

IN THE COURT OF COMMON PLEAS
LAKE COUNTY, OHIO

FILED

BURTON CAROL MANAGEMENT,
LLC,

2015 NOV 19 P 3 22

CASE NO. 15CV000043

Plaintiff

MAUREEN G. KELLY
LAKE CO. CLERK OF COURT

JUDGE VINCENT A. CULOTTA

vs.

JUDGMENT ENTRY

IRM B. ZIEGLER, et al.,

Defendants

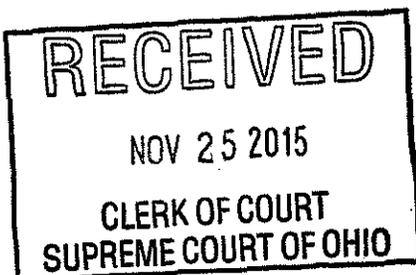
This matter comes before the Court for consideration of the Plaintiff's Motion for Summary Judgment; Defendants (sic) Pro Se Proffered Stipulation Motion for Objection, and to Strike Plaintiff's 5/1/15 Motion for Summary Judgment; and Defendant-Appellants (sic) Proffered (sic) Pro Se Motion to Stipulate of Pre-Judged Decision to Declare Vexatious Litigators.

STATEMENT OF THE CASE

This case was initiated by Burton Carol Management, LLC which set forth a Complaint for Declaratory Relief seeking to have Defendants Irm Ziegler and Joseph Ziegler designated as vexatious litigators pursuant to R.C. §2323.52. Plaintiff indicates that it has defended against habitual, persistent, and unreasonable vexatious conduct by the Defendants in Mentor Municipal Court.

Defendants filed a joint pro se Answer denying Plaintiff's claim that they should be designated vexatious litigators and setting forth several counterclaims. In Count One of their counterclaim, Defendants indicate that they will be filing a Notice of Removal. In Count Two of their counterclaim, Defendants argue that R.C. §2323.52 is unconstitutional. Likewise, Count Three of the counterclaim alleges that R.C. §2323.52 is unconstitutional and indicates that Defendants would file a Notice of Removal. Count Four alleges fraud by Plaintiff and indicates that Defendants will file a Notice of Removal.

Plaintiff filed a response to Defendants' Counterclaims.



At this time, Plaintiff is seeking an Order granting summary judgment in its favor and against Defendants pursuant to Civ.R. 56. Plaintiff contends that it is entitled to judgment as a matter of law as to its declaratory judgment action as well as Defendants' counterclaims.

PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT

In support of its motion, Plaintiff relies upon the Affidavit of its counsel, Michael D. Linn, Esq., who incorporates by reference the dockets in the Mentor Municipal Court, including pleadings, motions, and papers received by counsel from Defendants relative to those cases. Mr. Linn further avers that he was present at the jury trial of CVG 14 00227 and incorporates by reference copies of the transcript of the proceedings.

Plaintiff notes in its brief that it purchased Hardon Run Apartments in Mentor on the Lake, Ohio, in the fall of 2013, at a Sheriff's Sale. Plaintiff indicates that it communicated with the residents regarding plans to improve the property, and within thirty days began receiving correspondence from the Defendants regarding their displeasure with all the past issues prior to Plaintiff's ownership as well as their current displeasure with the Plaintiff's planned improvements. Plaintiff indicates that on December 30, 2013, Defendant Irm Ziegler filed an Application by Tenant to Deposit Rent with the Clerk. Plaintiff indicates that the Mentor Municipal Court conducted a trial and found that Burton Carol was not in violation of R.C. §5321.04, the rental agreement, and/or applicable codes and ordered that the rents on deposit be released to Burton Carol.

