

**IN THE MONTGOMERY COUNTY COMMON PLEAS COURT**

<b>DASHALAHN BROWN</b>	:	<b>CASE NO. 2023-CV-03488</b>
<b>Petitioner,</b>	:	<b>JONATHAN P. HEIN,</b>
<b>vs.</b>	:	<b>Judge by Assignment</b>
<b>JUDGE DENISE CROSS</b>	:	<b>JUDGMENT ENTRY B Decision</b>
<b>Defendant.</b>	:	<b>and Judgment Entry Determining</b>
	:	<b>Petitioner to be a Vexatious Litigator</b>

This matter came before the Court pursuant to notice and pursuant to the Court’s own motion for the parties herein to submit any evidentiary matters or legal arguments to assist in determining whether the Petitioner should be designated as a vexatious litigator. Such designation would prohibit Petitioner from unfettered access to the Courts of the State of Ohio.

Neither party has filed any pleadings. The Court considers this question on the public records filed in the Clerk of Courts’ Office. Specifically, the Court has identified twenty-three cases filed by the Petitioner from November, 2021 through July 2023 which involve Petitions for Civil Protection Orders of some sort. The disposition of these cases is as follows: one case was removed to federal district court; three cases lack service of process on the respondents with no apparent attempts to do so; nine cases were dismissed due to misrepresentation of “family relationship” and thus were without merit; and ten cases were dismissed after the Petitioner failed to appear for hearing.

### **Case Analysis**

This proceeding is permissible under the provisions of R.C. 2323.52. Relevant portions of the statute are set forth 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 appeals, 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. For the purposes of division (A)(3) of this section, "civil action" includes a proceeding under section 2743.75 of the Revised Code.

### **Decision**

The Court has considered the twenty-three cases described above. These pleadings show that Dashalahn Brown has initiated virtually all cases where the merits were void of facts or legal authority to make a reasonable argument that the Petition for Civil Protection Order was worthy of consideration by the Court.

Most recently, Case Nos. 2023 CV 02864 and 2023 CV 03488 required the appointment of the undersigned judge to resolve the cases due to perceived conflicts of interest with sitting members of the judiciary. These cases involved retained counsel for the Respondent. The mechanics of having the cases set for evidentiary hearing and locating available courtroom facilities takes employee time and public resources. These circumstances

clearly demonstrate the reasons that R.C. 2323.52 was enacted to reduce meritless filings. These circumstances support the conclusion that the Petitioner's conduct is not honorable, appropriate and necessary, but instead is vexatious conduct. Therefore, the Court finds that the Defendant is a vexatious litigator as defined by the Ohio Revised Code.

### **Remedies**

The Ohio Revised Code specifies various remedies which can be imposed against a person determined to be a vexatious litigator. R.C. 2323.52 provides:

(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 any of the courts specified in division (D)(1)(a) of this section prior to the entry of the order;
- (c) Making any application, other than an application for leave to proceed under division (F)(1) of this section, in any legal proceedings instituted by the vexatious litigator or another person in any of the courts specified in division (D)(1)(a) of this section.

(F)(1) 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 division (F)(1) of this section, 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.

**Conclusion**

The Court determines that the Petitioner, Dashalahn Brown, is a vexatious litigator, as defined by R.C. 2323.52.

**IT IS, THEREFORE, ORDERED AND DECREED** that Dashalahn Brown be restrained from filing any litigation in the trial courts of Montgomery County, Ohio, unless this Court determines that such future filings are not an abuse of process and that reasonable grounds exist for such future action. See R.C. 2323.52(F)(1). The mechanism for determining whether any proffered filing by Dashalahn Brown has merit shall be for Ms. Brown to present the petition or pleading along with a written request. The petition or pleading shall be filed with the written request attached. The assigned judge will review the filing and the request. If the judge signs an order permitting the filing, the case can proceed. If the judge does not permit the filing, the case shall be closed with no further action.

**IT IS FURTHER ORDERED AND DECREED** that the restrictions imposed herein shall remain in effect for a term of five (5) years hereafter.

**IT IS FURTHER ORDERED AND DECREED** that the Clerk of Courts shall forward a certified copy of this Entry to the Supreme Court of Ohio for publication and/or distribution as it deems appropriate.

Costs to the Petitioner. FINAL APPEALABLE ORDER.

/s/ Jonathan P. Hein 08/21/2023  
JONATHAN P. HEIN, Judge

cc: Dashalahn Brown, Petitioner  
Brian Smith, Attorney for Judge Denise Cross

jph/research/vexatious litigator

I hereby certify this to be a true and correct copy.  
Witness my hand and seal this 25<sup>th</sup>  
day of August 2023.

M. J. [Signature]  
Clerk of Common Pleas  
Court of Montgomery County, Ohio  
By Erica Walker  
Deputy