

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

Thomas Parker Aldrich, III, B.S., J.D., et al.)

CASE NO. CV-11-748817

Plaintiff,)

JUDGE KATHLEEN ANN SUTULA

vs.)

The Cleveland Clinic)

Defendants,)

JOURNAL ENTRY
AND OPINION

Kathleen Ann Sutula, J:

IT IS SO ORDERED:

This matter came on for a hearing on July 27, 2011 on the Defendant Cleveland Clinic's motion for summary judgment on the counterclaim to have Plaintiff, Thomas Parker Aldrich III, B.S., J.D., declared a "vexatious litigator" pursuant to Ohio Revised Code § 2323.52. Plaintiff Aldrich failed to appear for both the case management conference and hearing scheduled for the morning of July 27, 2011. Defendant's motion for summary judgment on counterclaim, filed 4/08/2011, is granted.

Evidence presented in Defendant's briefs and at the hearing meet the statutory standard set out in R.C. § 2323.52. The Court finds that Plaintiff's conduct served merely to harass or maliciously injure the Defendant, The Cleveland Clinic. His conduct was not warranted under existing law, and could not be supported by good faith argument for an extension, modification, or reversal of existing law and that his conduct was imposed solely for delay.

Specifically, Plaintiff has commenced litigation in his own name in at least fourteen civil suits in the past fourteen years. All fourteen of those suits were dismissed without Plaintiff engaging in any substantive pre-trial practice. Plaintiff voluntarily dismissed eight of the cases

and the respective courts dismissed the six remaining cases. Plaintiff's numerous suits include cases against sitting judges and the Ohio Supreme Court.

In *Thomas Parker Aldrich III, et al., v. News Herald, et al.*, filed in the Northern District of Ohio (Case No. 1:02-CV-0355-PAG), The Honorable Patricia A. Gaughan warned Plaintiff about filing frivolous civil actions. Judge Gaughan warned Plaintiff, "The filing of any further patently groundless motions may subject [him] to sanctions under Fed.R.Civ.P. 11, and could result in an order enjoining [him] from filing actions or documents" in the Northern District of Ohio. Plaintiff has since filed and voluntarily dismissed four actions after that warning.

Plaintiff's conduct in the instant matter further demonstrates his vexatious conduct. Plaintiff's initial complaint (Case No. CV-09-713301) and his re-filed complaint contains claims not recognized by Ohio law. For instance, he asserts causes of action from criminal breach of contract, criminal breach of implied contract, criminal conduct, criminal gross neglect of duty, and failure to timely provide a medical file. Plaintiff also presented claims for which he has no standing to bring: claims relating to care his aunt received; the alleged demise of Cleveland's cultural institutions and sports teams; and claims for John/Jane Doe patients.

Furthermore, Plaintiff habitually, persistently, and without reasonable grounds threatens additional litigation against The Cleveland Clinic, its attorneys, and the Court. These threats and allegations are littered through Plaintiff filings including: 1) "Statements for Cuyahoga County Common Pleas Court, the Federal Court and the United States Department of Justice and Answer to Counterclaim and Projected Subsequent Actions against all Parties" filed on April 12, 2011; 2) "Thomas Parker Aldrich III, B.S., J.D. and John Doe Jane Doe Patients Criminally Treated Response to [Cleveland Clinic's] Motion in Support of Summary Judgment on Counterclaim and Plaintiff's Pro Se's Criminal Charges against [Defendant Cleveland Clinic], the Cleveland Clinic

Doctors, the Cleveland Clinic Officers, the Cleveland Clinic Trustees, the Cleveland Clinic Statutory Agent, the Cleveland Clinic Law Firms and the Cleveland Clinic Lawyers” filed April 15, 2011; 3) Plaintiff’s Settlement Demand for \$21,000,000 , which includes a threat of a federal lawsuit and a Justice Department Investigation if Plaintiff’s demand is not met; 4) Plaintiff’s “Notice of Upcoming Federal Litigation Based Upon Case CV-11-748817” at ¶6, filed on April 21,2011, which includes a threat to sue Tucker Ellis & West LLP and every employee and the Cleveland Clinic in federal court for criminal and civil claims and \$50,000,000 in damages.

