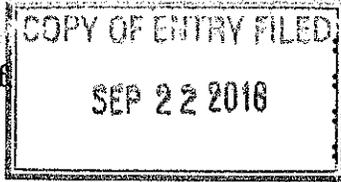


IN THE COURT OF COMMON PLEAS
HAMILTON COUNTY, OHIO

JUDGE ROBERT P. RUEHLMAN
COURT OF COMMON PLEAS
HAMILTON COUNTY, OHIO

Deshrayona Spegall,
Plaintiff



Case No.: A1604546

v.

Cincinnati Public Board of
Education, et al.,
Defendants.

ENTRY DISMISSING CASE
AND FINDING PLAINTIFF A
VEXATIOUS LITIGATOR
UNDER R.C. § 2323.52

RUEHLMAN, R., Presiding Judge

This matter came before the Court as a newly filed case, which was set for an initial case management conference on October 31, 2016. However, after a review of the pleadings, the Court found *sua sponte* that Plaintiff's Complaint was meritless and gave rise to vexatious litigation concerns. Therefore, the Court scheduled an emergency hearing on this case regarding multiple Defendants' motions to dismiss and the Court's above referenced concern. The Court has reviewed and considered all the pertinent documents and materials submitted, has considered oral arguments, and has applied the appropriate law.

Law

The applicable law and legal basis upon which Defendants' motions to dismiss are based are Civ.R. 12(B)(6) and Civ.R. 8.

The Court also finds R.C. § 2323.52 on vexatious litigators, and R.C. § 4705.07 on false representation as an attorney to be applicable.

Background

Upon a more detailed review, it appears that Plaintiff Deshrayona Spegall has filed a multitude of cases in the Hamilton County Court of Common Pleas under various aliases: Deshrayona Stegall; Yoshitaka Yoshino Deshrayona Stegall Slovak; Yoshitaka Yoshino Slovak; Yoshitaka Yoshino Deshirayona Stegall Slovak; Yanna Maketewah; All Things Hanna Mama; Yoshitaka Yoshino Slovak Da Maadam Adam Honney Bee Stegall; and Puddin.

In the matter at bar, Plaintiff Deshrayona Spegall, *pro se*, filed a Complaint against fourteen (14) Defendants on August 15, 2016. Defendants include: Cincinnati Public Board of Education (Cincinnati, OH); NASA (Washington, D.C.); Cincinnati Children's Hospital (Cincinnati, OH); Central Clinic (Cincinnati, OH); Roberts Academy (Cincinnati, OH); Shroder Paideia High School (Cincinnati, OH); Talbert House (Cincinnati, OH); Ohio Department of Jobs and Family Services (Cincinnati, OH); Loving Arms Daycare (Cincinnati, OH); the city of Cincinnati; Clerk of Courts – Tracy Winkler (Cincinnati, OH); and Hamilton County Municipal Court Judge Melissa Powers (Cincinnati, OH).

Discussion

Before proceeding further, the Court is mindful that Plaintiff is a *pro se* litigant. Although *pro se* litigants are to be granted “reasonable leeway such that their motions and pleading should be liberally construed so as to decide the issues on the merits,” Ohio courts nonetheless recognize that “a *pro se* litigant is presumed to have knowledge of the law and correct legal procedures so that he remains subject to the same rules and procedures to which represented litigants are bound. He is not given greater rights than represented parties, and must bear the consequences of his mistakes.” *Copeland v. Summit County Probate Court*, 2009-Ohio-4860, P6 (Ohio Ct. App. 9th Dist. 2009); see also *Robinson v. Poole*, 1997 Ohio App. LEXIS 456 (1st App. Dist., Hamilton Cty. Feb. 12, 1997), *Meyers v. First Nat'l Bank of Cincinnati*, 3 Ohio App.3d 209 (1st Dist. 1981) (*syllabus*).

