

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

MAURICE RHOADES, ZULU

*

CASE NO. CV-10-721769

Plaintiff,

*

JUDGE DAVID T. MATIA

vs.

*

GREATER CLEVELAND REGIONAL
TRANSIT AUTHORITY, et al.

*

JOURNAL ENTRY
AND OPINION

*

Defendants.

*



This matter came for a hearing on February 9, 2011 on the greater Cleveland regional transit authority's counterclaim to have Plaintiff, Maurice Rhoades, declared a "vexatious litigator" pursuant to Ohio Revised Code § 2323.52 and its motion for default judgment for Maurice Rhoades' failure to answer said counterclaim within the rule prescribed deadline.

Testimony presented at the hearing meets the statutory standard set out in R.C. § 2323.52 and the Court finds that Plaintiff's conduct served merely to harass or maliciously injure the Defendant, Greater Cleveland Regional Transit Authority (GCRTA), his conduct was not warranted under existing law and could not be supported by good faith argument for an extension, modification, or reversal of existing law and that his conduct was imposed solely for delay. Plaintiff has filed two unsuccessful lawsuits against GCRTA and appealed the judgment of the Court in the earliest filed case (CV-08-092024). Plaintiff has also filed ten claims against Defendant in the past ten years, nine of which were found to be completely frivolous, the tenth settled for \$100 but was appealed by Plaintiff. In the most recent filing, CV-10-721769, Plaintiff did not offer evidence to support his complaint, appear for scheduled depositions, or respond to Defendant's interrogatories. Furthermore the Court finds that Plaintiff's filings are replete with inappropriate, sexual and racist comments directed toward Defendant. Upon evidence produced at the hearing and for good cause shown, the Court finds and declares that Plaintiff Maurice Rhoades is a vexatious litigator as defined in Ohio Revised Code § 2323.52.

Accordingly, Maurice Rhoades is, without first obtaining leave from the applicable court, expressly and indefinitely prohibited from doing any of the following activities described in Ohio Revised Code § 2323.52(D)(1), namely:

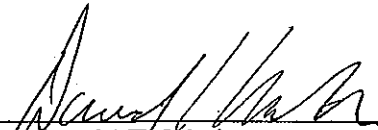
- (a) Instituting legal proceedings, in a *pro se* capacity, in the court of claims or in a court of common pleas, municipal court, or county court;
- (b) Continuing any legal proceedings that he had instituted in any of the courts specified above prior to this order;

- (c) Making any application, other than an application for leave to proceed allowed under division (F)(1) of Ohio Revised Code § 2323.52 in any legal proceedings instituted by himself or another person in any of the courts specified above.

Any proceedings instituted or continued, or any application made by Maurice Rhoades without leave of that court to proceed shall be dismissed. This order shall remain in force indefinitely. See R.C. § 2323.52(E).

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 Revised Code § 2323.52(H).

Court costs are hereby assessed to the Plaintiff, Maurice Rhoades.



Judge David T. Matia

Date: Feb. 14, 2011

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FEB 14 2011

GERALD E. FUERST, CLERK
By P. Shuck Deputy

THE STATE OF OHIO Cuyahoga County	} I, GERALD E. FUERST, CLERK OF SS, 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 <u>ge</u>	
<u>Noted 2-14-11</u>	
NOW ON FILE IN MY OFFICE.	
WITNESS MY HAND AND SEAL OF SAID COURT THIS <u>14</u> DAY OF <u>Feb</u> A.D. 20 <u>11</u>	
GERALD E. FUERST, Clerk	
By <u>P. Shuck</u> , Deputy	