

IN THE COURT OF COMMON PLEAS, FRANKLIN COUNTY, OHIO

WALTER SEARCY,	:	:	
		:	
Plaintiff,	:	:	Case No. 19CV4298
-vs-	:	:	Judge Page
		:	
YOLANDA HARRIS,	:	:	
		:	
Defendants	:	:	

DECISION AND ENTRY ON DEFENDANT’S MOTIONS FOR JUDGMENT ON THE PLEADINGS AND SUMMARY JUDGMENT

This case is before the Court on Defendant’s motions for judgment on the pleadings and summary judgment.

I. FACTUAL HISTORY

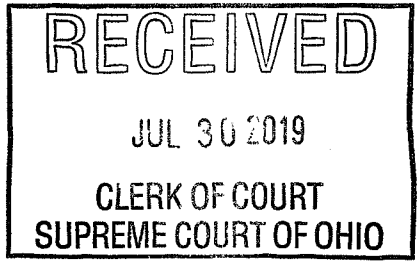
Plaintiff’s complaint alleges that Defendant kidnapped him on October 4, 2013 using death threats. He alleges five billion dollars in damages.

Defendant has denied these claims and counterclaimed to declare Plaintiff as a “Vexacious Litigator.”

. DEFENDANT’S MOTION FOR JUDGMENT ON THE PLEADINGS

Defendant asserts that Plaintiff’s claim for false imprisonment and assault are barred by the statute of limitations, which is one year. R.C. 2305.111(B), R.C. 2305.11(A). Plaintiff claims that this incident occurred on October 4, 2013. He filed his complaint in the case on May 24, 2019, which is clearly outside of the statute of limitations.

“Determination of a motion for judgment on the pleadings ‘is restricted solely to the allegations in the pleadings.’” *Goscenski v. Ohio DOT*, 10th Dist. Franklin No. 13AP-585, 2014-Ohio-3426, ¶ 7, quoting *Peterson v. Teodosio*, 34 Ohio St.2d 161, 166, 297 N.E.2d 113 (1973).



Granting judgment on the pleadings is only appropriate when, after construing the material allegations in the complaint in favor of the nonmoving party, the court finds beyond doubt that the plaintiff could prove no set of facts in support of his claim that would entitle him to relief. *Id.*

Since Plaintiff's claim is barred by the statute of limitations, the Court, after reviewing only the pleadings, and motion for judgment on the pleadings, finds beyond doubt that Plaintiff could prove no set of facts in support of his claim that would entitle him to relief. Therefore, Defendant's motion for judgment on the pleadings is GRANTED.

III. DEFENDANT'S MOTION FOR SUMMARY JUDGMENT

Defendant filed a motion for summary judgment in support of its counterclaim to declare Plaintiff a "Vexacious Litigator."

Summary judgment may be granted under Civ.R. 56(C) when there remains no genuine issue of material fact, the moving party is entitled to judgment as a matter of law, and reasonable minds can come to but one conclusion, that conclusion being adverse to the party opposing the motion. *Franks v. Ohio Dep't of Rehab. & Corr.*, 10th Dist. Franklin No. 12AP-442, 2013-Ohio-1519, 15. The initial burden of producing evidence which demonstrates the fact of a genuine issue of material fact rests with the party moving for summary judgment. *Chase Home Fin., LLC v. Dougherty*, 10th Dist. Franklin No. 12AP-546, 2013-Ohio-1464, 110. The moving party must point to some evidence that affirmatively demonstrates that the non-moving party has no evidence to support each element of the stated claims. *Franks v. Ohio Dep't of Rehab. & Corr.*, 10th Dist. Franklin No. 12AP-442, 2013-Ohio-1519, 15. If any doubt exists, the issue must be resolved in favor of the nonmoving party. *Dougherty* at 10. The nonmoving party must then rebut with specific facts showing the existence of a genuine probable issue and may not rest on the mere

allegations in their pleadings. *Id.* Only factual disputes that might affect the outcome of the suit under the governing law will preclude the entry of a summary judgment. *Havelly v. Franklin County*, 10th Dist. Franklin No. 07AP-1077, 2008-Ohio-4889, ¶ 32.

