



COURT OF COMMON PLEAS
DIVISION OF DOMESTIC RELATIONS
CUYAHOGA COUNTY, OHIO

ORIGINAL
COURT RECORD

JAN - 07 2023

CLERK OF COURT
CUYAHOGA COUNTY, OHIO

CHRISTINE ANN TRUNK,

PLAINTIFF,

v.

ROBERT M. COLEMAN,

DEFENDANT.

Case No. DR22 388561

JUDGE DIANE M. PALOS

JUDGMENT ENTRY OF ANNULMENT
WITH FINDINGS OF FACT AND
CONCLUSIONS OF LAW



This cause came on for hearing on December 13, 2022, upon the Plaintiff's Complaint for Annulment and was duly heard before the Honorable Diane M. Palos, Judge of the Domestic Relations Division of the Court of Common Pleas upon the: Complaint of Plaintiff and Answer of Defendant. In addition the following motions were heard: Motion #453769 Plaintiff's Motion for Discovery Sanctions filed September 20, 2022, Motion #454234, Plaintiff's Motion for *Praecipe* Hearing on Sanctions filed October 11, 2022, Motion # 455713, Defendant's Motion for Protective Order, filed December 12, 2022, Motion #455738, Plaintiff's Motion for Discovery Sanctions, filed December 12, 2022, and Motion #455747, Plaintiff's Motion to Declare Defendant a Vexatious Litigator, filed December 12, 2022, to which Defendant filed a Response after the trial concluded.

Present at the hearing were Plaintiff, Defendant, and Counsel for Plaintiff, Alexander Folk. The official court reporter was Elizabeth Heraghty. The Defendant called Jacob Wolfram as a witness. The Defendant had subpoenaed several people. Four people requested that they be released from testifying. (See communications filed with the Clerk) These subpoenas, which were not served on Plaintiff's counsel, were resolved by separate order of this Court prior to trial.

The Court finds that Plaintiff submitted the following exhibits: 1,3-4, 8-18, 20, 23, 26-27, 29-36, and 38-39. The Defendant failed to provide his exhibits to the Plaintiff in accordance with the Trial Order issued July 11, 2021. The Court, however, allowed the Defendant to proffer the exhibits. The proffer lasted over 50 minutes.

The Court finds that Plaintiff was a resident of the State of Ohio for more than six (6) months immediately preceding the filing of the Complaint and that venue is proper in this county. The Court further finds that it has personal jurisdiction over Defendant. The Court further finds that all service and notice provisions have been satisfied according to law.

The Court finds that: Neither Plaintiff nor Defendant is in the military service of the United States.

The issue before this Court is whether a marriage occurred on October 19, 2016, as alleged by Defendant. Defendant obtained a Delayed Certificate of Marriage from the state of California in September 2021. Plaintiff is seeking an annulment and alleges that no marriage occurred.

The parties in this matter met each other in California and began a relationship which included on and off cohabitation starting on August 12, 2016, and ending July 4, 2021. In late October 2016, the parties went to Tennessee due to the death of Defendant's sister. They made inquiries as to whether they could become custodians of Defendant's sister's children; that did not occur. They subsequently took a vacation to visit Plaintiff's grandfather in December 2016. In January 2017, the Plaintiff came back to Ohio and lived in her mother's home. She also started a course for certification as a massage therapist. Sometime after that, the

Defendant came to Ohio. He stayed in hotels and, for one week, he stayed at Plaintiff's mother's home. In June 2017, he purchased a home in Columbia Station, Ohio. In January 2018, Plaintiff moved into the Defendant's Columbia Station home.

On July 4, 2021, the Plaintiff moved from Defendant's home to an apartment in Middleburg Heights. It is safe to say that Defendant was not in agreement with Plaintiff's choice. On July 12, 2021, the Plaintiff had to call the Rocky River Police because the Defendant was following her in his truck and tried to get her into the truck when she was riding her bicycle home from work. (Plaintiff's Exhibit 38)

The Plaintiff's apartment was leased to her only and she moved there alone. Defendant testified that they moved there together. At some point he tried to gain entry to that unit but could not because his name was not on the lease. The Court notes that after this trial concluded, the Defendant filed a Motion for Access to the Marital Residence (Plaintiff's apartment) which was denied.

