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MIAMI COUNTY
COMMON PLEAS COURT
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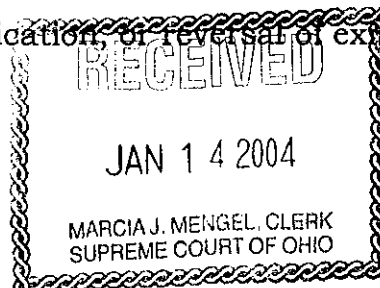
JAN A. MOTTINGER
CLERK OF COURTS

IN THE COMMON PLEAS COURT
MIAMI COUNTY, OHIO
GENERAL DIVISION

GARY A. NASAL, : Case No. 03-CV-295
Plaintiff, :
v. : Judge Jeffrey M. Welbaum
EDWARD TRACY, : **ORDER AND ENTRY OF**
Defendant. : **SUMMARY JUDGMENT**

Upon the Plaintiff's Motion for Summary Judgment as to the merits of the above-captioned matter, and upon consideration of the Complaint to Declare Defendant, Edward Tracy, a Vexatious Litigator pursuant to Ohio Revised Code Section 2323.52, brought by Gary A. Nasal as Miami County Prosecutor, the Court finds the motion for summary judgment to be well taken.

The Court finds that the Defendant satisfies the criteria of the statute for declaration as a vexatious litigator. Specifically, based upon evidence within the Plaintiff's Motion, and the deposition filed under separate notice, the Court finds that the Defendant has persistently and habitually engaged in conduct that was unwarranted under existing law, and was not supported by a good faith argument for the extension, modification, or reversal of existing law.



WHEREFORE, IT IS HEREBY ORDERED THAT the Defendant, Edward Tracy, is prohibited from doing any of the following without first obtaining leave from this Court, by way of application under R.C. section 2323.52(F):

- (1) Institute legal proceedings in any court of claims, court of common pleas, municipal court or county court within the State of Ohio;
- (2) Continue any legal proceeding that he has instituted in any court of claims, court of common pleas, municipal court or county court within the State of Ohio prior to the entry of this Order; and,
- (3) Make any application, other than the application for leave to proceed under Division (F) of R.C. section 2323.52, in any legal proceeding instituted by Edward Tracy, or any other person, in any court of claims, court of common pleas, municipal court or county court within the State of Ohio.

Whenever it appears, by suggestion of the parties, or otherwise, that Edward Tracy has instituted, continued, or made application in any legal proceeding without first obtaining leave to proceed from this Court under R.C. section 2323.52(F), the court in which the legal proceedings are pending shall dismiss the proceedings or application *sua sponte*, upon proper notification of this Court's Order.

The Clerk of this Court, upon journalization of this Order, is directed to send a certified copy of it to the Supreme Court of Ohio for publication in the manner that the Supreme Court has determined is appropriate, and that will facilitate the clerk of any court of claims, court of common pleas, municipal court or county court within the State of Ohio in refusing to accept pleadings,

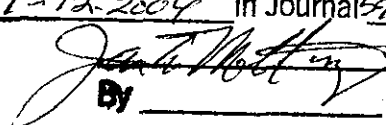
or other papers, submitted for filing by Edward Tracy, presently residing at 726 Rawlings Street, Washington Courthouse, Ohio 43160, without the prior approval by this Court under R.C. section 2323.52(F).

This Order shall remain in effect indefinitely.

IT IS SO ORDERED.



JUDGE JEFFREY M. WELBAUM

state of Ohio, Miami County, ss
I hereby certify the above to be a true and
correct copy of the original Entry, journalized
1-12-2004 in Journal 512 Page

By _____ Clerk
Deputy