

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

City of Jackson, et al.,	:	Case No. 23CIV0088
Plaintiffs,	:	Judge Ruehlman
vs.	:	(By Assignment)
Roger D. Ward	:	<u>JUDGMENT ENTRY</u>
Defendant.	:	<u>DECLARING ROGER D. WARD</u>
	:	<u>A VEXATIOUS LITIGATOR</u>

FILED
Common Pleas Court
Jackson, OH
NOV 30 2023
SETH I. MICHAEL, CLERK
DEPUTY

This matter came for consideration upon Plaintiffs' Complaint to have Defendant Roger D. Ward declared a vexatious litigator pursuant to R.C. 2323.52, and for a temporary restraining order and preliminary injunction to issue against Defendant pending resolution of Plaintiffs' claims. The Court issued the temporary restraining order on November 16, 2023 and, pursuant to Civ. R. 65, set this matter for hearing on November 22, 2023 on Plaintiffs' request for a preliminary injunction. After commencement of that hearing, pursuant to Civ. R. 65(B)(2), the Court consolidated the hearing with the trial on the merits.

An action to declare a person a vexatious litigator is governed by R.C. 2323.52. In addition, the Court is bound by precedent in applying that statute, including the recent decision by the Supreme Court of Ohio in *H.R. v. P.J.E.*, Slip Opinion No. 2023-Ohio-4185. In that decision, the Supreme Court of Ohio unanimously found that advancing arguments that ignore well-established case law constitutes frivolous conduct and vexatious conduct.

Plaintiffs assert that Defendant's conduct in the following actions, all of which arise from the same event and are therefore related matters, constitutes vexatious conduct:

- Jackson County Municipal Court Case No. CRB2300012;
- Jackson County Common Pleas Court Case No. 23CIV0009;
- Ohio Fourth District Court of Appeals Case No. 23CA0015;
- U. S. District Court for the Southern District of Ohio Case No. 2:23-cv-01993.

The Court finds that Defendant's conduct in the above actions is a matter of public record. The Court finds the affidavit and testimony offered by Plaintiffs and the public record of Defendant's conduct in the above actions constitute uncontroverted evidence that much of Defendant's conduct in the above actions obviously served merely to harass or maliciously injure Plaintiffs, was not warranted under existing law and could not be supported by a good faith argument for an extension, modification, or reversal of existing law, and was imposed solely for delay, and thus constitutes vexatious conduct. The Court further finds the uncontroverted evidence clearly establishes Defendant Roger D. Ward habitually, consistently, and without reasonable grounds engaged in vexatious conduct in the above actions.

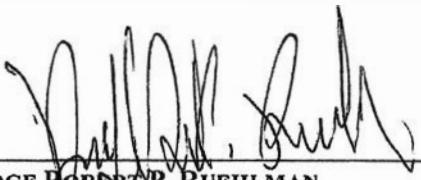
Accordingly, Defendant Roger D. Ward is declared a vexatious litigator pursuant to R.C. 2323.52. In addition to all other sanctions and restrictions provided by law, Roger D. Ward is hereby prohibited from engaging in any of the following conduct without first obtaining leave of court, which prohibition shall remain in force indefinitely:

- 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 Roger D. Ward has instituted in any of the above-specified courts prior to the entry of this order;

- c. Making application, other than an application for leave to proceed under as provided in R.C. 2323.52(F)(1), in any legal proceedings instituted by Roger D. Ward in any of the above-specified courts.

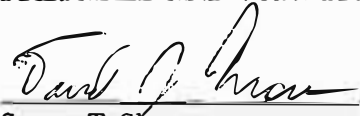
The Court orders that the Clerk of Courts shall immediately transmit a certified copy of this Judgment Entry to the Supreme Court of Ohio as required under R.C. 2323.52(H).

The Court notes Defendant filed a counterclaim on October 30, 2023, which counterclaim remains pending. Thus, this Entry does not resolve all of the claims between the parties and does not constitute a final appealable order.



JUDGE ROBERT P. RUEHLMAN
By Assignment

PREPARED AND SUBMITTED BY:



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CERTIFICATE
State of Ohio, Jackson County,
SETH I. MICHAEL, Clerk of the Common Pleas Court, within and for said
County having the custody of the File, Journals, and Records of said Court, do hereby
certify that the foregoing is a true and correct copy of the original
JUDGMENT ENTRY DECLARING
ROGER D. WARD A VEXATIOUS LITIGATOR
now on file in this office.
IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said
court, of Jackson this 30th day of November 2023
SETH I. MICHAEL, CLERK OF COURTS
By Rebecca Patton Dep.