R.C. 2323.52(B) allows a person who has defended against habitual or persistent vexatious conduct in the court of common pleas to commence a civil action in a court of common pleas with jurisdiction over the “Vexatious Litigator” while the vexatious action is pending. R.C. 2323.52(B). A “Vexacious Litigator” is any person who persistently, habitually, and without reasonable grounds engages in vexatious conduct in a civil action or actions. R.C. 2323.52(A)(3). “Vexatious Conduct” means conduct of a party in a civil action that satisfies any of the following: (1) The conduct obviously serves merely to harass or maliciously injure another party to the civil action, (2) 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, or (3) The conduct is imposed solely for delay. R.C. 2323.52(A)(2).

“The purpose of the “Vexatious Litigator” statute is clear. It seeks to prevent abuse of the system by those persons who persistently and habitually file lawsuits without reasonable grounds and/or otherwise engage in frivolous conduct in the trial courts of this state.” *Prime Equip. Grp., Inc. v. Schmidt*, 2016-Ohio-3472, 66 N.E.3d 305, ¶ 310-311 (10th Dist.).

Defendant has provided evidence that Plaintiff has filed many lawsuits against celebrities, media personalities, and others. All these filings allege the same baseless accusation that he has been kidnapped and is seeking excessively high monetary damages. Plaintiff also previously sued Defendant making a similar type of claim. Plaintiff has not filed any responses to Defendant’s motions nor offered any evidence to support his claims.

After considering the complaints, motions, exhibits, and arguments of the parties, the

Court finds that there is no issue of genuine material fact for Defendant's counterclaim to declare Plaintiff a "Vexatious Litigator." Defendant's motion for summary judgment is GRANTED.

IV. CONCLUSION

It is hereby ordered that Plaintiff be declared a "Vexatious Litigator" pursuant to R.C. 2323.52, and is henceforth required to first obtain leave of the court before instituting legal proceedings in the Franklin County Court of Common Pleas.

IT IS SO ORDERED.

THIS IS A FINAL APPEALABLE ORDER.

Copies to all parties.

Franklin County Court of Common Pleas

Date: 07-24-2019
Case Title: WALTER SEARCY ET AL -VS- YOLANDA HARRIS
Case Number: 19CV004298
Type: ORDER

It Is So Ordered.



/s/ Judge Jaiza Page

Electronically signed on 2019-Jul-24 page 5 of 5

THE STATE OF OHIO } Franklin County, ss }	I, MARYELLEN O'SHAUGHNESSY, 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.
<i>Decision and Entry</i>	
NOW ON FILE IN MY OFFICE WITNESS MY HAND AND SEAL OF SAID COUNTY	
THIS <u>26</u> DAY OF <u>JULY</u> A.D. 20 <u>19</u>	MARYELLEN O'SHAUGHNESSY, Clerk
By <u>M. Bolack</u>	Deputy

Court Disposition

Case Number: 19CV004298

Case Style: WALTER SEARCY ET AL -VS- YOLANDA HARRIS

Case Terminated: 18 - Other Terminations

Final Appealable Order: Yes

Motion Tie Off Information:

1. Motion CMS Document Id: 19CV0042982019-06-0599860000
Document Title: 06-05-2019-MOTION FOR SUMMARY
JUDGMENT - DEFENDANT: YOLANDA HARRIS
Disposition: MOTION GRANTED
2. Motion CMS Document Id: 19CV0042982019-06-0599870000
Document Title: 06-05-2019-MOTION FOR JUDGMENT ON
PLEADINGS - DEFENDANT: YOLANDA HARRIS
Disposition: MOTION GRANTED