In early September, Defendant had an attorney create the "Christine Trunk Coleman Real Estate Trust". That trust makes the Plaintiff the beneficiary for his house if he predeceases her. He attached the trust, multiple text messages, photographs, a copy of an expired Drivers' License of the Plaintiff, and a copy of Plaintiff's birth certificate, which he obtained from Parma City Hall to a petition he filed in Humboldt County, California on September 21, 2021, requesting a certificate of marriage be issued. The petition (Plaintiff's Exhibit 1) alleged that the parties were married October 19, 2016, in Hoopa, California by a clergyman by the name of Tony Joel Silvia at 10 a.m. on tribal land and later married again in a self-solemnizing Quaker ceremony at 9:47 p.m. The petition further alleges that the marriage license was either lost or destroyed, "possibly due to the installation of a new computer system by the county." Also attached to the petition were 3 declarations. The first included the above information and was signed by Defendant. The second was signed by Matthew Leroy Silvia, attesting to everything in Defendant's affidavit. The third was unsigned by another alleged witness, Brandon Ransom.

The Superior Court of California, County of Humboldt held an *ex parte* hearing nine days after the filing of the petition, September 30, 2021. The Defendant, by Zoom, was the only person present. No service was made on Plaintiff. Defendant admitted on cross-examination in this case that he did not request service. The Court issued an order that requested the State Registrar to issue a marriage certificate between Plaintiff and Defendant for a marriage on October 19, 2016. A Delayed Certificate of Marriage issued by the State Registrar. (Joint Exhibit 1)

The issue presented here is that Plaintiff alleges no marriage license was ever applied for, that she never married or consented to marry Defendant, and that no ceremony, in fact, ever occurred. She, therefore, requests an annulment to be granted as the "marriage" is void *ab initio*. Here, the issue of law is not a statutory annulment for a voidable marriage, but an annulment under a Court's inherent authority under the common law to determine a marriage a nullity. *Patel v. Patel*, 2014-Ohio-2150, 11 N.E.2d 800 (10th Dist.) (FN 1).

In California, the issuance of a marriage license, the return and registration of the license, and the issuance of a marriage certificate are ministerial functions, not judicial adjudications. *Lockyer v. City and Cty. Of San Francisco*, 33 Cal. 4th 1055, 1099, 95 P.3d 459, 17 Cal.Rptr.3d 225 (2004). The elements of a valid marriage are: "(1) consent, (2) capacity to consent, (3) a license, and (4) solemnization." *In re: Marriage of Cantarella*, 191 Cal.App.4th 916, 921, 119 Cal.Rptr. 829 (2011); *Chaney v. Netterstrom*, 21 Cal.App.5th 61, 66, 229 Cal.Rptr.3d 860 (2018).

The Plaintiff testified, that while the parties lived together off and on from August 12, 2016, to July 4, 2021, they never contemplated marriage. Plaintiff referred to texts from Defendant (Plaintiff's Exhibit 9) on November 18, 2018, where he texted, "I was thinking when we get married like a hundred years from now. [sic] We should not like not [sic] invite your dad..."; and, a subsequent text referring to the November 18, 2018 text, (Plaintiff's Exhibit 10) sent on November 21, 2018, where he texted, "no I was like messing with you about the marrying thing".

The Plaintiff further testified that Plaintiff's Exhibit 8 which was an email January 22, 2017, to her from Defendant, stating, "Enjoy being single" was because he was upset that she moved back in with her mother. The Court notes that the opposite of "single" is not necessarily "married". Plaintiff also produced a card that she made and gave Defendant on the first anniversary of dating (Plaintiff's Exhibit 23) which by Defendant's calculation would have been almost 10 months after the "marriage".

The Plaintiff testified that she did not consent to a marriage. And that, in fact, she has never been married.

The clearest evidence in this matter is the tax returns of the parties. Plaintiff's Exhibits 26-27 are copies of Defendant's 2016 and 2017 Federal Tax returns. Both contemporaneous documents represent Defendant's filing status as single. Plaintiff's Exhibits 31-35 represent Plaintiff's 2017-2021 Federal Income Tax Returns. All of Plaintiff's contemporaneous documents represent her filing status as single. Defendant alleged that because Plaintiff filed incorrectly, he did so too to protect her. In addition, when Defendant purchased the Columbia Station home in 2017, he was listed on the contemporaneous mortgage deed as a "single man" (Plaintiff's Exhibit 30). The idea of the parties being married seems to have been created sometime after Plaintiff chose to leave the relationship in July 2021.

The Defendant's testimony greatly focused on how he told her about the California petition. He testified variously that he texted her, left it on her car, had Jacob Wolfram take it to her apartment, and that he told members of her family. Jacob Wolfram also testified to Defendant asking him to deliver papers, but he was reluctant to get involved, and he did not remember taking the papers in September 2021; nor was he authorized to serve process. The Plaintiff testified Defendant contacted her after she left using various "burner" phones so that she would not recognize his number. She said that she blocked the numbers so that she would not receive contact from Defendant. In a packet left by Defendant for Plaintiff in November 2021, he included a letter (Plaintiff's Exhibit 39). The Defendant stated on page 6 of Plaintiff's Exhibit 39, that he had multiple telephone numbers on "burner" telephones. She testified that she first received the "Certificate of Marriage" in November 2021.

