely upon its inherent authority to manage its own proceedings and to control the conduct of those who appear before it. *Chambers v. NASCO* (1991), 501 U.S.32, 111 S.Ct. 2123; and *Kondrat v. Byron* (1989), 63 Ohio App.3d 495; 579 N.E.2d 287. Although the court makes reference to R.C. §§2323.51 and 2323.52, such reference is only made to help define the type of conduct in which Mr. Petway has engaged.

Parenthetically, it is worth noting that had this matter proceeded pursuant to R.C. §§2323.51 or 2323.52, the court could have ordered Mr. Petway to pay fees and expenses or prohibited Mr. Petway from instituting any legal proceeding in any court of claims, court of common pleas, municipal court, or county court in the State of Ohio unless he first obtained leave of this court. By comparison, this court's sanction is narrowly fashioned and simply limits Mr. Petway's ability to initiate litigation on a *pro se* basis in the Court of Common Pleas in Lake County because of his repeated abuse of the judicial process. Neither Mr. Petway's meaningful right of access to the courts or his ability to file a *pro se* counterclaim or counter-petition is being denied.

² Although the court cites to R.C. §§2323.51 and 2323.52 and Civil Rule 11 as a descriptive, this order is not promulgated under the auspices or authority of those sections of the Revised Code or rules, but rather pursuant to the inherent authority of the court.