

IN

2013 MAY 17 AM 11:32

In re: Matter of TERRIE SIZEMORE)
Vexatious Litigator)
)

ANNETTE SHAW
CLERK OF COURTS
ASHLAND, OHIO

ORDER

TERRIE SIZEMORE has been found by this Court to be a vexatious litigator. She is, therefore, prohibited from doing any of the following without first obtaining leave of Court to proceed:

- a) instituting any legal proceedings,
- b) continuing with any legal proceedings already instituted.

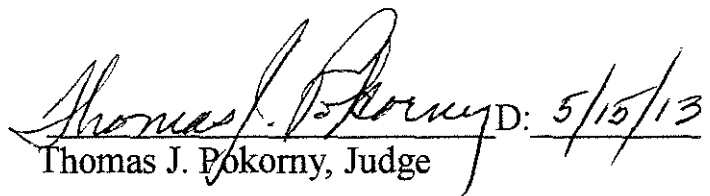
(See: R.C. 2323.52(D)(1)(a) and (b))

In order to obtain leave of Court the Plaintiff must show that the proceedings or application are not an abuse of process of the Court in question and that there are reasonable grounds for the proceedings or application.

(See: R.C. 2323.52(D)(3) and (F)(2).)

PLAINTIFF TERRIE SIZEMORE IS ADVISED THAT SHE MAY NOT FILE OR PURSUE ANY CLAIM IN ANY OHIO TRIAL COURT WITHOUT THIS JUDGE'S EXPRESS PERMISSION.

IT IS SO ORDERED.


Thomas J. Pokorny, Judge

Received:

_____ D: _____
Terrie Sizemore

cc: Attorney Gregory H. Melick
The Supreme Court of Ohio
Medina County Common Pleas Court

IN

IN THE COURT OF COMMON PLEAS
ASHLAND COUNTY, OHIO

2013 MAY 17 AM 11:31

Terrie Sizemore)
Plaintiff)
)
vs.)
)
Farm Credit Services)
of Mid America)
Defendant)

ANNETTE SHAW
CLERK OF COURTS
ASHLAND COUNTY, OHIO

Case No.: 11-CIV-371

Judge Thomas J. Pokorny

Judgment Entry

This matter came on for hearing upon the Defendant's Motion for Summary Judgment on its Counterclaim to Declare Plaintiff Terrie Sizemore a Vexatious Litigator. An oral hearing on the matter was conducted on May 10, 2013.

Plaintiff has brought the within action setting forth claims against Defendant Farm Credit Services (FCS) for intentional infliction of emotional distress, mail fraud, violation of federal constitutional rights, fraud, negligence and violation of truth in lending laws. The controversy involved the issue of whether FCS, Plaintiff's mortgage lender, properly charged her for forced placed insurance once her own policy of insurance was no longer in effect.

The Defendant's Motion to Dismiss these causes of action was granted on all claims excepting the fraud and intentional infliction counts. The Court subsequently granted a Motion for Summary Judgment on these remaining claims. What remains of the litigation is the Defendant's Counterclaim to Declare the Plaintiff a Vexatious Litigator.

In the interim the Plaintiff has filed a plethora of Motions for Reconsideration, Motions to Vacate, Motions for Clarification, Motions to Extend Discovery (of underlying causes of action previously dismissed by the Court), Motions to Continue, Motions for Sanctions, affidavits of prejudice accusing judges of unethical behavior, and two grievances against opposing counsel filed with the Ohio Supreme Court Disciplinary Counsel.

Dr. Sizemore, has been involved in protracted litigation elsewhere against the Ohio Veterinarian Board involving three charges which were ultimately dismissed against her. She then filed several lawsuits, including a case in U.S. District Court, Southern District of Ohio, Eastern Division on the identical subject matter. All cases

were dismissed. The Plaintiff has filed disciplinary complaints against counsel for the veterinary board, its hearing officer and director. It appears all of those complaints were dismissed. Other litigation was brought and dismissed in the Franklin County Common Pleas Court, Ohio Court of Claims (twice). On appeal the dismissals were affirmed. The Supreme Court declined to hear the appeal.

There is evidence of additional litigation in Medina County Common Pleas Court regarding the Plaintiff's allegation an automobile air bag failed to deploy causing her personal injuries. She later accused a trial judge of improper *ex parte* communication with opposing counsel. Both trial judges recused. This cause of action spawned several lawsuits, including a suit for discovery, and matters involving General Motors' bankruptcy in New York. A Motion for Sanctions brought against Plaintiff in Medina Common Pleas Court was overruled.

