

IN THE COURT OF COMMON PLEAS  
HAMILTON COUNTY, OHIO

COUNCIL ON AGING OF  
SOUTHWESTERN OHIO,

Plaintiff,

v.

DEWAN DARJEE,

Defendant.

Case No. 2203553

JUDGE TERRY NESTOR

JUDGMENT ENTRY

ENTERED

SEP 25 2023



D139361087

THIS MATTER came before the Court on the *Complaint for Money Damages* ("Complaint") of Plaintiff, Council on Aging of Southwestern Ohio ("COA"), *Plaintiff Council on Aging's Motion for Default Judgment* ("Motion"), the *Affidavit in Support of Default and Non-Military Status* ("Affidavit"), and all other filings and the record.

The Court, having considered the pleadings and filings to date, and all evidence presented in support of the Motion, finds as follows:

1. Defendant Dewan Darjee ("Darjee") was properly served with a summons and a copy of the Complaint on February 18, 2023, by personal service via process server, whereby the summons and Complaint were served at Darjee's usual place of residence upon his co-resident, pursuant to Civ.R. 4.1(C).
2. All parties necessary for a complete adjudication are properly before the Court, and the Court has jurisdiction over the parties to this action and the subject matter herein.
3. Darjee is in default of an answer or other response to the Complaint and thereby confesses the allegations of the Complaint to be true.

RECEIVED  
MAR 15 2024  
CLERK OF COURT  
SUPREME COURT OF OHIO



A TRUE COPY ATTEST  
CLERK OF THE HAMILTON COUNTY  
COURT, HAMILTON COUNTY, OHIO

*[Signature]* DEPUTY

4. Darjee filed five cases against COA in the Small Claims Division of the Municipal Court of Hamilton County, Ohio. All cases raised claims that arose out of the same transactions or occurrences, and at least four cases concerned issues that had previously been decided. All cases were decided against Darjee.

5. Case One: On July 25, 2018, Darjee filed Case No. 18CV17326, *Dewan Darjee v. Candy Bottoms c/o Council on Aging*, asserting rights of a non-party, his mother, and seeking relief based on transactions or occurrences involving COA and Darjee's grandmother, another non-party. The court dismissed the case on grounds that Darjee failed to show a right to relief and improper parties.

6. Case Two: On Feb. 25, 2019, Darjee filed Case No. 19CV5291, *Ful Darji v. Council on Aging*, naming his grandmother (deceased) as the plaintiff, raising the same claims and seeking the same relief against COA as he did in Case No. 18CV17326. The court granted COA's motion to dismiss, which raised arguments based on jurisdiction, *res judicata*, and collateral estoppel, and dismissed for lack of jurisdiction.

7. Case Three: On Apr. 30, 2019, Darjee filed Case No. 19CV11154, *Darjee v. Council on Aging*, raising the same claims and seeking the same relief against COA as in Case Nos. 18CV17326 and 19CV5291. The court granted COA's motion to dismiss, which raised the same arguments as the motion in Case No. 19CV5291 and requested dismissal with prejudice, and noted Darjee's failure to prosecute.

8. Case Four: On July 15, 2019, Darjee filed Case No. 19CV17418, *Dewan Darjee v. Council on Aging*, raising the same claims and seeking the same relief against COA as in Case Nos. 18CV17326, 19CV5291, and 19CV11154. The court granted COA's motion to dismiss,

which was similar to those filed in prior cases, and dismissed the case, noting that it had been “heard before.”

9. Case Five: On February 7, 2022, Darjee filed Case No. 22CV02243, *Dewan Darjee v. Council on Aging*, raising the same claims and seeking the same relief as he did in all four prior lawsuits (Nos. 18CV17326, 19CV5291, 19CV11154, and 19CV17418). COA’s answer raised a counterclaim seeking a vexatious litigator declaration against Darjee under R.C. 2323.52. The court granted COA’s motion for judgment on the pleadings and dismissed Darjee’s case for lack of standing. The Court did not rule on COA’s vexatious litigator counterclaim, which COA voluntarily dismissed without prejudice.

10. Darjee has engaged in a pattern of conduct concerning his filings with the Small Claims Division of the Municipal Court of Hamilton County, Ohio. He raised the issue of wanting monetary relief, on behalf of himself and other non-parties, from COA for what appears to be transactions or occurrences involving COA and Darjee’s grandmother, who was never a party to any of the five cases. None of these had any merit, and all claims were denied.

11. The Court understands that Darjee does not like the fact that he, his mother, and his grandmother invested a considerable amount of time and money caring for Darjee’s grandmother. The Court understands that Darjee wants COA to compensate Darjee, his mother, and/or his grandmother for these care-related expenses. However, his methods and manner of trying to accomplish his goals run afoul of the vexatious litigator statute.

12. The Court finds that Darjee has persistently, habitually, and without reasonable grounds engaged in vexatious conduct. Darjee’s 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. Therefore, Darjee’s actions meet the definition of a vexatious litigator under R.C. 2323.52.

IT IS THEREFORE ORDERED that COA's Motion for Default Judgment is found well-taken and granted.

IT IS FURTHER ORDERED that COA is granted judgment on Count One against the Defendant Dewan Darjee.

IT IS FURTHER ORDERED by the Court that Defendant Dewan Darjee is found to be a vexatious litigator under Ohio Revised Code Section 2323.52. Accordingly, it is ordered by the Court that Dewan Darjee is prohibited from continuing or instituting legal proceedings in Hamilton County, Ohio courts without obtaining leave of court to do so. Dewan Darjee may not file or proceed with any actions or motions, including in cases currently pending, in Hamilton County, Ohio without obtaining leave of court to do so. All other prohibitions set forth in R.C. 2323.52 apply to Dewan Darjee.

IT IS FURTHER ORDERED that the Order finding Darjee to be a vexatious litigator is for an indeterminate period with no termination date. Any request for leave shall be submitted to the Hamilton County Clerk of Courts for the Court's review.

IT IS SO ORDERED.

This is a final appealable order and there is no just reason for delay. No hearing on damages is necessary, as Plaintiff Council on Aging does not seek damages or costs against Defendant Dewan Darjee.

ENTERED this 25 day of Sept. 2023.

FOR COURT USE ONLY	
S.C. Line #:	<u>12</u>

COURT OF COMMON PLEAS ENTERED <i>[Signature]</i>
MAGISTRATOR, TERRA WRESTOR
THE CLERK SHALL SERVE NOTICE ON PARTIES AND FILE WITH THE CLERK OF COMMON PLEAS THE TAKES HEREIN.
<b>MAGISTRATE</b>
SEP 21 2023
<b>HAS SEEN</b>

Submitted by:

/s/ Alexandra M. Berry

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