

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

KENNETH A. WHITE)	CASE NO. CV-12-791230
)	
Plaintiff,)	JUDGE DANIEL GAUL
)	
vs.)	
)	
HUNTINGTON NATIONAL BANK,)	
)	<u>JOURNAL ENTRY</u>
Defendant,)	<u>AND OPINION</u>
)	

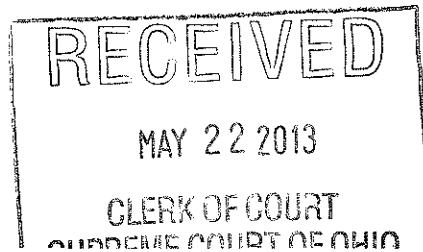


After review, Defendant's unopposed motion for summary judgment on counterclaim, filed February 22, 2013, is granted.

Evidence presented in Defendant's brief meet the statutory standard set out in R.C. § 2323.52. The Court finds that Plaintiff Kenneth A. White's ("White") conduct served merely to harass or maliciously injure the Defendant, Huntington National Bank ("Huntington"). His 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.

Defendant Huntington produced uncontroverted evidence that, through filing false "notices of removal", Plaintiff Kenneth A. White ("White") not once, but twice made misrepresentations to the Cuyahoga County Court of Common Pleas for the purposes of hindrance and delay. Additionally, Huntington has demonstrated that White filed actions that are demonstrably and deliberately false and legally groundless. *See, e.g.*, Cuyahoga County Cases: CV-11-751401, CV-10-720584, CV-10-721472, CV-12-785142.

Plaintiff is engaging in the exact behavior the Ohio Supreme Court warned about when it upheld the vexatious litigator statute. *See, Mayer v. Bristow* (2000), 91 Ohio St. 3d 4, 13. He is using the civil justice system to intimidate and cause decimation to the opposing party.



Upon evidence produced in Huntington's motion for summary judgment, and for good cause shown, the Court finds and declares that Plaintiff Kenneth A. White is a vexatious litigator as defined in Ohio Revised Code § 2323.52.

Accordingly, Kenneth A. White, without first obtaining leave from the applicable court, is expressly and indefinitely prohibited from doing any of the following activities described in Ohio Revised Code § 2323.52(D)(1), namely:

- i. 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;
- ii. Continuing any legal proceedings that he had instituted in any of the courts specified above prior to this order;
- iii. Making any application, other than an application for leave to proceed allowed under division (F)(1) of Ohio Revised Code § 2323.52 in any legal proceedings instituted by himself or another person in any of the courts specified above.

Any proceedings instituted or continued, or any application made by Kenneth A. White without leave of that court to proceed shall be dismissed. This order shall remain in force indefinitely. See R.C. § 2323.52(E).

The Clerk of Courts, Cuyahoga County, Ohio, is hereby ordered to send a certified copy of this journal entry to the Ohio Supreme Court for publication pursuant to Ohio Revised Code § 2323.52(H).

Judge Daniel Gau

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
MADE AND COPIED FROM THE ORIGINAL
Entry and Opinion dated 5/13/13
NOW ONFILE IN MY OFFICE.
WITNESS MY HAND AND SEAL OF SAID COURT THIS
DAY OF *May* A.D. 20 *13*
20th
CUYAHOGA COUNTY CLERK OF COURTS
By *D. David* 2, Deputy

5/14/13, 2013

RECEIVED FOR FILING

MAY 18 2013

CUYAHOGA COUNTY
CLERK OF COURTS
By *L. Williams* Deputy