The Plaintiff maintains that all of her filings with the Court were based upon advice she received from an attorney. The multiple filings in the case were the result of her concern for losing her property, which she maintains is of great importance to her.

The Court in considering the matter of a Motion for Summary Judgment, must construe the evidence in its most favorable light to the non-movant and determine whether reasonable minds would come to but one conclusion adverse to the party against whom the motion is made. Simply put, would the evidence cause reasonable minds to differ?

Under R.C. Sec. 2323.52 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 the vexatious conduct was against the same party or against different parties in the civil action or actions."

The statute further provides the conduct is vexatious if it "obviously serves merely to harass or maliciously injure another party to the action, the conduct is not warranted under existing law and cannot be supported by a good faith argument for an extension, modification or reversal of existing law, or the conduct is imposed solely for delay.

The purpose of the statute is to prevent the abuse of the system by depleting judicial resources needed by others for the vindication of legitimate rights. (See *Farley v. Farley*, 2003 Ohio 3185, P49).

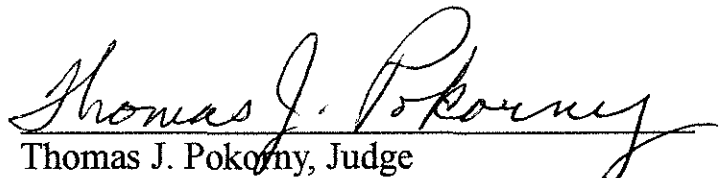
Under proper consideration of this motion, the Plaintiff is entitled to have the Court construe the evidence in its most favorable light to her. The Court has done so, but even under this standard the evidence that she is a vexatious litigator is uncontraverted and overwhelming. There is no evidence to the contrary that Dr.

Sizemore during this litigation and in other lawsuits in other courts, habitually and persistently and without reasonable grounds engaged in vexatious conduct against a host of different parties, including General Motors, the Ohio Veterinarian Board, the Ohio Attorney General's Office, a multitude of attorneys, a judge and FCS, the Defendant, herein. Her actions could not be found to be warranted under existing law or supported by a good faith argument because she sought in many instances to re-litigate matters previously decided by the Court. Further, with regard to her affidavit of prejudice and joinder of a judge in the federal action as well as the disciplinary complaints filed against numerous attorneys, it is clear to the Court that the intent of Dr. Sizemore was to maliciously injure them. And for the purposes of the statute the Court finds that her actions served to harass and maliciously injure other parties. In other instances, her Motions for Clarification, To Stay and to Continue matters were imposed solely to delay proceedings. She has abused the system which exists to vindicate personal rights.

In consideration of the foregoing, and construing the evidence most favorably to the Plaintiff, the Court finds reasonable minds would come to but one conclusion: that Terrie Sizemore is a vexatious litigator under R.C. Sec. 2323.52.

The Defendant's Motion for Summary Judgment on its Counterclaim is therefore granted.

IT IS SO ORDERED.


Thomas J. Pokorny, Judge
Sitting by Assignment

IN

IN THE COURT OF COMMON PLEAS
ASHLAND COUNTY, OHIO

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ANNETTE SHAW
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Terrie Sizemore)
Plaintiff)
vs.)
Farm Credit Services)
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Case No.: 11 CIV - 371
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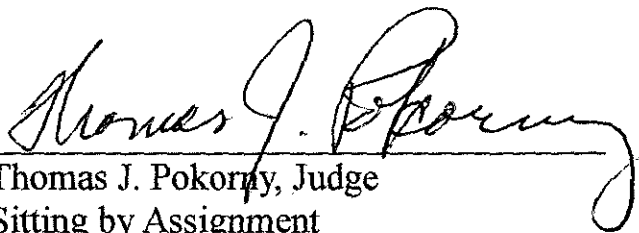
Judgment Entry

This matter came on for hearing on the Plaintiff's Motion to Dismiss the Counterclaim of the Defendant. The Court conducted an oral hearing on May 10, 2013.

The Court finds that the Defendant's Counterclaim sets forth a viable cause of action per R.C. 2323.52 if the allegations contained therein were true.

The Plaintiff's Motion to Dismiss is therefore overruled.

IT IS SO ORDERED.


Thomas J. Pokorny, Judge
Sitting by Assignment