

**FILED**

**2024 FEB 13 P 3 32**

**BARBARA A. WIEDENBEIN  
CLERK OF COMMON PLEAS  
CLERMONT COUNTY, OH**

**COURT OF COMMON PLEAS  
CLERMONT COUNTY, OHIO**

**ANN BORNSCHLEGEL, et al.,**

**Plaintiffs,**

**vs.**

**JOSHUA V. JONES,**

**Defendant.**

**: CASE NO. 2023 CVH 00535**

**:**

**: Judge Anthony W. Brock**

**:**

**: DECISION AND ENTRY GRANTING**

**: PLAINTIFFS' MOTION FOR**

**: SUMMARY JUDGEMENT**

This matter is before the Court upon the Motion for Summary Judgment and Sanctions under R.C. 2323.52, filed by Plaintiff Ann Bornschlegel (“Bornschlegel”) and Plaintiff The Commons of Eastgate Condominium Unit Owners Association, Inc. (“Eastgate”) (collectively, “the Plaintiffs”). Upon consideration of the pleadings, the voluminous supporting affidavits and exhibits, the Plaintiffs’ motion, and the applicable law, the Court renders the following decision. Construing the evidence most strongly in favor of Defendant Joshua V. Jones (“Jones”), the Court finds that no genuine issues of material fact remain to be determined, reasonable minds can come to but one conclusion and the Plaintiffs are entitled to judgment as a matter of law. Additionally, the Court finds, by clear and convincing evidence, that Jones is a vexatious litigator pursuant to R.C. 2323.52. Accordingly, the Court grants summary judgment in favor of Plaintiffs.

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## **I. Statement of the Facts**

Jones filed a pro se complaint against Eastgate in March of 2017. (Pls.' Motion for Summ. J., Ex. 2.) From that day to the present, Jones has been involved in an extraordinary number of related legal actions as a plaintiff, a defendant, and a complainant. The Plaintiffs' motion documents and cites to the following cases and legal proceedings: *Joshua V. Jones v Commons of Eastgate Unit Owner's Association*, Clermont Cnty. C.P. Case No. 2017-CVH-00290 (*Id.*); *Joshua V. Jones v. Board Attorney Lisa Conn*, Clermont Cnty. C.P. Case No. 2017-CVH-00291 (*Id.* at Ex. 1, ¶ 24); *Joshua V. Jones Criminal Theft Report filed against Eastgate Unit Owner's Association*, Incident Report No. 1-17-003176, Clermont Cnty. C.P. Crim. Case No. 2017-CR-1001 (*Id.* at Ex. 1, ¶¶ 30-35); *Joshua V. Jones v. Board President Diane Miller*, Clermont Cnty. C.P. Case No. 2017-CVP-00874 (*Id.* at Ex. 1, ¶¶ 38, 41, 42, 45); *The Commons of Eastgate Condominium Unit Owners v. Joshua V. Jones*, Clermont Cnty. C.P. Case No. 2017-CVP-00872 (*Id.* at Ex. 3, 4); *Joshua V. Jones v Commons of Eastgate Unit Owner's Association*, Clermont Cnty. C.P. Case No. 2017-CVH-01623 (*Id.* at Ex. 5); *In re: Joshua V. Jones and Amanda M. Jones*, Bankr. S. Dist. Ohio Case No. 1:18-bk-8-13425 (*Id.* at Ex. 6, 8); *In re: Joshua V. Jones and Amanda M. Jones*, Bankr. App. Panel 6th Cir. Ct. Case No. 21-8024 (*Id.* at Ex. 6, 9, 10); *In re: Joshua V. Jones and Amanda M. Jones*, Bankr. App. Panel 6th Cir. Ct. Case No. 21-8025 (*Id.* at Ex. 6, 11); *In re: Joshua V. Jones*, Bankr. S. Dist. Ohio Case No. 1:22-bk-11913 (*Id.* at Ex. 12, 13); *In re: Joshua Vance Jones*, Bankr. App. Panel 6th Cir. Ct. Case No. 23-8010 (*Id.* at Ex. 14); *Ann Bornschlegel v Joshua V. Jones, et al.*, Clermont Cnty. C.P. Case No. 2020-CVC-00669, (*Id.* at Ex. 15, 16); *Joshua Jones, et al. v. Commons of Eastgate, et al.*, 12th Dist. Ohio Case No 2021 CA 07 036 (*Id.* at Ex. 17-18); *Joshua Jones, et al. v. Commons of Eastgate, et al.*, Sup. Ct. Ohio Case No 2021-1176 (*Id.* at Ex. 21); *GCD Detective Agency, et al.*