The Defendant's testimony on the whole lacked credibility. He argued that Plaintiff admitted she had been served with the California action in the trial brief filed. The Court found no such admission. The Defendant, in his Petition to California, stated that the "self-solemnizing" marriage was a Quaker ceremony. In his testimony, he repeatedly stated that the officiant was a "Shaker". It stretches credulity to believe that there were two ceremonies, one Quaker and one Shaker. He described the officiant as a preacher, but, said that his church was dissolved in September 2021. He testified that there were two licenses for the marriage, one for a Fortuna, California marriage (the "self-solemnizing") and one for Humboldt County for Hoopa, California (the ceremony by Tony Joel Silvia who is now deceased). Defendant cannot produce either marriage license. It is unlikely both would be lost or destroyed by the County. The Court takes judicial notice that both Hoopa and Fortuna are places in Humboldt County, California, and that different licenses would not be needed. The Defendant's direct testimony on this issue was confusing and contradictory.

The Defendant testified that he did not want to engage in sexual intercourse until the parties were married, but, also stated that they had a pre-marriage "honeymoon" in Las Vegas in late September to early October 2016. He testified that they submitted to infectious disease tests after he proposed; but he offered no proof. The most perplexing part of his testimony concerned allegations that Plaintiff destroyed evidence in January 2022, by erasing documents that were on his telephone. The Court notes that any document pictured on his phone would not be an original document and therefore would be otherwise available.

The Defendant testified that he was wealthy and had "substantial money" and "substantial income". He said that Plaintiff's family liked him when he had money. He implied that he no longer had "substantial" money. He testified that he had spent over a million and half dollars on the Plaintiff. He testified that he offered or gave her \$5000 before they were "married". At other points in his narrative, he mentioned times when he did not have money. He also testified that Plaintiff's mother was the reason that Plaintiff was denying the marriage. He testified that Plaintiff's mother turned against him when he refused to have sex with her.

The Defendant also repeatedly questioned Plaintiff's mental health, alleging that she was "manic" and that she had been hospitalized for a mental breakdown. Plaintiff denied all of the allegations.

The Court finds that the Defendant on page 4 of his letter (Plaintiff's Exhibit 39), he states that he determined the "exact date" of the parties' marriage by identifying the night that his sister was attacked. He stated that she was attacked at 12:47 a.m. according to the police report. He then backed up three hours to 9:47 p.m. for the time of the marriage or more accurately as stated in his letter, the consummation of the marriage. He used this exact time in the petition to Humboldt County as the time of the "self-solemnizing" Quaker marriage. It is an odd choice of time for a ceremony. In testimony, he stated that his sister was murdered October 20, 2016, which made the marriage date October 19, 2016. He remembers the wedding day since it was the day before. One could conjecture that Defendant would remember the date of the marriage independently since it is so important to Defendant. The connection in Defendant's mind of the murder of his sister and the alleged marriage is concerning to the Court. The Court is wholly sympathetic to the violent loss of Defendant's sister but holding Plaintiff hostage to an imagined marriage which allegedly took place at the same time is concerning.

Defendant's explanations seem to be sincere, albeit, inaccurate. The court is forced to use the word delusional when describing Defendant's persistence and insistence on a marriage having taken place. Oddly, in his testimony, Defendant referred to Plaintiff's mental health issues and in his letter to Plaintiff, he refers to her delusional thinking.

Much of Defendant's testimony was contradictory. Virtually all of Defendant's testimony was contradicted by Plaintiff. The Court finds the Plaintiff credible.

The Defendant's reliance on his "actual notice" to Plaintiff, which is disputed by Plaintiff, is either way misplaced. Even if there was actual notice, which Plaintiff disputes, the Plaintiff was not a party to the proceeding. The Hearing that was held on September 30, 2021, was an *ex parte* action to clarify an administrative procedure. It is not subject to full faith and credit as that ruling was issued without jurisdiction over the Plaintiff, an Ohio resident who did not participate. But, ultimately, Plaintiff has the right to nullify a void act in this Court. Defendant's manipulation of the California system cannot inure to his benefit.

Analyzing this under California law, the Court finds that Plaintiff did not consent to a marriage.

At the time of the alleged marriage, October 19, 2016, the Court cannot speak to the capacity of either party to consent.

The Court finds that there is no evidence that a marriage license existed.

The Court finds that no solemnization occurred. Defendant cannot produce photos of either marriage ceremony.

