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WOOD COUNTY CLERK  
COMMON PLEAS COURT

IN THE COURT OF COMMON PLEAS  
FOR WOOD COUNTY 2015 JAN 30 AM 11:25

JESSE J. ZIELINSKI and PAUL DOBSON, )  
WOOD COUNTY PROSECUTOR, )

CINDY A. HOFNER  
CASE NO. 2013CV0663

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT )  
Plaintiff COPY OF THE ORIGINAL DOCUMENT FILED AT WOOD CO )  
COMMON PLEAS COURT, BOWLING GREEN, OHIO )  
CINDY A. HOFNER, CLERK OF COURTS )

JUDGE RICHARD M. MARKUS  
(Serving by Assignment)

vs. BY *[Signature]* DEPUTY CLERK )  
THIS 30<sup>th</sup> DAY OF January 2015 )

FINAL JUDGMENT DECLARING  
THAT THE DEFENDANT IS A  
VEXATIOUS LITIGATOR  
PURSUANT TO R.C. 2323.52

ANDREW W. PREWITT, )  
Defendant )

This matter came before the court in a bench trial for the plaintiffs' Amended Complaint, which asserts that the defendant is a "vexatious litigator" as defined by R.C. 2323.52(A)(3). From all the evidence and with contemporaneous Findings and Conclusions, this court finds for the plaintiffs and against the defendant on that claim.

This Court declares that Andrew W. Prewitt, who currently resides in Millbury, Ohio, is a vexatious litigator. He must comply with the provisions of R.C. 2323.52(F)(1) if he proposes to file or continue to assert any claim without duly authorized legal counsel in the Ohio Court of Claims, or any Ohio County Court, Municipal Court, or Common Pleas Court. He shall not make any motion or application other than an application to proceed for any case he proposes to file or in which he continues to assert any claim without duly authorized legal counsel in the Ohio Court of Claims, or any Ohio County Court, Municipal Court, or Common Pleas Court. The Clerk shall create a new Miscellaneous Case Number for any such applications.

Within 30 days after the filing of this Judgment Entry, Andrew W. Prewitt shall file any application to proceed in this Court for leave to continue the assertion of any pending claim he has in any Ohio Court of Common Pleas, Municipal Court, or County Court in which he is a party, which cases include (but are not limited to):

JAN 30 2015

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Wood County Common Pleas Case No. 2014CV0034 (Prewitt v. Basinski et al.)  
Wood County Common Pleas Case No. 2014CV0035 (Prewitt v. Baronas)  
Wood County Common Pleas Case No. 2014CV0036 (Prewitt v. Bergman)  
Wood County Common Pleas Case No. 2014CV0037 (Prewitt v. Wood County  
Prosecutors Office et al.)  
Wood County Common Pleas Case No. 2014CV0119 (Prewitt v. Baronas)  
Wood County Common Pleas Case No. 2014CV0120 (Prewitt v. Baronas)  
Wood County Common Pleas Case No. 2014CV0158 (Prewitt v. Baronas)  
Wood County Common Pleas Case No. 2014CV0204 (Prewitt v. Wood County  
Prosecutor Office et al.)  
Wood County Common Pleas Case No. 2014CV0230 (Prewitt v. Wood County  
Prosecutors Office et al.)  
Wood County Common Pleas Juvenile Division Case No. 2004JF0174 (Prewitt v.  
Zielinski et al.)  
Wood County Common Pleas Juvenile Division Case No. 2013JD1127 (In Re: Katherina  
Star Zielinski-Prewitt)  
Wood County Common Pleas Juvenile Division Case No. 2013JD1128 (Zielinski v.  
Prewitt)  
Wood County Common Pleas Juvenile Division Case No. 2014JA0051 (In the Matter of  
Katherina Star Zielinski-Prewitt)

If he fails to file an application in this Court within 30 days after this Court files this Judgment Entry to proceed *pro se* for any case pending in the Ohio Court of Claims, or any Ohio Court of Common Pleas, Municipal Court, or County Court in which he is a party, or if this Court denies that application, the applicable court shall dismiss the case or deny him any further relief for any *pro se* claim or motion.

Pursuant to R.C. 2323.52(F), this court shall not grant his application to proceed for any claim without duly authorized legal counsel unless he satisfies this court that the proceedings or application are not an abuse of process of the court in question and that there are reasonable grounds for that proceeding or application.

Pursuant to R.C. 2323.52(F)(2) he must comply with the provisions of R.C. 2323.52(F)(2) if he proposes to file or continue to assert any claim or appeal without duly authorized legal counsel in any Ohio Court of Appeals. He shall not any make any motion or

application other than an application to proceed for any case he proposes to file or in which he continues to assert any claim without duly authorized legal counsel in any Ohio Court of Appeals.