Plaintiff notes that on March 21, 2014, it filed a Forcible Entry and Detainer action with a claim for money damages against Defendant Irm Ziegler only. Plaintiff notes that on May 6, 2014, the trial court found in favor of the Plaintiff for restitution of the premises. Plaintiff notes that during the course of this action, Defendants filed three appeals to the Eleventh District Court of Appeals. Plaintiff notes that the appeals were filed by both Defendants even after Joseph Ziegler was dismissed as a Defendant. Plaintiff further notes that Plaintiff's remaining claims were tried on October 23-34, 2014, and a jury rendered a unanimous verdict in favor of Burton Carol in the amount of \$2,778.65. The jury also found in Plaintiff's favor relative to Defendants' counterclaim.

It is Plaintiff's position that Defendants have filed eight appeals to the Eleventh District Court of Appeals related to the matters described above and the appeals have been numerous,

meritless, dilatory, harassing, malicious, and vexatious and have wasted judicial resources as well as the time of Plaintiff's counsel. Plaintiff notes that the first appeal was filed seventeen days after the case was filed. Plaintiff further contends that Defendants have filed three jurisdictional appeals with the Supreme Court of Ohio as well as a request to have Judge Trebets disqualified. Plaintiff notes that Defendants filed a case in the U.S. District Court, Northern District of Ohio against Burton Carol alleging violations of the First, Fourth, Fifth, Sixth, and Fourteenth Amendments to the U.S. Constitution, and a claim under the Federal Racketeer Influenced Corrupt Organization Act which was dismissed. Plaintiff notes that Defendants filed an appeal with the United States Court of Appeals for the Sixth Circuit relative to the dismissal.

Plaintiff notes that the Mentor Municipal Court case has 352 entries which include numerous frivolous, warrantless, harassing and malicious filings from the Defendants including motions for preliminary injunctions, motions to compel discovery where no discovery was propounded, motions to stay the proceedings, and repeated requests for relief from judgments, objections to judgments, and requests for reconsideration.

Specifically, Plaintiff notes that Defendants have alleged that Plaintiff's counsel "intentionally and in bad faith" has misled the Court, committed federal RICO violations, has behaved fraudulently, and has committed perjury. Plaintiff further notes that all of Defendants' motions include a line that states that pro se litigants are not held to the same standards as an attorney.

Plaintiff notes that Defendants' filings contain profanities and threats. For example, Plaintiff notes that in this case, Defendant Joseph Ziegler filed a "Motion for Substitute 'Special' Process Server" in which he recounts that he recently returned to the United States after training and that he "advised members of 3% Percenter Militia Security Detail to fully investigate . . . the so-called Plaintiff's 'Process Server'." Defendant Joseph Ziegler stated that he followed the process server home and "spoke to some ugly/hedious (sic) woman (probably his wife.)" Said Defendant describes the process server as a "drunken, babykilling (sic) coward ex-vietnam (sic) veteran that (sic) lost the Vietnam War and disgraced America." Defendants' Answer, Counterclaim, and Cross-Claim filed in this case refer to Plaintiff's counsel as "corrupt subspecies parasite scumbags worse than child-molesters, racketeers, pussies, etc." Mr. Ziegler states that he has taken up a more honorable profession than law/crime and is acting in porn films. Mr. Ziegler states that "at least when he screws people over he can look them in the face

and kiss them.” Mr. Ziegler states that the Court will hear testimony about and review amateur porn tapes with him “screwing people/wives over in the Legal Profession and one with Adult Female wearing a President Obama mask on.”

Plaintiff further notes that Defendants stated that they are not responsible for whatever acts people take as a result of Defendants having shared Plaintiff’s threats, intimidations, and acts of retaliation committed by Plaintiff and its attorney.

It is Plaintiff’s position that even viewing only the pleadings filed in the instant case, the Court should declare that Defendants are vexatious litigators.

DEFENDANTS’ OPPOSITION TO SUMMARY JUDGMENT

Defendants have filed a pleading captioned “Defendants (sic) Pro Se Proffered Stipulation Motion for Objection, and to Strike Plaintiff’s 5/1/15 Motion for Summary Judgment.” The Court is treating this pleading as a Brief in Opposition to Summary Judgment.

