

**FILED**

**2014 FEB -6 PM 1:38**  
**IN THE COURT OF COMMON PLEAS**  
**BUTLER COUNTY, OHIO**

<b>MARY L. SWAIN</b> <b>BUTLER COUNTY</b> <b>CLERK OF COURTS</b>	:	<b>KEYBANK NATIONAL ASSOCIATION,</b>	:	<b>CASE NO. CV 2013 010 297</b>
<b>Plaintiff,</b>	:		:	<b>JUDGE NEAL B. BRONSON</b>
	:		:	
<b>v.</b>	:		:	
	:		:	<b>JUDGMENT ENTRY GRANTING</b>
<b>SCHUYLER SMITH,</b>	:		:	<b>PARTIAL SUMMARY JUDGMENT</b>
	:		:	<b>IN FAVOR OF PLAINTIFF</b>
<b>Defendant.</b>	:		:	<b>KEYBANK NATIONAL</b>
	:		:	<b>ASSOCIATION</b>

This matter is before the Court upon Plaintiff KeyBank National Association's ("Plaintiff") Motion for Summary Judgment filed November 1, 2013, seeking judgment on its claims for frivolous conduct, negligence, and for a declaration that Defendant Schuyler Smith ("Defendant") is a vexatious litigator. In response to Plaintiff's motion, Defendant, *pro se*, filed briefs in opposition on November 5, 2013, and December 13, 2013.

Upon consideration of Plaintiff's motion, the supporting affidavit and exhibits attached thereto, and Defendant's opposition, and for good cause shown, the Court finds that Defendant filed a complaint against Plaintiff that was dismissed through summary judgment because there was "not one iota of evidence" to support his claim, that since then Defendant has habitually and continuously failed to accept or abide by court rulings, and that Defendant has persistently pursued claims that have been terminated. The Court, therefore, **ORDERS, ADJUDGES and DECREES** as follows:

1. Defendant has engaged in conduct in litigation with Plaintiff that to a reasonable person:
  - a. is not warranted under existing law;
  - b. cannot be supported by a good faith argument for an extension, modification or reversal of existing law; and

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 Deputy

- c. which has served to harass Plaintiff.

Consequently, Defendant is hereby declared to be a vexatious litigator.

2. Defendant is prohibited from doing any and all of the following without first obtaining leave of the applicable court:

- a. Instituting a legal proceeding in the court of claims or in the court of common pleas, municipal court, or county court;
- b. Continuing any legal proceeding instituted in the court of claims or in the court of common pleas, municipal court, or county court prior to entry of this Order; *Defendant may continue to defend pending claims in this litigation (IAB)*
- c. Making any application, other than an application for leave to proceed under Ohio Revised Code § 2323.52(F)(1), in any legal proceeding instituted by Defendant, or another person, in the court of claims or in the court of common pleas, municipal court, or county court; and
- d. Instituting or continuing any legal proceedings in the court of appeals without first obtaining leave from the court of appeals pursuant to R.C. 2323.52(F)(2).

3. During the period of time that this Order is in force, no appeal by Defendant shall lie from a decision of the court of common pleas or the court of appeals that denies Defendant leave for the institution or continuance of, or the making of an application in, a legal proceeding in the court of claims or in the court of appeals, court of common pleas, municipal court, or county court.

4. This Order shall remain in force indefinitely.

5. Plaintiff's motion on its frivolous conduct and negligence claims and for sanctions is denied.

IT IS SO ORDERED.

*Neal B. Bronson*

Judge Neal B. Bronson

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*[Signature]* Deputy