Within 30 days after the filing of this Judgment Entry, Andrew W. Prewitt shall file in the applicable Ohio Court of Appeals any application to proceed for any pending appeal or claim he has in that Court of Appeals. If he fails to file an application to proceed *pro se* in that Court of Appeals within 30 days after this Court files this Judgment Entry, or if that Court of Appeals denies that application, that court should dismiss the case or deny him any further relief for any *pro se* claim or motion.

Pursuant to R.C. 2323.52(H), the Clerk of this Court shall send a certified copy of this judgment to the Clerk of the Ohio Supreme Court for publication in a manner that the Supreme Court has determined is appropriate to facilitate the refusal by applicable court clerks to accept pleadings or other papers submitted by or on behalf of Andrew W. Prewitt without duly authorized legal counsel and without first obtaining leave from this court to file that pleading or other paper.

Judgment is entered against the defendant, Andrew W. Prewitt for the costs of this action.

CLERK TO FURNISH TO ALL COUNSEL OF  
RECORD AND UNREPRESENTED PARTIES  
NOT IN DEFAULT FOR FAILURE TO APPEAR  
WITH A COPY OF THIS ENTRY INCLUDING  
THE DATE OF ENTRY ON THE JOURNAL

Judgment for court costs  
rendered to Wood County

THIS IS A FINAL JUDGMENT

*Richard M. Markus*

Judge Richard M. Markus, Retired Judge Recalled to  
Service pursuant to Ohio Constitution, Art. IV, §6(C)  
and R.C. 141.16 and assigned to the Wood County  
Common Pleas Court for this matter

THE CLERK SHALL MAIL TIME STAMPED COPIES OF THIS JUDGMENT  
TO THE DEFENDANT (ANDREW W. PREWITT), ALL COUNSEL,  
THE ASSIGNED VISITING JUDGE, AND THE CLERK OF THE OHIO SUPREME COURT

JAN 30 2015

JOURNALIZED

COPY

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF THE ORIGINAL DOCUMENT FILED AT WOOD CO. COMMON PLEAS COURT, BOWLING GREEN, OHIO  
CINDY A. HOFNER, CLERK OF COURTS  
BY *E. Goldstein* DEPUTY CLERK  
IN THE COURT OF COMMON PLEAS  
FOR WOOD COUNTY

FILED  
WOOD COUNTY CLERK  
COMMON PLEAS COURT  
2015 JAN 30 AM 11:24

JESSE J. ZIELINSKI and PAUL DOBSON,  
WOOD COUNTY PROSECUTOR,

Plaintiffs

vs.

ANDREW W. PREWITT,

Defendant

)  
) CASE NO. 2013CV0663 CINDY A. HOFNER  
)  
) JUDGE RICHARD M. MARKUS  
) (Serving by Assignment)  
)  
) FINDINGS OF FACT AND  
) CONCLUSIONS OF LAW FOR  
) VEXATIOUS LITIGATOR CLAIM  
) PURSUANT TO R.C. 2323.52

On January 22-23, 2015, this Court conducted a bench trial for the Amended Complaint, in which Jesse J. Zielinski sand Paul Dobson (Wood County Prosecutor) assert that Andrew W. Prewitt is a "vexatious litigator." R.C. 2323.52(A)(3) defines that term:

"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.

R.C. 2323.52 (A)(2) defines "vexatious conduct:"

(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.

R.C. 2323.52(A)(1) defines "Conduct" to have the same meaning as R.C. 2323.51(A)(1)(a) defines that term for "frivolous conduct:"

(1) "Conduct" means any of the following:

(a) The 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;

The plaintiffs assert that Mr. Prewitt "habitually, persistently, and without reasonable grounds" engaged in vexatious conduct in connection with the following civil litigation:

1. Wood County Common Pleas Case No. 2014CV0034 (Prewitt v. Basinski et al.)
2. Wood County Common Pleas Case No. 2014CV0035 (Prewitt v. Baronas)
3. Wood County Common Pleas Case No. 2014CV0036 (Prewitt v. Bergman)
4. Wood County Common Pleas Case No. 2014CV0037 (Prewitt v. Wood County Prosecutors Office at al.)
5. Wood County Common Pleas Case No. 2014CV0119 (Prewitt v. Baronas)
6. Wood County Common Pleas Case No. 2014CV0158 (Prewitt v. Baronas)
7. Wood County Common Pleas Case No. 2014CV0204 (Prewitt v. Wood County Prosecutor Office et al.)
8. Wood County Common Pleas Case No. 2014CV0120 (Prewitt v. Baronas)
9. Wood County Common Pleas Juvenile Division Case No. 2004JF0174 (Prewitt v. Zielinski et al.)
10. Wood County Common Pleas Juvenile Division Case No. 2013JD1127 (In Re: Katherina