Defendants maintain that they should not be deemed vexatious litigators because they are the parties who have defended against Plaintiff’s actions against them. Defendants maintain that the actions brought by Plaintiff are retaliatory and fraudulent and are meant to “silence [Defendants] from exercising their Federal Constitutional Rights to Association, Circulate Petitions about Black Mold, and for exercising their Federal Equal Protection Right to Appeal any/all Adverse Judgments affecting Substantial Rights.” Defendants go on to state that they are merely seeking to exhaust “State Appellate Court Remedies before Federal Appellate Court Review of clearly established violation of Federal Questions of Law as determined by the US Supreme Court.” Defendants accuse Plaintiff’s counsel of making inflammatory, derogative statements to the Court about Defendants. Defendants further assert that if Plaintiff or the Judge “don’t like what the Defendants write, unverified social medial posts and/or testified about on the stand under oath at Jury Trial, a motion to strike pursuant to Civ.R. 12(F) should be filed. Defendants go on to educate the Court regarding the purpose of the “so-called vexatious litigator statute” arguing that it only applies when a party brings a lawsuit and not when a party files copious amounts of pleadings in lawsuits where that party is a defendant.

Defendants maintain that in determining whether Defendants should be deemed vexatious litigators, this Court should not take judicial notice of any proceedings in any other case outside

of its own case(s). Thus, the cases in Municipal Court should have no bearing on the determination of whether Defendants are vexatious litigators.

Defendants also assert that Plaintiff is not entitled to judgment as a matter of law as to Defendants counterclaims for fraud. Defendants ask the Court to consider the litigation history between the parties to make this determination. Defendants acknowledge that Defendant Irm Ziegler sent a letter to Plaintiff setting forth all of her grievances and demands regarding her living conditions in November, 2013. Defendants acknowledge, among other things, that on December 30, 2013, Defendant Irm Ziegler filed an Application by Tenant to Deposit Rent with the Clerk in Mentor Municipal Court. Thereafter, Defendants acknowledge that Plaintiffs filed an Application for Release of Rent on January 10, 2014, in the Mentor Municipal Court. Defendants acknowledge that on February 11, 2014, after a hearing, Plaintiff's Application for Release of Rent was granted via a Magistrate's decision. Defendants maintain that Irm Ziegler's grievances and demands were not addressed to her satisfaction at the hearing. It is Defendant's position that Plaintiff testified that repairs would be conducted in the spring and Ms. Ziegler testified that her faucet was repaired, but it was unlawful for the court to issue a ruling based upon this testimony. Defendants allege that Mentor Municipal Court Judge John Trebets abused his discretion by overruling Defendants' objection to the magistrate's decision releasing rents. Defendants further allege that Judge Trebets' acted intentionally and in bad faith when he issued said decision.

Defendants mention an audio recording of a call to Mentor Police by a representative where the representative asks police to remove Defendants from circulating petitions. The caller describes "going back and forth" with Defendants in court. Defendants maintain this call is evidence that the subsequent eviction was retaliatory.

Defendants assert that Plaintiff attempted a forced home invasion on February 11, 2014, and returned to the premises on February 14, 2014, with armed police and threatened Defendants. Defendants assert that Plaintiff attempted to extort money from Defendants by claiming that there was an outstanding balance on the rent escrow and by charging for utilities. Defendants allege that on March 10, 2014, they received a Three Day Notice to vacate the premises. Defendants allege that the Forcible Entry Complaint of March 21, 2014, filed in Mentor Municipal Court, was fraudulent, retaliatory and an abuse of process. Defendants acknowledge that retired Willoughby Municipal Court Judge Larry Allen presided over the

eviction case. Defendants allege that Plaintiff did not produce discovery. Defendants describe two motions in limine filed in the Forcible Entry case by Plaintiff. Defendants maintain these motions amount to fraud.

