



IN THE COMMON PLEAS COURT OF MONTGOMERY COUNTY, OHIO
CIVIL DIVISION

Mathias H. Heck, Jr.,
as Montgomery County Prosecutor,

CASE NO. 2022 CV 01146

Plaintiff,

JUDGE KIMBERLY MELNICK

vs.

**DECISION, ORDER, AND ENTRY
SUSTAINING PLAINTIFF'S MOTION
FOR SUMMARY JUDGMENT;
DECLARATION THAT DEFENDANT
IS A VEXATIOUS LITIGATOR**

William R. Dixon,

Defendant.

This matter came before the Court on the *Complaint* of Plaintiff Mathias H. Heck, Jr., as Montgomery County Prosecutor, to declare Defendant William R. Dixon a vexatious litigator pursuant to Revised Code § 2323.52, filed March 16, 2022. Service was perfected in this matter on March 18, 2022. Defendant filed an *Answer* on April 1, 2022. Subsequently, Plaintiff filed a *Motion for Summary Judgment* on August 15, 2022. Defendant filed multiple responses to Plaintiff's *Motion for Summary Judgment*, most notably an *Amended Response* filed on November 15, 2022.

After review of the record and the arguments submitted by both parties, and on the basis provided in Plaintiff's *Complaint* and *Motion for Summary Judgment*, pursuant to Civ. R. 56, summary judgment is hereby entered into in favor of Plaintiff Mathias H. Heck, Jr., as Montgomery County Prosecutor, and against Defendant William R. Dixon. Accordingly, the Court finds and declares Defendant William R. Dixon to be a vexatious litigator pursuant to R.C. §2323.52.

I. STANDARD OF REVIEW

Summary judgment can be an “appropriate means” of resolving a claim that a party is a vexatious litigator. *Davie v. Nationwide Ins. Co. of Am.*, 8th Dist. Cuyahoga No. 105261, 2017-Ohio-7721, ¶ 43; *Prime Equip. Grp., Inc. v. Schmidt*, 2016-Ohio-3472, 66 N.E.3d 305, ¶ 11 (10th Dist.); *Ealy v. McLin*, 2d Dist. Montgomery No. 21934, 2007-Ohio-4080 (trial court properly granted summary judgment to city and mayor on vexatious litigator counterclaim where there were no genuine issues of material fact regarding whether city commission meeting participant habitually, persistently and without reasonable grounds had engaged in vexatious conduct in the several meritless civil actions he had filed against various city and county employees).

Summary judgment is properly regarded not as a disfavored procedural shortcut, but rather as an integral part of the Civil Rules, which are, as a whole, designed to secure the just, speedy and inexpensive determination of every action. *Celotex Corp. v. Catrett*, 477 U.S. 317, 327, 106 S.Ct. 2548, 2554-55 (1986). Under Civil Rule 56(C), summary judgment is proper “if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law.” See *Dresher v. Burt*, 75 Ohio St.3d 280, 287, 662 N.E.2d 264 (1996), quoting Fed.R.Civ.P. 56. The burden of showing that no genuine issue exists as to any material fact falls upon the party requesting summary judgment. *Harless v. Willis Day Warehousing Co.*, 54 Ohio St.2d 64, 66, 375 N.E.2d 46 (1978). When sustained, an adverse party may not rest upon the mere allegations or denials of his or her pleadings, but his or her response, by affidavit or as otherwise provided in Rule 56, must set forth specific facts showing that there is a genuine issue for trial. If he or she does not so respond, summary judgment, if appropriate, shall be entered against him or her. Civ.R. 56(E); *Dresher*, 75 Ohio St.3d at 293, citing Civ.R.56.