Star Zielinski-Prewitt)

11. Wood County Common Pleas Juvenile Division Case No. 2013JD1128 (Zielinski v. Prewitt)
12. Wood County Common Pleas Juvenile Division Case No. 2014JA0051 (In the Matter of Katherina Star Zielinski-Prewitt)
13. Sixth District Court of Appeals Case No. WD-06-079
14. Sixth District Court of Appeals Case No. WD-12-056
15. Sixth District Court of Appeals Case No. WD-13-029
16. Sixth District Court of Appeals Case No. WD-13-045
17. Sixth District Court of Appeals Case No. WD-13-064
18. Sixth District Court of Appeals Case No. WD-13-070
19. Sixth District Court of Appeals Case No. WD-14-003
20. Sixth District Court of Appeals Case No. WD-14-007
21. Sixth District Court of Appeals Case No. WD-14-008
22. Sixth District Court of Appeals Case No. WD-14-014
23. Sixth District Court of Appeals Case No. WD-14-018
24. Sixth District Court of Appeals Case No. WD-14-033
25. Sixth District Court of Appeals Case No. WD-14-034
26. Sixth District Court of Appeals Case No. WD-14-035
27. Sixth District Court of Appeals Case No. WD-14-036
28. Sixth District Court of Appeals Case No. WD-14-041
29. Sixth District Court of Appeals Case No. WD-14-045

30. Sixth District Court of Appeals Case No. WD-14-046
31. Sixth District Court of Appeals Case No. WD-14-051
32. Sixth District Court of Appeals Case No. L-08-1402
33. Court of Claims Case No. 2013-0694 (Prewitt v. Ruyle)
34. Court of Claims Case No. 2013-0727 (Prewitt v. Wood County ODJFS et al.)
35. Court of Claims Case No. 2014-001 (Prewitt v. Wood County Prosecutor Office)

The plaintiffs also contend that the defendant “engaged” in vexatious conduct by causing, aiding, assisting, or permitting his parents to engage in vexatious conduct by preparing his documents on his mother’s computer and leaving them there, where his parents could copy those documents to file their own virtually identical claims in the following cases:

- A. Wood County Common Pleas Case No. 2014CV0158 (Dan Prewitt v. Baronas)
- B. Wood County Common Pleas Case No. 2014CV0230 (Dan Prewitt v. Wood County Prosecutors Office et al.)
- C. Sixth District Court of Appeals Case No. WD-14-009
- D. Sixth District Court of Appeals Case No. WD-14-034
- E. Ohio Sup. Ct. Case No. 13AP033 (Dan Prewitt’s affidavit for disqualification of Judge Basinski)
- F. Ohio Sup. Ct. Case No. 14AP046 (Andrea Prewitt’s affidavit for disqualification of Judge Basinski)
- G. Ohio Sup. Ct. Case No. 14AP087 (Dan Prewitt’s second affidavit for disqualification of Judge Basinski)

This judge did not reach the question whether his parents' conduct supports a vexatious litigator finding for Andrew Prewitt, because there was more than ample evidence that he engaged in vexatious conduct regardless of his parents' activities.

Finally, the plaintiffs contend that that the defendant pursued litigation in courts that are not governed by R.C. 2323.52 but which shows his wrongful motive or intent in cases where this statute applies:

- I. U.S. Dist. Ct. N. D. Ohio Case No. 3:13CV0101 (Prewitt v. Wood County Common Pleas, Juvenile Division. et al.)
- II. U.S. Dist. Ct. N. D. Ohio Case No. 3:14CV01324 (Prewitt v. Wood County Common Pleas, Juvenile Division)
- III. Ohio Sup. Ct. Case No. 13AP033 (affidavit for disqualification of Judge Woessner)
- IV. Ohio Sup. Ct. Case No. 13AP114 (affidavit for disqualification of Judge Ruyle)
- V. Ohio Sup. Ct. Case No. 13AP033 (second affidavit for disqualification of Judge Ruyle)
- VI. Ohio Sup. Ct. Case No. 14AP003 (affidavit for disqualification of Judge Basinski)
- VII. Ohio Sup. Ct. Case No. 14AP016 (second affidavit for disqualification of Judge Basinski)
- VIII. Ohio Sup. Ct. Case No. 14AP031 (third affidavit for disqualification of Judge Basinski)  
(disqualification denied with admonition: "Prewitt is warned that the filing of any further frivolous, unsubstantiated, or repeated affidavits of disqualification will result in the imposition of appropriate sanctions.")
- IX. Ohio Sup. Ct. Case No. 14AP047 (fourth affidavit for disqualification of Judge Basinski) (sanctions imposed, required leave to file any further disqualification affidavits)



which that court generously characterized as original actions before dismissing them as groundless.