Defendants refer to their sworn affidavits which they allege prove that Plaintiff and its counsel behaved fraudulently in these matters. Defendants also dedicate pages of their brief to an argument that they are entitled to a new trial on the matters that were decided in the Mentor Municipal Court.

Defendants further assert that a garnishment of other than personal earnings issued on December 12, 2014, naming Lake Co. Educational Credit Union, by Mentor Municipal Court was fraudulent. Defendants further assert that the credit union's loan manager, who apparently filled out the Answer of Garnishee on behalf of the credit union, committed "Felony Fraud, Embezzlement, and Larceny by use of Telecommunication, Phone and/or Computer device (sic) to unlawfully seize/levy \$33.67" from Irm Ziegler's bank account. Defendants further assert that the funds are exempt from garnishment. Defendants allege that the municipal judge violated a myriad of Defendants' constitutional rights and/or committed fraud in ruling on the garnishment issues. Defendants again devote pages of their brief to argue the garnishment issues.

Defendants make the statement that "all this Lake Co. Common Pleas Judge has to do is call/contact the Plaintiffs Corporate Law Firm to ask them (sic) to do next." Defendants allege that Plaintiff's counsel does not have personal knowledge and that he is incompetent to testify. Defendants assert that they "look forward to impeaching him/them all with Felony Perjury/Fraud when they are all called to the stand during Jury Trial." Defendants go on to state that Plaintiff's counsel will be arrested at the end of the proceedings via a citizen's arrest. Defendants advise that attorneys and/or the police should not attempt to resist or interfere with this citizen's arrest and it will happen right outside the Courthouse. Defendants assert that a protection order will not protect Plaintiff and/or its counsel and so Defendants advise Plaintiff and its counsel to have bond money ready. Defendants further advise Plaintiff and its counsel to be ready to retain an attorney or hire a "Public Pretender(s)' defenders sitting around the Courthouse to plea bargain" after the citizen's arrest.

Defendants maintain that they should not be deemed vexatious litigators pursuant to R.C. §2323.52 and Plaintiff's Motion for Summary Judgment as to their counterclaims should be denied.

DEFENDANTS' SECOND FILING RE: PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT

Subsequent to their lengthy Brief in Opposition to Plaintiff's Motion for Summary Judgment, Defendants filed a pleading seeming to stipulate that they are vexatious litigators pursuant to R.C. §2323.52 while making the same arguments made in previous pleadings regarding the merits of this case. Defendants maintain that they are doing so to "expedite the entire case for imminent State/Federal Appellate Court Review." Defendants state that they are also so stipulating so that the Trial Court Judge can do what the Plaintiff's counsel has dictated for him to and so the Judge can "get back to hearing Guilty Pleas to preserve the Status Quo."

The Court notes that an exceptional excerpt of this pleading also reads as follows:

since the Plaintiffs, Attorneys, and Judges want to "plot, plan, and conspire" to abuse and usurp the State Justice System in futile attempt to silence these Defendants. That Pro Se Defendant Joseph Ziegler has decided to release some You Tube Videos against the Plaintiffs, Attorneys, and Lake Co. Court System as well as release any/all personal information, tax records, medical records, and all lawfully obtained information from 'US-ISREAL (sic) INCOME TAX TREATY' including but not limited too (sic): intelligence information obtained legally online from State/Private Agency from LEADS, NCIC, LEIN, Obamacare, Credit Reports, and US-Isreal (sic) Treaty. That sell this intelligence to highest bidder. So if Plaintiffs/Attorneys want to file yet another lawsuit against these Defendants that the Defendants have to defend against, feel free to do so. Since none of you have any respect for the rule of law or meaningless sworn oaths to uphold the US Constitution . . . (all spelling, punctuation and grammatical errors original)

Based upon the foregoing, it appears that Defendants wish to be deemed vexatious litigators. At the same time, Defendants "warn" Plaintiff, its counsel and this Court of Defendants' intent to publish/sell Plaintiff's, its counsel's and this Court's tax and medical records and other personal information in the U.S. and/or Israel and to release "YouTube" videos.