II. VEXATIOUS CONDUCT UNDER R.C. 2323.52

“Vexatious conduct” is the conduct of a party in a civil action that “obviously serves merely to harass or maliciously injure another party to the civil action,” “is not warranted under existing law and cannot be supported by a good faith argument for an extension, modification, or reversal of existing law,” or “is imposed solely for delay.” R.C. 2323.52(A)(2)(a) through (c). A “vexatious litigator” is “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.” R.C. 2323.52(A)(3); see also *State ex rel. Sapp v. Franklin Cty. Court of Appeals*, 2008-Ohio-2637, ¶ 17, 118 Ohio St. 3d 368, 370, 889 N.E.2d 500, 503.

Under R.C. 2323.52(B), “[a] prosecuting attorney ... who has defended against habitual and persistent vexatious conduct in the court of claims or in a court of appeals, court of common pleas, municipal court, or county court may commence a civil action in a court of common pleas with jurisdiction over the person who allegedly engaged in the habitual and persistent vexatious conduct to have that person declared a vexatious litigator.” “The person ... may commence this civil action while the civil action or actions in which the habitual and persistent vexatious conduct occurred are still pending or within one year after the termination of the civil action or actions in which the habitual and persistent vexatious conduct occurred.” R.C. 2323.52(C). Defendant William R. Dixon has instituted habitual and persistent vexatious conduct in all of the above-named courts. “When a vexatious litigator claim is based on conduct in multiple cases, the party bringing the vexatious litigator claim need not have been a party to all of the cases relied upon

which they rely.” *Davie v. Nationwide Ins. Co. of Am.*, 8th Dist. Cuyahoga No. 105261, 2017-Ohio-7721, ¶ 42.

Once a person is found to be a vexatious litigator, the court of common plea making such a finding may preclude that person from doing any of the following without first obtaining 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.

R.C. 2323.52. The Ohio Supreme Court has explained the beneficial purpose of the statute:

The purpose of the vexatious litigator statute is clear. It seeks to prevent abuse of the system by those persons who persistently and habitually file lawsuits without reasonable grounds and/or otherwise engage in frivolous conduct in the trial courts of this state. Such conduct clogs the court dockets, results in increased costs, and oftentimes is a waste of judicial resources -- resources that are supported by the taxpayers of this state. The unreasonable burden placed upon courts by such baseless litigation prevents the speedy consideration of proper litigation.

Mayer v. Bristow, 91 Ohio St. 3d 3, 13, 740 N.E.2d 656, 665 (2000). There can be no question that preventing Defendant William R. Dixon from filing further baseless, meritless claims over and over again befits the purposes of this statute.

The definition of “vexatious conduct” is consistent with the definition of “frivolous conduct” found in R.C. 2323.51. *Brown v. Carlton Harley-Davidson, Inc.*, 8th Dist. Cuyahoga 5 No. 101494, 2014-Ohio-5157, ¶ 10; see also *Ogle v. Greco*, 4th Dist. Hocking No. 15CA2, 2015-

Ohio-4841, ¶ 33 (“The two statutes share the same definition of reprehensible conduct.”). Here, Defendant William R. Dixon has not only engaged in frivolous conduct, but has done so “habitually and persistently.” Every time one of his cases has failed or been dismissed, he has filed another. As the Ohio Supreme Court has held, the vexatious litigator statute prevents “abuse of the system by those persons who persistently and habitually file lawsuits without reasonable grounds and/or otherwise engage in frivolous conduct in the trial courts of this state.” *Mayer, supra*.

III. DEFENDANT WILLIAM R. DIXON’S HISTORY OF VEXATIOUS CONDUCT

The *Motion for Summary Judgment* of Plaintiff Mathias H. Heck, Jr. as Montgomery County Prosecutor provides the basis for this finding and declaration that Defendant William R. Dixon is a vexatious litigator. As noted, “Defendant [William R. Dixon] has inundated the court systems in Montgomery County, Ohio with numerous appeals, motions, and filings which have unduly burdened the limited resources of the courts, the Montgomery County Prosecutor’s Office, and the public at large.” *Plaintiff’s Motion for Summary Judgment* at p.3.

