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**IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO**

ALOHA SPY
Plaintiff

Case No: CV-14-831342

Judge: DANIEL GAUL

ACE HOME HEALTH CARE
Defendant

JOURNAL ENTRY

83 DISP.COURT TRIAL - FINAL

THIS MATTER WAS CALLED FOR BENCH TRIAL ON SEPTEMBER 23, 2015 ON THE DEFENDANT ACE HOME HEALTH CARE'S COUNTERCLAIM TO HAVE PLAINTIFF, ALOHA SPY, DECLARED A VEXATIOUS LITIGATOR PURSUANT TO R.C. 2323.52. PRIOR TO TRIAL, DEFENDANT WAS GRANTED SUMMARY JUDGMENT ON PLAINTIFF'S CLAIMS. AT TRIAL, PLAINTIFF PROCEEDED PRO SE. DEFENDANT WAS REPRESENTED BY ATTORNEY ANDREW J. WIDES. A COURT REPORTER WAS PRESENT.

EVIDENCE PRESENTED AT TRIAL MEETS THE STATUTORY STANDARD SET OUT IN R.C. 2323.52. THE COURT FINDS THAT PLAINTIFF'S CONDUCT SERVED MERELY TO HARASS OR MALICIOUSLY INJURE ACE HOME HEALTH CARE. HER 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 HER CONDUCT WAS IMPOSED SOLELY FOR DELAY.

SPECIFICALLY, EVIDENCE INTRODUCED AT TRIAL SHOWS THAT ALOHA SPY HAS COMMENCED LITIGATION IN HER OWN NAME IN AT LEAST FOURTEEN CIVIL SUITS OVER THE PAST TEN YEARS. EVIDENCE SHOWS THAT A NUMBER OF THESE CASES WERE DISMISSED FOR WANT OF PROSECUTION. FURTHERMORE, IN CUYAHOGA COUNTY COURT OF COMMON PLEAS CASE CV-11-765341, THE COURT AWARDED THE OPPOSING PARTY SANCTIONS FOR ALOHA SPY'S CONDUCT. ON DIRECT EXAM, ALOHA SPY TOLD THIS COURT THAT SHE DOES NOT INTEND TO PAY THE COURT ORDERED SANCTIONS.

PLAINTIFF'S CONDUCT IN THE INSTANT MATTER FURTHER DEMONSTRATES HER VEXATIOUS CONDUCT. IN THIS CASE, PLAINTIFF FILED MULTIPLE MOTIONS TO STRIKE, ALL OF WHICH WERE DENIED AND WHOLLY WITHOUT ANY MERIT. PLAINTIFF ALSO FILED A "MOTION FOR FEES," WHICH WAS UNSUPPORTED UNDER THE LAW.

AT TRIAL, DEFENDANTS ALSO PRESENTED LETTERS SENT TO DEFENDANT'S COUNSEL INFORMING HIM THAT SHE HAS "SENT A REQUEST TO THE U.S. ATTORNEY TO INVESTIGATE [HIM AND HIS CLIENT] FOR CONSPIRACY TO COMMIT FRAUD AND PERJURY AND POSSIBLE WITNESS TAMPERING." A SEPARATE LETTER SENT TO THE UNITED STATES ATTORNEY STATES THAT PLAINTIFF HAS "HIRED A PRIVATE INVESTIGATOR TO TRACK THEM ALL DOWN." PLAINTIFF STATES IN THIS LETTER THAT SHE WISHES TO PURSUE CRIMINAL CHARGES AGAINST DEFENDANT AND THEIR ATTORNEY.

IN THIS CASE, PLAINTIFFS ACTIONS HAVE BEEN MADE WITH THE INTENT TO HARASS DEFENDANT AND THEIR ATTORNEY. THESE ATTACKS ACCUSE DEFENDANT AND THEIR ATTORNEY OF CRIMINAL CONDUCT AND VIOLATIONS OF OHIO LAW.

PLAINTIFF IS ENGAGING IN THE EXACT BEHAVIOR THE OHIO SUPREME COURT WARNED ABOUT WHEN IT UPHELD THE VEXATIOUS LITIGATOR STATUTE. SHE IS USING THE CIVIL JUSTICE SYSTEM TO INTIMIDATE AND HARASS HER TARGETS. ACCORDINGLY, UPON EVIDENCE PRODUCED AT TRIAL AND FOR GOOD CAUSE SHOWN, THE COURT FINDS AND DECLARES THAT PLAINTIFF ALOHA SPY IS A VEXATIOUS LITIGATOR AS DEFINED IN R.C.

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SUPREME COURT OF OHIO

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2323.52.

ACCORDINGLY, ALOHA SPY, WITHOUT FIRST OBTAINING LEAVE FROM THE APPLICABLE COURT, IS EXPRESSLY AND INDEFINITELY PROHIBITED FROM DOING ANY OF THE FOLLOWING ACTIVITIES DESCRIBED IN R.C. 2323.52, 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 SHE HAS 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 THE R.C. 2323.52 IN ANY LEGAL PROCEEDINGS INSTITUTED BY HERSELF OR ANOTHER PERSON IN ANY OF THE COURTS SPECIFIED ABOVE.

ANY PROCEEDINGS INSTITUTED OR CONTINUED, OR ANY APPLICATION MADE BY ALOHA SPY WITHOUT LEAVE OF THAT COURT TO PROCEED SHALL BE DISMISSED. THIS ORDER SHALL REMAIN IN FORCE INDEFINITELY.

THE CLERK OF COURTS, CUYAHOGA COUNTY, OHIO, IS ORDERED TO SEND A CERTIFIED COPY OF THIS JOURNAL ENTRY TO THE OHIO SUPREME COURT FOR PUBLICATION PURSUANT TO R.C. 2323.52(H) COURT COST ASSESSED TO THE PLAINTIFF(S).

PURSUANT TO CIV.R. 58(B), THE CLERK OF COURTS IS DIRECTED TO SERVE THIS JUDGMENT IN A MANNER PRESCRIBED BY CIV.R. 5(B). THE CLERK MUST INDICATE ON THE DOCKET THE NAMES AND ADDRESSES OF ALL PARTIES, THE METHOD OF SERVICE, AND THE COSTS ASSOCIATED WITH THIS SERVICE.

Judge Signature

09/28/2015

THE STATE OF OHIO Cuyahoga County	} SS.	I, THE CLERK OF 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>journal</u> <u>entry dated 28 September 2015</u>		
NOW ON FILE IN MY OFFICE.		
WITNESS MY HAND AND SEAL OF SAID COURT THIS <u>29th</u> DAY OF <u>September</u> A.D. 20 <u>15</u>		
CUYAHOGA COUNTY CLERK OF COURTS		
By <u>[Signature]</u> , Deputy		

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