SUMMARY JUDGMENT STANDARD

Pursuant to Civ.R. 56, summary judgment is proper when, after construing the evidence in a light most favorable to the nonmoving party, there remains no genuine issue of material fact and the moving party is entitled to judgment as a matter of law.

The moving party bears the initial responsibility of informing the trial court of the basis for the motion, and identifying those portions of the record which demonstrate the absence of a genuine issue of fact on a material element of the nonmoving party's claim. *Dresher v. Burt*, 75 Ohio St.3d 280 (1996). If the moving party satisfies this burden, then the nonmoving party has the burden pursuant to Civ.R. 56(E) to provide evidence demonstrating a genuine issue of material fact. *Id.* If the nonmoving party does not satisfy this burden then summary judgment is appropriate. *Id.*

COURT'S ANALYSIS

Vexatious Litigator

As a preliminary matter, the Court advises the parties that it will not accept the "stipulation" by Defendants regarding their status as vexatious litigators. Rather, the matter will be determined on its merits.

In *Mayer v. Bristow*, 2000-Ohio-109, 91 Ohio St. 3d 3, 9-12, 740 N.E.2d 656, 662-64, the Supreme Court of Ohio determined that R.C. §2323.52 is constitutional in its entirety.

R.C. §2323.52, Ohio's vexatious litigator statute, provides as follows:

(A) As used in this section:

- (1) 'Conduct' has the same meaning as in section 2323.51 of the Revised Code.
- (2) 'Vexatious conduct' means conduct of a party in a civil action that satisfies any of the following:
 - (a) The conduct obviously serves merely to harass or maliciously injure another party to the civil action.
 - (b) The conduct is not warranted under existing law and cannot be supported by a good faith argument for an extension, modification, or reversal of existing law.
 - (c) The conduct is imposed solely for delay.

(3) 'Vexatious litigator' means any person who has habitually, persistently, and without reasonable grounds engaged in vexatious conduct in a civil action or actions, whether in the court of claims or in a court of common pleas, municipal court, or county court, whether the person or another person instituted the civil action or actions, and whether the vexatious conduct was against the same party or against different parties in the civil action or actions. 'Vexatious litigator' does not include a person who is authorized to practice law in the courts of this state under the Ohio Supreme Court Rules for the Government of the Bar of Ohio unless that person is representing or has represented self pro se in the civil action or actions.

(B) A person, the office of the attorney general, or a prosecuting attorney, city director of law, village solicitor, or similar chief legal officer of a municipal corporation who has defended against habitual and persistent vexatious conduct in the court of claims or in a court of common pleas, municipal court, or county court may commence a civil action in a court of common pleas with jurisdiction over the person who allegedly engaged in the habitual and persistent vexatious conduct to have that person declared a vexatious litigator. The person, office of the attorney general, prosecuting attorney, city director of law, village solicitor, or similar chief legal officer of a municipal corporation may commence this civil action while the civil action or actions in which the habitual and persistent vexatious conduct occurred are still pending or within one year after the termination of the civil action or actions in which the habitual and persistent vexatious conduct occurred.

(C) A civil action to have a person declared a vexatious litigator shall proceed as any other civil action, and the Ohio Rules of Civil Procedure apply to the action.

(D)(1) If the person alleged to be a vexatious litigator is found to be a vexatious litigator, subject to division (D)(2) of this section, the court of common pleas may enter an order prohibiting the vexatious litigator from doing one or more of the following without first obtaining the leave of that court to proceed:

- (a) Instituting legal proceedings in the court of claims or in a court of common pleas, municipal court, or county court;
- (b) Continuing any legal proceedings that the vexatious litigator had instituted in the court of claims or in a court of common pleas, municipal court, or county court prior to the entry of the order;
- (c) Making any application, other than an application for leave to proceed under division (F) of this section, 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.