The *Motion for Summary Judgment* also included a “non-exhaustive summary” of the cases filed by Defendant William R. Dixon in the courts of Montgomery County, Ohio. Those cases include (quoting):

1. CA 21801 – *State of Ohio v. William Dixon*

- Dismissed against Dixon as being duplicative of the appeal filed in CA 21823.

2. CA 21823 – *State of Ohio v. William Dixon*

- The Court overruled all five of Dixon’s assignments of error and affirmed the judgment of the trial court on Dismissed against Dixon on February 22, 2008. Dixon was represented by counsel in this appeal.
- On March 17, 2008, Dixon *pro se* filed a motion to reopen this appeal which was denied on April 29, 2008.
- On June 9, 2008, Dixon appealed this case to the Ohio Supreme Court. The Ohio Supreme Court dismissed Dixon’s appeal on July 9, 2009. See *State v. Dixon*, Case No. 2008-0543.
- On May 5, 2017, Dixon filed a motion for leave to re-open this case on direct appeal which was dismissed against Dixon on August 8, 2017.
- Dixon filed another appeal to the Ohio Supreme Court on August 29, 2017, which was dismissed against Dixon on February 21, 2018. See *State v. Dixon*, Case No. 2017-1193.

3. CA 23388 – *State of Ohio v. William Dixon*

- Dismissed against Dixon on June 11, 2009.
- Dixon appealed this decision to the Ohio Supreme Court on July 14, 2011, which was dismissed against Dixon on November 2, 2011. See *State v. Dixon*, Case No. 2011-1206.
- 4. CA 23592 – *State of Ohio v. William Dixon***
 - Court affirmed the trial court’s judgment and dismissed Dixon’s appeal on June 11, 2010.
 - Dixon appealed this decision to the Ohio Supreme Court on June 24, 2010, which was dismissed against Dixon on December 7, 2010. See *State v. Dixon*, Case No. 2010-1109.
- 5. CA 23910 – *State of Ohio v. William Dixon***
 - Court affirmed the trial court’s judgment and dismissed Dixon’s appeal on April 27, 2010.
 - Dixon appealed this decision to the Ohio Supreme Court on May 12, 2010, which was dismissed against Dixon on July 21, 2010. See *State v. Dixon*, Case No. 2010-0848.
 - On May 5, 2010, Dixon filed a Motion for Reconsideration which was overruled on June 14, 2010.
 - Dixon appealed this decision overruling his Motion for Reconsideration to the Ohio Supreme Court on June 4, 2010, which was dismissed against Dixon on September 29, 2010. See *State v. Dixon*, Case No. 2010-0991.
- 6. CA 24434 – *State of Ohio v. William Dixon***
 - On April 6, 2011, the Court sustained the motion to dismiss the State filed against Dixon which was filed on February 16, 2011.
- 7. CA 26479 – *State of Ohio v. William Dixon***
 - The Court denied Dixon’s writ of procedendo on February 13, 2015.
- 8. CA 26628 – *William Dixon v. Steven Dankof***
 - The Court denied Dixon’s writ of procedendo on June 15, 2015.
- 9. CA 26676 – *State of Ohio v. William Dixon***
 - The Court dismissed Dixon’s appeal on September 21, 2015, because Dixon failed to file a notice of appeal in the trial court.
 - Dixon appealed this decision to the Ohio Supreme Court on October 26, 2015, which was dismissed against Dixon on December 16, 2015. See *State v. Dixon*, Case No. 2015-1735.
- 10. CA 26753 – *State of Ohio v. William Dixon***
 - The Court dismissed Dixon’s appeal against him on September 9, 2015.
 - Dixon appealed this decision to the Ohio Supreme Court on October 13, 2015, which was dismissed against Dixon on February 24, 2016. See *State v. Dixon*, Case No. 2015-1672.
- 11. CA 26756 – *State of Ohio v. William Dixon***
 - The Court dismissed Dixon’s appeal on September 21, 2015, because Dixon failed to file a notice of appeal in the trial court.
- 12. CA 26844 – *State of Ohio v. William Dixon***
 - The Court dismissed Dixon’s writ of procedendo on January 20, 2016, because Dixon failed to name any proper respondents and include their addresses in his writ.
- 13. CA 26873 – *State of Ohio v. William Dixon***