*v. West Bend Mutual Insurance*, 12th Dist. Ohio Case No 2021 CA 08 045 (*Id.* at Ex. 22-27); *Amanda Jones, et al. v. Commons of Eastgate, et al.*, 12th Dist. Ohio Case No 2021 CA 12 070 (*Id.* at Ex. 28-31); *In re Disqualification of Hon. Richard Ferenc*, Sup. Ct. Ohio Case No 21-AP-165 (*Id.* at Ex. 32-33); *GCD Detective Agency, et al. v. Ann Bornschlegel*, 12th Dist. Ohio Case No 2022 CA 04 019 (*Id.* at Ex. 34-38); Jones' disciplinary complaint against Eastgate's counsel, Sup. Ct. Ohio Disciplinary File No. C2-1394 (*Id.* at Ex. 39, 40); Jones' civil rights charge against Eastgate, OCRC Charge No. DAYH6(30989)12042022; 22A-2023-01188 (*Id.* at Ex. 41, 42); *Commons of Eastgate Unit Owner's Association, et al. v. Joshua V. Jones, et al.*, Clermont Cnty. C.P. Case No. 2022-CVE-01080 (*Id.* at Ex. 43); *Joshua Jones v Commons of Eastgate Unit Owner's Association Inc.*, 12th Dist. Ohio Case No 2023 CA 02 009 (*Id.* at Ex. 45, 46); *In re Disqualification of Hon. Kevin Miles*, Sup. Ct. Ohio Case No 23-AP-018 (*Id.* at Ex. 47, 48); *Joshua Jones v Commons of Eastgate Unit Owner's Association, et al.*, Clermont Cnty. C.P. Case No. 2023-CVH-00212 (*Id.* at Ex. 49-51). Finally, the Plaintiffs also cite to Jones's behavior in the current case, *Ann Bornschlegel, et al. v Joshua V. Jones*, Clermont Cnty. C.P. Case No. 2023-CVH-00, (*Id.* at Ex. 52-53).

The Plaintiffs initiated the present action on June 5, 2023, with a complaint seeking to declare Jones a vexatious litigator pursuant to R.C. 2323.52. Jones subsequently filed a document captioned Defendant's Motion to Dismiss and Counterclaim for Unlawful Prosecution. Plaintiffs then filed a Combined Memorandum in Opposition to Defendant's Motion to Dismiss and Plaintiffs' Motion to Dismiss Defendant's Counterclaim. On September 26, 2023, the Court denied Jones's motion to dismiss the complaint and granted the Plaintiffs' motion to dismiss Jones's counterclaim. On January 3, 2024, the Plaintiffs filed their Motion for Summary Judgment and Sanctions under R.C. 2323.5. Jones failed to file a memorandum in opposition or

otherwise respond to the motion. That motion for summary judgment is the matter currently under consideration.

## **II. Standard of Review**

To prevail on a motion for summary judgment, the movant must meet the requirements set forth in Civil Rule 56(C). Under that Rule, the Court must review the pleadings, depositions, answers to interrogatories, written admissions, affidavits, transcripts of evidence and written stipulations of fact in the pending case. Civ. R. 56(C). Summary judgment is only proper when: (1) there is no genuine issue of material fact; (2) the moving party is entitled to judgment as a matter of law; and (3) reasonable minds can come to but one conclusion, and that conclusion is adverse to the nonmoving party, who is entitled to have the evidence construed most strongly in its favor. *Harless v. Willis Day Warehousing Co.*, 54 Ohio St.2d 64, 66, 375 N.E.2d 46 (1978).

The party requesting summary judgment bears the initial burden of showing that no genuine issue of material fact exists and that it is entitled to judgment as a matter of law. *Dresher v. Burt*, 75 Ohio St.3d 280, 292, 662 N.E.2d 264 (1996). The moving party must specifically point to evidence that affirmatively demonstrates that the nonmoving party has no evidence to support its claim. *Id.* at 293. Once the moving party satisfies its burden, “an adverse party may not rest upon the mere allegations or denials of the party’s pleadings, but the party’s response, by affidavit or as otherwise provided in this rule, must set forth specific facts showing that there is a genuine issue for trial. If the party does not so respond, summary judgment, if appropriate, shall be entered against the party.” Civ. R. 56(E).

### **III. Legal Analysis**

Initially, the Court notes that, in addition to summary judgment, the Plaintiffs' motion also seeks an award of sanctions pursuant to R.C. 2323.51, including an award of attorney's fees, costs and expenses. The Court will schedule a future hearing to address that issue.