(E) An order that is entered under division (D)(1) of this section shall remain in force indefinitely unless the order provides for its expiration after a specified period of time.

(F) A court of common pleas that entered an order under division (D)(1) of this section shall not grant a person found to be a vexatious litigator 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 unless the court of common pleas that entered that order is satisfied that the proceedings or application are not an abuse of process of the court in question and that there are reasonable grounds for the proceedings or application. If a person who has been found to be a vexatious litigator under this section requests the court of common pleas that entered an order under division (D)(1) of this section to grant the person leave to proceed as described in this division, the period of time commencing with the filing with that court of an application for the issuance of an order granting leave to proceed and ending with the issuance of an order of that nature shall not be computed as a part of an applicable period of limitations within which the legal proceedings or application involved generally must be instituted or made.

(G) During the period of time that the order entered under division (D)(1) of this section is in force, no appeal by the person who is the subject of that order shall lie from a decision of the court of common pleas under division (F) of this section that denies that person 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.

(H) The clerk of the court of common pleas that enters an order under division (D)(1) of this section shall send a certified copy of the order to the supreme court for publication in a manner that the supreme court 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 persons who have been found to be a vexatious litigator under this section and who have failed to obtain leave to proceed under this section.

(I) Whenever it appears by suggestion of the parties or otherwise that a person found to be a vexatious litigator under this section has instituted, continued, or made an application in legal proceedings without obtaining leave to proceed from the appropriate court of common pleas to do so under division (F) of this section, the court in which the legal proceedings are pending shall dismiss the proceedings or application of the vexatious litigator.

Upon consideration, the Court finds that while the Defendants contend that they have filed the voluminous number of pleadings and appeals in order to defend against Plaintiff's claims, the Court finds that litigation originally commenced between the parties when Defendant Irm Ziegler filed an Application with the Mentor Municipal Court to deposit her rent payments into escrow rather than to pay the money directly to the Plaintiff. Plaintiff then filed an Application to Release the Rent. Defendants filed several Motions for Preliminary Injunctions, objections, and appeals prior to and after the municipal court ruled on the issues on their merits. Defendants further filed the following appeals to the Eleventh District Court of Appeals during the duration of the municipal court action: 2014-L-022, 2014-L-039, 2014-L-067, 2014-L-130, 2015-L-008, 2015-L-010, 2015-L-021 and 2015-L-040. Said appeals sought review of various decisions by the municipal court. In addition, Defendants filed three jurisdictional appeals with the Supreme Court of Ohio: 2015-0013, 2015-0038 and 2015-0476. Defendants also filed one case in the Federal District Court: 1:14-CV-00445. The appeals and the federal case named Plaintiff (among others) as a party. The Court finds that Plaintiff has standing to bring this vexatious litigator action against Defendants.

Turning to the instant litigation, the Court notes that Defendants have filed three appeals of interlocutory decisions arising out of this Court during the pendency of this action. Furthermore, Defendants have filed copious pleadings seeking various forms of relief which have no basis in Ohio law at all. Throughout the pleadings, Defendants make incoherent, nonsensical, and irrelevant arguments. The matters in the municipal court have been decided and reviewed on appeal. This Court will not revisit those issues and has no jurisdiction to do so.

Upon review of the evidence in a light most favorable to the Defendants, the Court finds that Plaintiff has met its burden of informing the Court of the basis for its motion and has identified those portions of the record which demonstrate the absence of a genuine issue of fact as to Plaintiff's claim that Defendants are vexatious litigators. Specifically, Plaintiff has produced the docket of Mentor Municipal Court Case Nos. RES1300001 and CVG1400227. Plaintiff has produced copies of the dockets of the appellate cases arising out of the municipal court cases. Plaintiff has produced copies of the appeals to the Supreme Court of Ohio filed by Defendants as well as the federal case filed by Defendants. The Court further takes judicial notice of its own docket in the instant case. Defendants Irm B. Ziegler and Joseph Ziegler have not met their reciprocal burden of providing evidence demonstrating a genuine issue of material

fact as to Plaintiff's claim that Defendants are vexatious litigators. Rather, Defendants seek to stipulate that they are vexatious litigators. Plaintiff is entitled to judgment as a matter of law as to its claim that Irm B. Ziegler and Joseph Ziegler are vexatious litigators.