- The Court dismissed Dixon’s appeal on August 26, 2016. The Court held: “Dixon also makes many claims regarding the existence of a conspiracy between the State, the trial judge who sentenced him in 2006, the Freemasons, a drug cartel in Belize, and a man named Tom Biondi. Dixon alleges that all of these individuals and entities conspired together to manufacture evidence in order to wrongfully convict him and have him incarcerated for offenses of which he claims he is innocent. Simply put, Dixon has provided no evidence, other than his bare assertions, in order to substantiate his claims in this regard.” *State v. Dixon*, 2nd Dist. Montgomery No. 26873, 2016- Ohio-5538, ¶ 32.

- Dixon appealed this decision to the Ohio Supreme Court on September 22, 2016, which was dismissed against Dixon on February 22, 2017. See *State v. Dixon*, Case No. 2016-1404.

- Dixon also filed a motion for reconsideration regarding the Second District Court of Appeals’ decision dated August 26, 2016. The Court held in its decision dated October 11, 2016, that “Dixon application for reconsideration points to no authority that suggests that our earlier determination was clearly erroneous. Dixon merely disagrees with the conclusion we reached and the analysis we used to reach the conclusion.” *State v. Dixon*, 2nd Dist. Montgomery No. 26873, Decision and Entry (Oct. 11, 2016), at ¶ 6. Dixon appealed this October 11, 2016, decision to the Ohio Supreme Court on November 11, 2016, which was dismissed against Dixon on April 19, 2017. See *State v. Dixon*, Case No. 2016-1692.

14. CA 27652 – *State of Ohio v. William Dixon*

- The Court dismissed Dixon’s appeal on January 19, 2018.

- Dixon appealed this decision to the Ohio Supreme Court on February 16, 2018, which was dismissed against Dixon on May 23, 2018. Dixon filed a motion for reconsideration which was denied on August 1, 2018. See *State v. Dixon*, Case No. 2018-0279.

- Dixon filed a motion for reconsideration in the appellate court concerning its decision on January 19, 2018, which the Court denied on March 23, 2018. Dixon appealed the denial of his motion for reconsideration to the Supreme Court of Ohio April 30, 2018. This appeal was dismissed against Dixon on July 10, 2018. See *State v. Dixon*, Case No. 2018-0576.

15. CA 27653 – *State of Ohio v. William Dixon*

- The Court dismissed Dixon’s appeal on August 11, 2017, for lack of jurisdiction.

16. CA 27870 – *State of Ohio v. William Dixon*

- The Court dismissed Dixon’s appeal on March 1, 2018, for lack of jurisdiction.

17. CA 27961 – *State of Ohio v. William Dixon*

- The Court dismissed Dixon’s appeal on October 12, 2018, because Dixon’s arguments are barred by res judicata.

- Dixon filed a motion for reconsideration on October 19, 2018, which was denied on November 27, 2018.

18. CA 27991 – *State of Ohio v. William Dixon*

- The Court dismissed Dixon’s appeal on January 25, 2019.

19. CA 28507 – *State of Ohio v. William R. Dixon*

- The Court dismissed Dixon’s appeal on January 25, 2019.