As to the motion for summary judgment, the complaint's only cause of action seeks to have Jones declared a vexatious litigator pursuant to R.C. 2323.52. Under that statute, "vexatious conduct" means 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)(2)(a)-(c). A "vexatious litigator" is defined as:

[A]ny 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).

The evidence presented by the Plaintiffs is overwhelming. The meticulously compiled documentation included with the Plaintiffs' motion, consisting of 53 exhibits, hundreds of pages of legal filings, and supporting affidavits, conclusively demonstrates that Jones is a vexatious litigator. Since March of 2017, Jones has engaged in repeated abuses of the court system. He has filed civil stalking protection orders against party opponents and legal counsel. He has filed criminal charges against party opponents in a civil matter. He has filed multiple civil cases alleging claims that have absolutely no evidentiary basis. He has unnecessarily delayed the proceedings in numerous cases by filing frivolous motions, frivolous appeals, and refusing to

comply with court orders, and he has been sanctioned for such behavior. He has sought to have multiple judges disqualified from cases and has filed disciplinary charges against opposing counsel, all without legal foundation. None of Jones's myriad causes of action, claims, and allegations have had merit and, unsurprisingly, none have been successful.

The words of Judge Jeffrey Hopkins, the judge in one of Jones's multiple bankruptcy proceedings, succinctly convey why this Court finds it necessary to declare Jones a vexatious litigator:

[W]hen litigants cross the line and their conduct during the litigation becomes abusive, courts cannot remain idle bystanders. Judges are obligated to address that behavior lest the judiciary, our Third Branch of government, risks devolving into just another place where individuals can act out their aggressions and frustrations unbound by respect for the law, common etiquette, and proper decorum.

(Pls.' Motion for Summ. J., Ex. 8, p. 3.) The purpose of R.C. 2323.52, the vexatious litigator statute, is to prevent abuse of the legal system by those who persistently and habitually file claims without reasonable grounds and who engage in frivolous conduct in Ohio Courts.

*Mayer v. Bristow*, 91 Ohio St.3d 3, 13, 2000-Ohio-109, 740 N.E.2d 656, 66, citing *Cent. Ohio Transit Auth. v. Timson*, 132 Ohio App.3d 41, 49, 724 N.E.2d 458, 463 (10th Dist.1998). Such habitual, frivolous conduct clogs court dockets, increases costs, and wastes judicial resources.

*Id.* As the Plaintiffs have painstakingly detailed in their motion for summary judgment, this is precisely the kind of conduct Jones has engaged in for over six years.

The Court finds that Jones's conduct has repeatedly served merely to harass or maliciously injure another party. Jones has also repeatedly engaged in conduct not warranted under existing law and not supported by a good faith argument for an extension, modification, or reversal of existing law. Finally, Jones has repeatedly engaged in conduct solely for purposes of delay. Accordingly, the Court hereby grants the Plaintiffs' motion for summary judgment,


declares Joshua V. Jones to be a vexatious litigator, and hereby orders that Jones 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.
2. Continuing any legal proceedings that Jones had instituted in any of the courts specified above prior to the entry of this order.
3. Making any application, other than an application for leave to proceed to this Court, in any legal proceedings instituted by Jones in any of the courts specified above.

#### **IV. Conclusion**

Construing the evidence most strongly in Jones's favor, the Court finds that there are no genuine issues of material fact, reasonable minds can come to but one conclusion, and the Plaintiffs are entitled to judgment as a matter of law. Based on the overwhelming, unrebutted summary judgment evidence presented by the Plaintiffs, the Court finds, by clear and convincing evidence, that Jones has habitually, persistently, and without reasonable grounds, engaged in vexatious conduct. Accordingly, the Plaintiffs' motion for summary judgment is hereby granted.

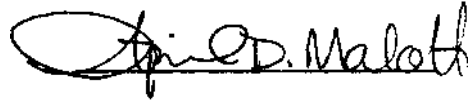
IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'Anthony W. Brock', written over a horizontal line.

**Judge Anthony W. Brock**

**Certificate of Service**

I, April D. Malott, hereby certify that a copy of the foregoing was served upon the following parties by Electronic mail this 13<sup>th</sup> day of February, 2024.



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**CERTIFIED COPY**

**STATE OF OHIO, COUNTY OF CLERMONT,  
COURT OF COMMON PLEAS**

I, the Clerk of Courts for Clermont County, Ohio, do hereby certify that the foregoing is taken and copied from the original now on file in said court, that said copy has been compared by me with the original document which is in my legal custody by the laws of the State of Ohio and that it is a true and correct copy thereof.

**BARBARA A. WIEDENBEIN**

Clerk of Court, Clermont County, Ohio

By 

Date 3/1, 2024

(8 pgs total)