Defendants' Counterclaims

Upon review, the Court finds that Plaintiff has met its burden of informing the Court of the basis for its motion and has identified those portions of the record which demonstrate the absence of a genuine issue of material fact as to Defendants' counterclaims for fraud and attacking the constitutionality of R.C. §2323.52. As previously stated, in *Mayer v. Bristow*, 2000-Ohio-109, the Supreme Court of Ohio determined that R.C. §2323.52 is constitutional in its entirety. Turning to Defendants' fraud claims, the Court finds that they arise out of Plaintiff having filed a Forcible Entry and Detainer action against Defendants in Mentor Municipal Court. This Court has no jurisdiction to determine the issues already decided in the Mentor Municipal Court case and by the Eleventh District Court of Appeals. Defendants have not met their reciprocal burden of providing evidence demonstrating a genuine issue of material fact as to their counterclaims. Accordingly, Plaintiff is entitled to judgment as a matter of law as to Defendants' counterclaims.

COURT'S CONCLUSION

Plaintiff's Motion for Summary Judgment is well taken and granted.

The Court finds that Defendants Irm B. Ziegler and Joseph Ziegler are vexatious litigators pursuant to R.C. §2323.52 who have habitually, persistently, and without reasonable grounds engaged in vexatious conduct in a civil action in Mentor Municipal Court and the Lake County Court of Common Pleas. The Court finds that Defendants' conduct obviously serves merely to harass or maliciously injure Plaintiff and the conduct is not warranted under existing law and cannot be supported by a good faith argument for extension, modification or reversal of the existing law.

Pursuant to R.C. §2323.52 (D)(1), Defendants Irm B. Ziegler and/or Joseph Ziegler are hereby prohibited from instituting legal proceedings in the court of claims, court of common pleas, municipal court and/or county court without seeking leave of that court to do so. Defendants Irm B. Ziegler and/or Joseph Ziegler may not continue any legal proceedings already

instituted in the aforementioned courts prior to this Order without seeking leave of that court to do so. Defendants Irm B. Ziegler and/or Joseph Ziegler are prohibited from making an application other than an application to proceed under 2323.52(F) in any court of claims or in a court of common pleas, municipal court, or county court. Any action filed in violation of this Order shall be summarily dismissed. Pursuant to R.C. §2323.52(E), this Order shall remain in force indefinitely.

IT IS FURTHER ORDERED that the Lake County Clerk of Courts send a certified copy of this order to the Ohio Supreme Court for publication in a manner that the Supreme Court 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 Irm B. Ziegler and/or Joseph Ziegler if they have failed to obtain leave to proceed.

IT IS FURTHER ORDERED no further filings will be accepted by the Lake County Clerk of Courts in this case absent leave to proceed. Costs to the Defendants Irm B. Ziegler and Joseph Ziegler.

IT IS SO ORDERED.

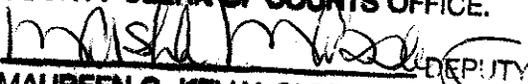


VINCENT A. CULOTTA, JUDGE

Copies:

Robert G. Friedman, Esq.
Irm Ziegler
Joseph Ziegler

FINAL APPEALABLE ORDER
Clerk to serve pursuant
to Civ.R. 58 (B)

I CERTIFY THIS TO BE A TRUE COPY OF
THE RECORDS ON FILE IN THE LAKE
COUNTY CLERK OF COURTS OFFICE.

MAUREEN G. KELLY, CLERK OF COURTS