20. CA 28797 – *State of Ohio v. William Dixon*

- The Court dismissed Dixon’s appeal on January 29, 2021.
- “The foregoing paragraph indicates that in the case immediately preceding this one, we already analyzed most of the arguments Dixon makes in this case. He cannot repackage arguments already made to achieve a different result.” *State v. Dixon*, 2nd Dist. Montgomery No. 28797, 2021-Ohio-225, ¶ 15, appeal not allowed, 163 Ohio St.3d 1454, 2021-Ohio-2069, 169 N.E.3d 684, ¶ 15.
- “Dixon has filed multiple motions, appeals, petitions, and other actions in both state and federal courts. This case is his 13th filing of a notice of appeal in Montgomery County, although several of those cases have been dismissed for one reason or another.” *State v. Dixon*, 2nd Dist. Montgomery No. 28797, 2021-Ohio-225, ¶ 3, appeal not allowed, 163 Ohio St.3d 1454, 2021-Ohio-2069, 169 N.E.3d 684, ¶ 3.
- Dixon appealed this decision to the Ohio Supreme Court on April 26, 2021, which was dismissed against Dixon on May 23, 2021. Dixon filed a motion for reconsideration which was denied on August 1, 2021. See *State v. Dixon*, Case No. 2021-0519.

21. CA 28866 – *State of Ohio v. William Dixon*

- The Court dismissed Dixon’s appeal on September 18, 2020.
- Dixon appealed this decision to the Ohio Supreme Court on April 2, 2021, which was dismissed against Dixon on May 25, 2021. See *State v. Dixon*, Case No. 2021-0378.

22. CA 29058 – *State of Ohio v. William Dixon*

- The Court dismissed Dixon’s appeal on June 7, 2021.

23. CA 29324 – *State of Ohio v. William Dixon*

- The Court dismissed Dixon’s appeal on June 17, 2022, concluding by stating, “We again note that ‘[a]dverse rulings by the trial court in response to the repeated filings of substantively identical motions in no way constitutes a legitimate legal basis for a continuation of [a] properly concluded case.’ *State v. Cody*, 8th Dist. Cuyahoga Nos. 107595, 107607, and 107664, 2019-Ohio-2824, ¶ 18, quoting *State v. Hill*, 6th Dist. Lucas No. L-16-1086, 2016-Ohio-8529, ¶ 8-9. Thus, this attempt by Dixon to relitigate these same issues is barred.” *State v. Dixon*, 2nd Dist. Montgomery No. 29324, 2022-Ohio-2051, ¶ 29.

Plaintiff’s Motion for Summary Judgment at p.4 – p.9. As noted above from *Plaintiff’s Motion for Summary Judgment*, Defendant William R. Dixon continuously and habitually files lawsuit after lawsuit which are baseless and without merit. Each is dismissed for varying reasons, with some being identical presentation of previously-dismissed arguments.

In Defendant William R. Dixon’s *Amended Response*, Defendant once again raises an alleged grandiose conspiracy related to Defendant’s underlying criminal conviction, as noted in Plaintiff’s above-cited excerpt from CA 26873, *State of Ohio v. Dixon*. As that excerpt states,

Defendant has failed to provide any substantiating basis for these claims. Further, the issues of Defendant's underlying criminal conviction are not at-issue in this matter, nor are his arguments relevant to the issues presented by Plaintiff's *Complaint* and *Motion for Summary Judgment*. Defendant's *Amended Response* fails to acknowledge the issues and arguments presented by Plaintiff in this matter, and thus also fails to counter those issues and arguments by presenting or raising any genuine issues of material fact.

Accordingly, Defendant William R. Dixon's legal antics demonstrate persistent, habitual vexatious conduct by continuously and fruitlessly filing lawsuits, appeals, and motions which are not supported by any existing law and cannot be supported by any good faith arguments. For these reasons, the Court sustains the *Motion for Summary Judgment* of Plaintiff Mathias H. Heck, Jr., as Montgomery County Prosecutor, and thus the Court finds and declares Defendant William R. Dixon to be a vexatious litigator pursuant to R.C. §2323.52.