The Court must conclude that no marriage occurred and that the marriage in the Order Delayed Certificate of Marriage is void. The complaint for annulment should be granted.

IT IS THEREFORE ORDERED that Plaintiff is hereby granted a decree of annulment of the marriage from Defendant, and that the marriage contract as embodied in the Order Delayed Certificate of Marriage is declared a nullity.

The Court finds that the pending motions regarding discovery and sanctions are resolved herein. Some evidence was admitted, some was excluded. The Court declines to assess monetary sanctions.

The Court finds that Plaintiff's Motion to Declare Defendant a Vexatious Litigator #455747 has merit. The reason this matter is pending is the Defendant's filing of a petition to have a marriage declared in California. In this matter, the Defendant filed a Motion for Temporary Support although that motion is not supported in an action for Annulment, he filed a Motion to Dismiss under Federal Rule 37, a Motion for Reconsideration of Spousal Support, A Motion for Continuance that was 147 pages long, a Motion for

Sanctions that was 214 pages long, a Motion for Conciliation, a Motion for Protective Order that was 16 pages long, and he has filed a Motion subsequent to this action being heard and submitted. Each of the prior motions has caused the Plaintiff to expend funds for counsel to review and respond. Much of the content registered complaints regarding, for example, the Defendant not liking the Court's previous ruling, or a witness' answer, or included allegations against Plaintiff and her counsel. The Court notes again that since this matter was submitted for decision, the Defendant has filed a Motion for "Mutual Use of the Marital Residence" (Plaintiff's apartment) which was denied; and a response to the Motion for Sanctions and to Deem Defendant a Vexatious Litigator which is 10 pages including the service page. That response is considered herein, but its substance is a repetition of arguments previously ruled on by this Court.

The Defendant's behavior has harassed and injured the Plaintiff; his behaviors are not warranted under law and cannot be supported by any good faith argument; and, as noted in the Court's previous orders, many of the behaviors have been for delay. The Court has no belief that the Defendant will cease to contact or engage the Plaintiff through this Court or another Court once this decision issues. As Plaintiff's counsel stated in closing argument, if Plaintiff had indeed married someone, she could have been deemed a bigamist. His behaviors have had serious consequences and must be addressed.

The Court therefore finds that pursuant ORC 2323.52, Defendant is a vexatious litigator.

IT IS THEREFORE FURTHER ORDERED that Defendant, a vexatious litigator, cannot, without leave of this Court, institute legal proceedings in the court of claims, any court of common pleas, any municipal court, or any county court. Defendant must obtain leave from the Court of Appeals to file any proceedings in that Court pursuant to Ohio law.

IT IS FURTHER ORDERED that the Clerk of Court of Cuyahoga County send a certified copy of this order to the Supreme Court of Ohio for publication according to the procedures of the Supreme Court of Ohio.

IT IS FURTHER ORDERED that Robert M. Coleman shall not abuse, harass, molest, threaten, or physically injure Christine M. Trunk.

IT IS FURTHER ORDERED that Robert M. Coleman shall not communicate with the employer, business associates, or clients of Christine M. Trunk; and shall not enter the premises of her employer.

IT IS FURTHER ORDERED that Robert M. Coleman shall not enter Christine M. Trunk's residence.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the costs of this proceeding shall be paid by: *Defendant*

IT IS SO ORDERED.

The State of Ohio }
Cuyahoga County }
I, The 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
Now on file in my office
Witness my hand and seal of said Court this 24
Day of Feb A.D. 2023
CUYAHOGA COUNTY CLERK OF COURTS
By: SFOX Deputy

Diane M. Palos
JUDGE DIANE M. PALOS
RECEIVED FOR FILING

JAN 10 2023

INSTRUCTIONS FOR SERVICE

TO THE CLERK:

PURSUANT TO CIVIL RULE 58(B), WITHIN THREE (3) DAYS OF THE FILING OF THIS JUDGMENT ENTRY, THE CLERK IS DIRECTED TO SERVE NOTICE OF THE FILING OF THIS JUDGMENT ENTRY, THE DATE OF ENTRY UPON THE JOURNAL, AND COPIES OF THE JUDGMENT ENTRY UPON THE FOLLOWING PARTIES AND COUNSEL BY U.S. MAIL AND/OR ELECTRONIC MEANS, IF AVAILABLE:

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THE CLERK IS FURTHER DIRECTED TO NOTE UPON THE DOCKET THE DATE OF SERVICE, THE JUDGMENT ENTRY SERVED, THE NAME AND ADDRESS OF THE PARTY SERVED, THE METHOD OF SERVICE, AND THE COSTS ASSOCIATED WITH THIS SERVICE.