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MARCIA J. MENGEL, CLERK
SUPREME COURT OF OHIO

IN THE COURT OF COMMON PLEAS
MAHONING COUNTY, OHIO

PAUL J. GAINS MAHONING COUNTY PROSECUTOR 120 MARKET STREET YOUNGSTOWN, OHIO 44503	)	CASE NO. 02 CV 2175
PLAINTIFF	)	JUDGE MAUREEN A. CRONIN
vs	)	**JUDGMENT ENTRY AND OPINION**
LELAND BENNETT	)	
DEFENDANT	)	

CLERK OF COURTS
MAHONING COUNTY, OHIO
JAN 24 2003
FILED
ANTHONY VIVO, CLERK

This cause is before the Court for consideration of Plaintiff's Motion for Default Judgment as to the sole claim in the Complaint that Defendant be declared a "vexatious litigator." The Court has reviewed Plaintiff's Motion for Default Judgment. For the following reason(s), Plaintiff's Motion is sustained and the Court determines that Defendant is a "vexatious litigator."

Plaintiff is the Prosecutor of Mahoning County. Defendant is a resident of the City of Youngstown, Ohio.

On July 22, 2002, Plaintiff filed a Complaint to have Defendant adjudicated a vexatious litigator pursuant to Ohio Revised Code §2323.52. Defendant failed to plead or otherwise defend as to Plaintiff's complaint.

Pursuant to Rule 55(A) of the Ohio Rules of Civil Procedure, default judgment is properly granted when:

> a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend as provided by these rules, the party entitled to a judgment by default shall apply in writing or orally to the court therefore...

Therefore, if a defendant is properly served with a complaint and fails to answer within the time allowed, the plaintiff is entitled to judgment as a matter of law.

In the case at bar, the Defendant was properly served with notice of the within action

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according to law. As stated above, Defendant has since failed to plead or otherwise defend as to Plaintiff's complaint. As such, Plaintiff is entitled to default judgment against Defendant.

The Court therefore finds that Defendant is determined to be a "vexatious litigator" as defined in Ohio Revised Code §2323.52, and that he is subject to the sanctions and prohibitions set forth therein.

WHEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that:

1. Defendant, Leland Bennett aka Daniel Abengo ("Defendant") is hereby declared a "vexatious litigator" as defined in Ohio Revised Code §2323.52(A)(3).

2. Defendant is prohibited from doing the following without first obtaining leave of the Court of Common Pleas, Mahoning, County, Ohio 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 proceeding that Defendant has instituted in the Court of Claims or in a Court of Common Pleas, Municipal Court or County Court prior to Entry to of this Order.

   (c) Making any application other than an application for leave to proceed under Division (F) of Ohio Revised Code §2323.52, in any legal proceedings instituted by the Defendant or another person in the Court of Claims or in a Court of Common Pleas, Municipal Court, or County Court.

3. This Order shall remain in force indefinitely.

4. The Clerk of the Mahoning County Common Pleas Court is hereby ordered to send a certified copy of this Entry to the Ohio Supreme Court for publication in a manner that the Supreme Court determines is appropriate pursuant to Ohio Revised Code §2323.52(H).

IT IS SO ORDERED.

DATE: 1-25-03

Maureen A Cronin
JUDGE MAUREEN A. CRONIN

1-28, 2003
This is a true copy of the original
Filed in Case No. 00-0175
ANTHONY VIVO, Clerk of Courts
By Deputy Clerk

CLERK: COPY TO ALL COUNSEL
OR UNREPRESENTED PARTY