IV. EFFECT OF JUDGMENT UNDER R.C. 2323.52

A. Regarding Ohio Trial Courts

Pursuant to R.C. 2323.52(D)(1), this Court HEREBY ORDERS AND PROHIBITS Defendant William R. Dixon, from doing any of the following:

1. Instituting legal proceedings in the court of claims or in a court of common pleas, municipal court, or county court;
2. Continuing any legal proceedings that it has instituted in the court of claims or in a court of common pleas, municipal court, or county court prior to the entry of this *Decision*; and
3. Making any application, other than an application for leave to proceed by R.C. 2323.52(F)(1), in any legal proceedings instituted by it or another person in the court of claims or in a court of common pleas, municipal court or county court.

Pursuant to R.C. 2323.52(F)(1), before Defendant William R. Dixon may issue any legal proceeding in a civil action, continue any currently pending legal proceeding or civil action, or make any other application, he must file with this Court—specifically Judge Kimberly A. Melnick, or her successor in office—a written request for leave to proceed. The written request must demonstrate to the satisfaction of this Court that the proceedings are not an abuse of process of the court in question and that there are reasonable grounds for proceedings or application. In particular, the written request must show that the proceedings are not an attempt to relitigate any matter that has been previously decided.

B. Regarding Ohio Appellate Courts

Pursuant to R.C. 2323.52(D)(3), this Court hereby orders and prohibits Defendant William R. Dixon from doing any of the following without obtaining leave from the appropriate appellate court:

1. Instituting proceedings in the court of appeals;
2. Continuing any legal proceedings that it has instituted in a court appeals prior to the entry of this Decision; and
3. Making any application, other than an application for leave to proceed by R.C. 2323.52(F)(2), in any legal proceedings instituted by it or another person in the court of claims or in a court of appeals.

Pursuant to R.C. 2323.52(F)(2), before Defendant William R. Dixon may issue any legal proceeding in a court of appeals, he must file a written application for leave to proceed in the court of appeals in which the legal proceedings would be instituted or are pending. The written request must demonstrate to the satisfaction of the appellate court that the proceedings are not an abuse of

process of the court in question and that there are reasonable grounds for proceedings or application.

C. Additional Provisions

For purposes of R.C. 2323.52(E), this Court orders that this *Decision* remain in force indefinitely.

For purposes of R.C. 2323.52(H), this Court orders the Montgomery County Clerk of Courts to forthwith send a certified copy of this *Decision* to the Supreme Court of Ohio for publication in a manner that the Supreme Court determines is appropriate and that will facilitate the Clerk of the Court of Claims, or clerks of the courts of appeals, courts of common pleas, municipal courts, or county courts in refusing to accept pleadings or other papers submitted for filing by persons who have been found to be vexatious litigators and who have failed to obtain leave to proceed according to the statute.

Pursuant to R.C. 2323.52, whenever it appears by suggestion of the parties or otherwise that Defendant William R. Dixon, as a person found to be a vexatious litigator, has instated, continued, or made an application in legal proceedings without obtaining leave to proceed from the appropriate court of common pleas or court of appeals to do so, the court in which the legal proceedings are pending shall dismiss the proceedings or application.

This *Decision* resolves all issues remaining before this Court and is, accordingly, a FINAL APPEALABLE ORDER.

SO ORDERED:

JUDGE KIMBERLY MELNICK

**cc: Thomas J. Brodbeck, Assistant Prosecuting Attorney, Attorney for Mathias H. Heck, Jr., as Montgomery County Prosecutor, Plaintiff
William R. Dixon, Defendant**



General Division
Montgomery County Common Pleas Court
41 N. Perry Street, Dayton, Ohio 45422

Case Number:
2022 CV 01146

Case Title:
MATHIAS H. HECK MONTGOMERY COUNTY
PROSECUTING ATTORNEY JR vs WILLIAM R. DIXON

Type:

Final Judgment Entry

So Ordered,

K. G. Melnick

I hereby certify this to be a true and correct copy.

Witness my hand and seal this 1
day of Dec 2022.

M. F. Hayes
Clerk of Common Pleas
Court of Montgomery County, Ohio
BY S. Harness
Deputy