I. Civ. R. 8 and 12(B)(6)

Although Plaintiff is *pro se*, her Complaint is unintelligible and filled with frivolity, as it is a handwritten compilation of erratic capitalization, random punctuation, indiscernible acronyms, and a smattering of inarticulate words. The Court is faced with the laborious task of deciphering its submission.

Plaintiff's Complaint lacks a proper caption and is devoid of any factual allegations. Although the Complaint contains no numbered paragraphs, the Court construes that Plaintiff alleges her damages include “emotional anguish, loss, etc.” However, these alleged damages are followed by a seemingly random list of words that bear no resemblance to factual allegations or actionable claims.

Subsequently, in what the Court loosely interprets as Plaintiff's prayer for relief, Plaintiff alleges that "...All Companies listed All Agents violated US...Rude, Disrespectful, Racist, Liars, Unconsiderate [sic], no way run a business." Nowhere in the Complaint does Plaintiff provide any factual background to support her perceived claims. Lastly, Plaintiff succinctly asserts she is seeking "Basically everything y'all stole from the very beginning..."

Civil Rule 8 requires that the Complaint "shall contain a short and plain statement of the claim showing that the party is entitled to relief." As it relates to Defendants, Plaintiff's Complaint fails this basic requirement, and does not state a claim against Defendants, which subjects the Complaint to dismissal under Civ.R. 12(B)(6). A motion to dismiss for failure to state a claim upon which relief can be granted is a procedural motion to test the sufficiency of the complaint. *State ex rel Hanson v. Guernsey Cty. Bd. of Cmmrs.*, 65 Ohio St.3d 545, 548, 605 N.E.2d 378 (1992). Once it appears beyond a doubt that a plaintiff cannot prove any set of facts in support of a claim that would entitle that plaintiff to relief, the motion to dismiss should be granted. *O'Brien v. University Community Tenants Union*, 42 Ohio St.2d 242, 327 N.E.2d 753 (1975) quoting *Conley v. Gibson*, 355 U.S. 41, 45-46, 78 S.Ct. 99, 102 (1957).

Here, as a result of Plaintiff's failure to comply with the requirements in Civ.R. 8, Plaintiff has completely failed to assert any claims or any facts supporting such claims against any of the named Defendants. In addition, the Court notes that Plaintiff's Complaint wasted not only the Court's time and resources, but also squandered Defendants' time and money in forcing Defendants to defend against this frivolousness. For the foregoing reasons, and for those additionally stated below, Plaintiff fails to state a claim and her Complaint is dismissed.

II. R.C. § 4705.07 – False Representation as an Attorney

Notwithstanding the latitude the Court gives *pro se* litigants, Plaintiff represented herself in writing and orally to the Court that she was and is a lawyer. First, in a companion case before this Court numbered A1604726, on her Classification Form she indicated Supreme Court of Ohio Number 29997. However, a simple online search of the Supreme Court of Ohio's Attorney Finder, at the Supreme Court of Ohio's website, reveals that number belongs to Richard Edmund Blake, who has been admitted to practice since November 4, 1985, and presently works as legal counsel for the Ohio Bureau of Workers Compensation.

Next, Plaintiff filed an Affidavit of Indigency. On this form, among other things, Plaintiff indicated her employer was “self,” and that her position was “Lawyer.” Furthermore, the remainder of the Affidavit of Indigency provided incomplete, unintelligible, and incomprehensible information.

The practice of law is a serious and noble profession. In protecting the profession, Ohio law clearly states that “[n]o person who is not licensed to practice law in this state shall...[h]old that person out in any manner as an attorney at law; [r]epresent that person orally or in writing, directly or indirectly, as being authorized to practice law.” R.C. § 4705.07(A)(1-2). The use of “lawyer” by any person who is not licensed to practice law, in connection with that person’s own name or document constitutes holding out. R.C. § 4705.07(B)(1).