Plaintiff has also failed to serve Cleveland Clinic’s attorneys with filings despite completing Certificates of Service stating he has performed proper service. Plaintiff’s pre-trial activities also include threats to improperly use the media for publicity if the Cleveland Clinic does not pay him \$21,000,000. Such threats can be found in the following filings and submissions: 1) Plaintiff’s Settlement Demand in which he threatens to contact 225 Ohio Newspapers, 250 National Newspapers, and 60 Minutes, as well as engage in “Internet Saturation”; and 2) Plaintiff’s “Notice of Upcoming Federal Litigation Based Upon Case CV-11-748817” at ¶6, filed on April 21,2011, in which he threatens to take his “entire file” to 60 Minutes and to go “on national TV to expose the corruption and crime at the world-class Cleveland Clinic.”

Plaintiff’s attempted ex-parte communications¹ with the Court also seek to harass and prejudice the Cleveland Clinic. In fact, one such communication was a letter also sent to The Plain Dealer in which Plaintiff states that “the Cleveland Clinic, the Cleveland Clinic doctors, the Cleveland Clinic officers, the Cleveland Clinic trustees, the Cleveland Clinic statutory agent, the Cleveland Clinic law firms and the Cleveland Clinic lawyers, all have taken part in the criminal,

¹ Upon receipt, the Court immediately provided a copy of the communication to Attorney Ross at the 4/28/2011 Case Management Conference.

mortally criminal practice and possibly even RICO conduct.” See, Plaintiff’s April 14, 2011 letter.

Plaintiff’s habitual, persistent, and groundless conduct is not only directed at the Cleveland Clinic, but also its attorneys. In this case alone, Plaintiff has made personal attacks against Tucker Ellis & West LLP and its attorneys – all of which rise to level of scandalous behavior prohibited under Ohio Civil Rules. Specifically, Plaintiff accuses Cleveland Clinic lawyers of criminal conduct and violations of The Ohio Rules of Professional Conduct for defending their client in accordance with Ohio’s Civil Rules.

Plaintiff is engaging in the exact behavior the Ohio Supreme Court warned about when it upheld the vexatious litigator statute. See, *Mayer v. Bristow* (2000), 91 Ohio St. 3d 4, 13. He is using the civil justice system to intimidate and cause decimation to his targets – the Cleveland Clinic and the law firms and attorneys who represent the Cleveland Clinic.

Upon evidence produced at the hearing and for good cause shown, the Court finds and declares that Plaintiff Thomas Parker Aldrich, III, B.S., J.D. is a vexatious litigator as defined in Ohio Revised Code § 2323.52.

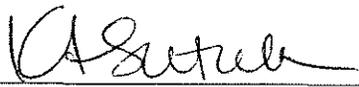
Accordingly, Thomas Parker Aldrich III, B.S., J.D., without first obtaining leave from the applicable court, is expressly and indefinitely prohibited from doing any of the following activities described in Ohio Revised Code § 2323.52(D)(1), namely:

- (a) Instituting legal proceedings, in a *pro se* capacity, in the court of claims or in a court of common pleas, municipal court, or county court;
- (b) Continuing any legal proceedings that he had instituted in any of the courts specified above prior to this order;

- (c) Making any application, other than an application for leave to proceed allowed under division (F)(1) of Ohio Revised Code § 2323.52 in any legal proceedings instituted by himself or another person in any of the courts specified above.

Any proceedings instituted or continued, or any application made by Thomas Parker Aldrich, III, B.S., J.D. without leave of that court to proceed shall be dismissed. This order shall remain in force indefinitely. See R.C. § 2323.52(E).

The Clerk of Courts, Cuyahoga County, Ohio, is hereby ordered to send a certified copy of this journal entry to the Ohio Supreme Court for publication pursuant to Ohio Revised Code § 2323.52(H).

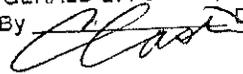


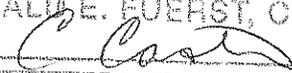
Judge Kathleen Ann Sutula

Date: July 28, 2011

RECEIVED FOR FILING

JUL 28 2011

GERALD E. FUERST, CLERK
By  Deputy

THE STATE OF OHIO Cuyahoga County	} SS. I, GERALD E. FUERST, 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 <u>Journal Entry, 7-28-11</u>	
NOW ON FILE IN MY OFFICE.	
WITNESS MY HAND AND SEAL OF SAID COURT THIS <u>28th</u> DAY OF <u>JULY</u> , A.D. 20 <u>11</u>	
5	GERALD E. FUERST, Clerk By  Deputy

CERTIFICATE OF SERVICE

A copy of the foregoing Journal Entry and Opinion has been sent via regular U.S. mail on this 28th day of July, 2011, to the following:

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