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BUTLER COUNTY
COURTS

IN THE COURT OF COMMON PLEAS
BUTLER COUNTY, OHIO

JOHN F. HOLCOMB, et al,

No. CV-99-09-1647

Plaintiffs

vs.

FILED BUTLER CO.
COMMON PLEAS COURT

ROBIN NEIL ROLLAND

MAR 14 2000

DECISION AND JUDGMENT ENTRY

Defendant

CINDY CARPENTER
CLERK OF COURTS

DECISION

This is an action brought by John F. Holcomb, Prosecuting Attorney of Butler County, to have Defendant, Robin Neil Rolland, declared a vexatious litigator under R. C. 2323.52. The Union Township Trustees, acting through their counsel sought and obtained leave of court to join as plaintiffs herein.

Defendant was served with notice and the parties were heard at a hearing conducted by the court on March 7, 2000. Counsel for Plaintiff Holcomb offered as evidence exhibits marked Plaintiffs exhibits 1 through 14. These were certified copies of the pleading and entries in various actions filed by Rolland over the last few years. Counsel for the trustees offered as evidence a volume of documents marked as Plaintiff exhibit 1A which were copies of the pleadings in other actions which were filed by Rolland over the years. Defendant Rolland did not offer any exhibits but addressed the court regarding these various cases.

Rolland did not contest the validity or the admission into evidence of any of the plaintiffs' exhibits. He did address the court and said that all of these actions essentially arise out of his dispute with his ex-wife over visitation with his children.

Based on this court's review of the evidence presented at trial, the court finds that Robin Neil Rolland is a vexatious litigator. That is, the court finds that Defendant Rolland has engaged in conduct to harass or maliciously injure another party to a civil action, and that he has filed actions not warranted under existing law and which cannot be supported as a good faith argument for the modification of existing law, and that he habitually and persistently filed civil actions without reasonable grounds for doing so. Some of the pleadings in these actions were incomprehensible. Some were for extraordinary relief, like mandamus or habeas corpus, and while being comprehensible, were totally without merit. Some were frankly quite creative, such as seeking a stalking protection order against the Union Township police department. None of them, however, had merit and all were dismissed or terminated unfavorably to Rolland.

The relief sought by Plaintiffs in this case seeks to enter an order prohibiting Rolland from instituting or continuing any legal proceeding in any court without first obtaining leave of that court to proceed, or to file any application with a court other than an application to proceed. While Revised Code section 2323.52 (D)(1)(b) does authorize a court to put on an order prohibiting the vexatious litigator from continuing with an action, this court has reservations about the constitutionality of such an order and the jurisdictional right of this court to interfere with an action pending in another court of competent jurisdiction. This court can, and has, reviewed actions which have been terminated and found them to be unmeritorious. In the future, new actions will be reviewed prior to their filing. For pending actions, however, this court is in no position to decide the merits of any claim. That determination has to be made by the judge before whom the case is now pending.

JUDGMENT ENTRY AND ORDER

Based on the foregoing, this court finds that Robin

Neil Rolland, aka Robin Neil, is a vexatious litigator as defined in Ohio Revised Code section 2323.52 (A)(3). It is therefore,

ORDERED:

That Robin Neil Rolland, aka Robin Neil, is prohibited from instituting any legal proceeding in the Court of Claims, the Common Pleas Court, Municipal Court, or County Court without first obtaining leave of that court to proceed; and,

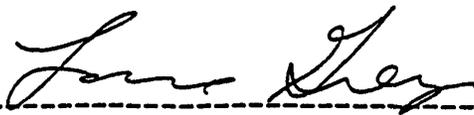
That Robin Neil Rolland, aka Robin Neil, is prohibited from making any application in any of the above named court other than an application for leave to proceed as provided in this order.

That Robin Neil Rolland's, aka Robin Neil, application to proceed shall be presented to the presiding judge of the court and shall include a copy of the pleading intended to be filed. The presiding judge shall have twenty days from the date of filing of the application to grant or deny leave to file. In the event the court fails to rule on the application within 20 days of its filing, Robin Rolland shall have the right to file the pleading included in the application.

That this order shall continue for three years from the date of its filing, and Defendant Robin Rolland is hereby notified that failure to obey this order will result in his being found in contempt of court.

The Clerk of Courts of Butler County is directed to serve a copy of this decision and judgment entry on the Defendant at his last known address.

Defendant's objection to the jurisdiction of this court as raised at the hearing is noted for the record.



Judge Lawrence Grey
sitting by assignment

I CERTIFY THE WITHIN TO BE A
TRUE COPY OF THE ORIGINAL FILED

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CINDY CARPENTER
Butler County Clerk of Courts

Gardner Johnson Deputy