d. He filed repeated cases in the Ohio Court of Claims for which that court lacked jurisdiction because they did not assert a claim against the State of Ohio or any state agency, and which failed to state a legally cognizable claim if he had filed them in a proper court.

e. He presumed a greatly inflated opinion about his own competence to pursue these proceedings from his initial training as a potential paralegal. As Alexander Pope suggested in *An Essay on Criticism* (1709): “A little learning is a dangerous thing: drink deep, or taste not the Perian Spring; there shallow draughts intoxicate the brain, and drinking largely sobers us again.” If he were a lawyer, he could face disciplinary action for violating Prof. Cond. Rule 1.1.

f. His initial motivation for early proceedings may well have been an earnest desire to obtain custody or greater visitation for his young daughter, but he soon began to use those proceedings to harass or maliciously injure other participants. He imposed on them time and attention to respond, concerns for possible sanctions or liability, a need to expend public or private resources, and frustration from unwarranted delays.

g. Many of his claims, motions, and appeals were not warranted under existing law and could not be supported by a good faith argument for an extension, modification, or reversal of existing law. He filed them with a reckless abandon for their validity, even after a court explained their inadequacy.

h. Some of his later claims, motions, and appeals served solely to delay proceedings and were intended for that purpose.

## CONCLUSIONS

A. This judge finds and concludes from clear and convincing evidence that Andrew W. Prewitt habitually, persistently, and without reasonable grounds engaged in “vexatious conduct” within the meaning of R.C. 2323.52 (A), and that he is a “vexatious litigator” within the meaning of R.C. 2323.52(A)(3).

B. Mr. Prewitt and his counsel argue that properly trained lawyers make occasional legal errors, including opposing counsel in this case, and that his conduct is equally permissible. This Court rejects that contention. Mr. Prewitt’s unwarranted conduct has been habitual, persistent, and without reasonable grounds – not occasional or arguable.

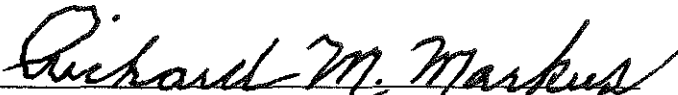
C. Some of Mr. Prewitt’s misconduct may have merited prompt judicial response, but the judge at that proceeding may have justifiably disregarded it to facilitate a fair resolution of the real issues. In any event, a judge’s failure to control Mr. Prewitt does not demonstrate that his conduct was acceptable. In this case, this judge finds that the cumulative effect of Mr. Prewitt’s persistent vexatious misconduct requires the controls that R.C. 2323.52 affords.

D. That finding does not preclude Mr. Prewitt’s access to the courts. A vexatious litigator may pursue a claim with retained counsel, who are better trained and may be subject to more rigorous judicial supervision and disciplinary control than a *pro se* litigant. Indeed, a vexatious litigator may pursue a claim *pro se* if he first demonstrates that he will not abuse process and that there are reasonable grounds for the proceedings he proposes to pursue.

E. Andrew Prewitt should be mindful that any assistance he provides his parents in asserting motions or claims may subject him to sanctions for unauthorized practice of law.

F. Andrew Prewitt and his parents should be mindful that they may be subject to monetary sanctions for violations of Civil Rule 11 and R.C. 2323.51 (“frivolous conduct”) if they hereafter engage in unwarranted conduct.

F. This Court is contemporaneously filing a Final Judgment in this matter.

  
Judge Richard M. Markus, Retired Judge Recalled to Service pursuant to Ohio Constitution, Art. IV, §6(C) and R.C. 141.16 and assigned to the Wood County Common Pleas Court for this matter

THE CLERK SHALL MAIL TIME STAMPED COPIES OF THIS JUDGMENT TO THE DEFENDANT (ANDREW W. PREWITT), ALL COUNSEL, AND THE ASSIGNED VISITING JUDGE

CLERK TO FURNISH TO ALL COUNSEL OF RECORD AND UNREPRESENTED PARTIES NOT IN DEFAULT FOR FAILURE TO APPEAR WITH A COPY OF THIS ENTRY INCLUDING THE DATE OF ENTRY ON THE JOURNAL