Here, Plaintiff is not and has never been admitted to the practice of law in Ohio pursuant to Gov.Bar R. I. Thus, Plaintiff has never been authorized to provide legal representation in any capacity within this state. Furthermore, Plaintiff attempted to deceptively pass herself off as an attorney by using another licensed attorney’s Supreme Court of Ohio number, and then through her court filings. However, the Court notes that the Supreme Court of Ohio has original jurisdiction to define and regulate the practice of law in Ohio, including the unauthorized practice of law. Article IV, Section 2(B)(1)(g), Ohio Constitution; *Cleveland Metro. Bar Assn. v. Davie*, 133 Ohio St.3d 202, 2012-Ohio-4328, 977 N.E.2d 606, ¶ 18. Therefore, this Court finds only that Plaintiff has falsely represented herself as an attorney in violation of R.C. § 4705.07 and thus, this Court Orders that to remedy this spurious conduct, Plaintiff must pay all costs associated with this matter.

III. R.C. § 2323.52 – Vexatious Litigator

There is no genuine issue of material fact that in the course of the proceedings herein, Plaintiff has, while representing herself *pro se*, engaged in conduct which obviously served merely to harass or maliciously injure Defendants; conduct not warranted under existing law and that cannot be supported by a good faith argument for an extension, modification, or reversal of existing law; and conduct imposed solely for delay. Accordingly, the Court finds Defendants to be entitled to judgment as a matter of law that Yoshitaka Yoshino Deshrayona Stegall Slovak, including her aliases, has engaged in Vexatious Conduct as defined in R.C. § 2323.52(A)(2).

The Court further finds that there is no genuine issue of material fact that, while representing herself *pro se*, Plaintiff has habitually, persistently, and without reasonable grounds engaged in Vexatious Conduct in this action. Accordingly, the Court finds Defendants to be entitled to judgment as a matter of law that Yoshitaka Yoshino Deshrayona Stegall Slovak, and her aliases, has engaged in Vexatious Conduct as defined in R.C. § 2323.52(A)(3).

The Court Orders that unless Yoshitaka Yoshino Deshrayona Stegall Slovak, including her aliases, first obtains leave of this Court to institute a legal proceeding or an application based upon reasonable grounds and which is not an abuse of the process, she is prohibited from:

Instituting legal proceedings in the court of claims or in a court of common pleas, municipal court, or county court;

Continuing any legal proceedings that she had instituted in the court of claims or in a court of common pleas, municipal court, or county court prior to the entry of this order; or

Making any application in any legal proceedings instituted by the vexatious litigator or another person in the court of claims or in a court of common pleas, municipal court, or county court except an application to this Court pursuant to R.C. § 2323.52(F) for leave for the institution or continuance of, or the making of an application in, legal proceedings in the court of claims or in a court of common pleas, municipal court, or county court.

The Court further Orders that during the period of time that this Order is in force, no appeal by Yoshitaka Yoshino Deshrayona Stegall Slovak, including her aliases, shall lie from a decision of this Court that denies her leave pursuant to R.C. § 2323.52(F), for the institution or continuance of, or the making of an application in, legal proceedings in the court of claims or in a court of common pleas, municipal court, or county court.

The Court further Orders the Clerk of Courts shall send a certified copy of this Order to the Supreme Court of Ohio for publication in a manner that the Supreme Court of Ohio determines is appropriate and that will facilitate the clerk of the court of claims and a clerk of a court of common pleas, municipal court, or county court in refusing to accept pleadings

or other papers submitted for filing by Yoshitaka Yoshino Deshrayona Stegall Slovak, including her aliases, has instituted, continued, or made an application in legal proceedings without obtaining leave, pursuant to R.C. § 2323.52(F), to proceed from this Court, the court in which the legal proceedings are pending shall dismiss the proceedings or application of Plaintiff. This Order shall remain in force indefinitely unless and until modified by this Court.

Conclusion

THEREFORE, the Court, being fully advised and after due consideration, dismisses the Complaint, finds the Plaintiff misrepresented herself as an attorney and must pay all costs associated with this matter, and finds Plaintiff is a vexatious litigator.

Judge Robert P. Ruehlman