

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

G6 HOSPITALITY PROPERTY LLC dba))	CASE NO. CV 18 905754
MOTEL 6,)	
)	
Plaintiff,)	JUDGE BRENDAN J. SHEEHAN
)	
v.)	
)	
RICHARD JAMES OLIVER,)	OPINION AND JUDGMENT
)	ENTRY
Defendant.)	

I. ISSUES PRESENTED.

This matter is before the Court on Plaintiff G6 Hospitality Property LLC dba Motel 6's ("Motel 6's") Complaint to declare Defendant Richard James Oliver a vexatious litigator pursuant to R.C. §2323.52. Evidentiary proceedings were held before the Court on May 22, 2019.

The facts of this case are undisputed. Defendant stayed at Plaintiff's property located at 7219 Engle Road, Middleburg Heights, Ohio from May 2017 until being removed pursuant to a writ of restitution issued by the Berea Municipal Court on July 30, 2018. Defendant's removal resulted from legal proceedings brought by Motel 6 pursuant to OAC §1301.7 *et seq.* which prohibits transient hotels from permitting any guest to remain for a period longer than 30 days. Defendant maintains that conditions on the property during his stay were both unlawful and dangerous. He resisted being removed from the property by filing the following actions in the Berea Municipal Court:

Berea Municipal Court Case Number	Date Filed	Claims Presented
18 CVI 01263	05/21/2018	violations of Federal ERISA statutes
18 CVI 01275	05/23/2018	violations of Florida housing law

18 CVI01276	05/23/2018	violations of Kansas housing law
18 CVI01277	05/23/2018	violations of Ohio's landlord/tenant act
18 CVI 01304	05/29/2018	lack of probable cause
18 CVI 01305	05/29/2018	violations of California housing law
18 CVI 01306	05/29/2018	violations of federal Soldiers & Sailors Relief Act
18 CVI 01307	05/29/2018	violations of Michigan housing law
18 CVI 01308	05/29/2018	violation of criminal statute for obstruction of justice
18 CVI 01339	05/31/2018	improper change of management/ownership
18 CVI 01379	06/08/2018	violations of Florida lodging statutes and federal perjury law
18 CVI 01468	06/18/2018	violations of Minnesota housing law
18 CVI 01480	06/20/2018	violations of California civil code
18 CVI 01481	06/20/2018	breach of fiduciary duty under federal ERISA statutes
18 CVI 01586	07/03/2018	violations of federal statutes for internet communications, organized crime, and copyright infringement
18 CVI 01587	07/03/2018	violation of statutes for disqualification of a federal judge
18 CVI 01742	07/20/2018	breach of an implied warranty of habitability and violation of various federal statutes including 28 U.S.C. 1604 (Immunity of a Foreign State from Jurisdiction); 28 U.S.C 1603 (Exempted Securities Transactions); 28 USC 1350 (Aliens' Action for Tort); and the Civil Rights Enforcement Act of April 9, 1866)
18 CVI 01776	07/26/2018	breach of the federal Freedom of Choice Act; and violations of Ohio's landlord tenant law
18 CVI01848	08/06/2015	violations of Ohio's landlord tenant law; illegal eviction, violations of 29 U.S.C. 151 et seq. (National Labor Relations Act)

18 CVI 01995	08/20/2018	violations of Virginia Housing Law
18 CVI 02023	08/23/2018	violations of National Fire Protection Association Chapter 58; OAC § 4101:4-4 (specifications for the design of boilers and pressure vessels); OAC § 1301:3-5 (specifications for the inspection of boilers); American Society of Engineers B31.1; and illegal eviction
18 CVI 02054	08/28/2018	violations of California housing law; R.C. §§ 5321.045321.15 (Ohio's Landlord/Tenant Act); California mechanical code

All of the actions were terminated in Motel 6's favor.

II. LAW AND ANALYSIS.

Pursuant to R.C. §2323.52, a person who has "defended against habitual and persistent vexatious conduct" may ask a trial court to declare the person who engaged in that conduct a vexatious litigator. To declare a person a "vexatious litigator," a plaintiff must demonstrate that the defendant:

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).

"Vexatious conduct" is defined as conduct that (1) obviously serves merely to harass or maliciously injure another party to the civil action, (2) 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 (3) is imposed solely for delay. R.C. §2323.52(A)(2)(a)-(c). "Conduct" includes "[t]he filing of a civil action, the assertion of a claim, defense, or other position in connection with a civil action, the filing of a pleading, motion, or other paper in a civil action, including, but not limited

to, a motion or paper filed for discovery purposes, or the taking of any other action in connection with a civil action." R.C. §§2323.52(A)(1); 2323.51(A)(1)(a).

The Ohio Supreme Court explained the purpose of the vexatious litigator 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 (2000), quoting *Cent. Ohio Transit Auth. v. Timson*, 132 Ohio App.3d 41, 50, 724 N.E.2d 458 (10th Dist.1998).

Defendant was clearly frustrated by conditions he perceived at the Motel 6. However, he acted on his frustrations in a counterproductive manner by bringing duplicative and inappropriate litigation that could not abate the issues he intended address and were not supported by law. Instead, he abused the system and placed an undue burden on the Berea Municipal Court, wasting both time and resources in an already burdened system.

Defendant admits that his conduct was vexatious. He intends to continue his efforts until the allegedly unsafe conditions at Motel 6 are rectified even though he has been advised that his actions cannot accomplish his goals. Accordingly, Defendant has demonstrated that he is a vexatious litigator.

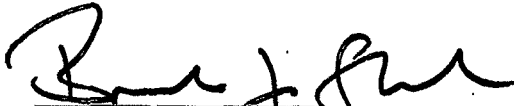
III. CONCLUSION.

The Court hereby declares Defendant Richard James Oliver to be a vexatious litigator. It is ordered that Defendant is prohibited from doing any of the following without first obtaining leave of this Court to proceed:

1. Instituting legal proceedings in the court of claims or in a court of common pleas, municipal court, or county court, or;
2. Continuing any legal proceedings that the vexatious litigator had instituted in the court of claims or in a court of common pleas, municipal court, or county court prior to the entry of the order, or;
3. Making any application, other than an application for leave to proceed under Revised Code § 2323.52(F), 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.

IT IS SO ORDERED.

Dated: 5/30/19


JUDGE BRENDAN J. SHEEHAN

THE STATE OF OHIO
Cuyahoga County } ss. 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
Journal Entry
NOW ON FILE IN MY OFFICE.
WITNESS MY HAND AND SEAL OF SAID COURT THIS 28
DAY OF June A.D. 2019
CUYAHOGA COUNTY CLERK OF COURTS
By Duyma, Deputy