

IN THE SUPREME COURT OF OHIO

	)	COA NO: 08-90638
	)	
	)	UNITED STATES SUPREME COURT (PRIOR) CASE NO. 08-03
	)	
BRAHIM (ABE) AYAD, DBA	)	SUPREME COURT OF OHIO
POLITICALLY DAMNED	)	(PRIOR) CASE NO.: 2007-18-16
TALK RADIO, et al.	)	
	)	COA (PRIOR)CASE NO.: 88031
	)	
PLAINTIFF/APPELLANT,	)	TRIAL COURT CASE NO.:
	)	CV-04-542565
VS.	)	
	)	TRIAL COURT JUDGE:
RADIO ONE INC., et al.	)	WILLIAM J. COYNE
	)	
DEFENDANT/APPELLEE.	)	08 - 2342

NOTICE OF APPEAL

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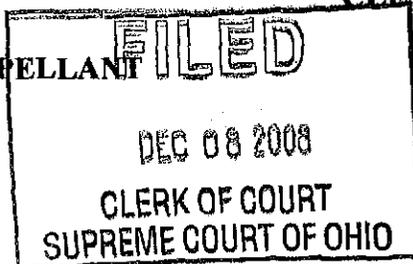
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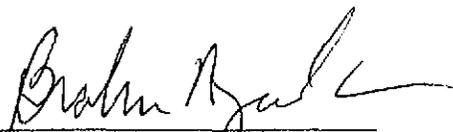


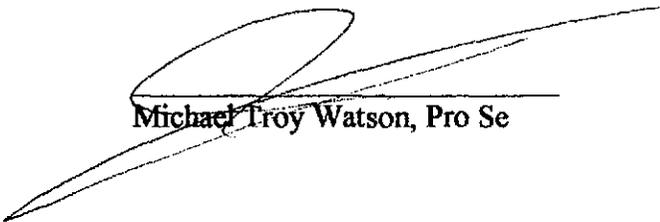
**PROOF OF SERVICE**

A true copy of the foregoing document has been sent by regular U.S. Mail with proper postage this 7th, day of December, 2008 to:

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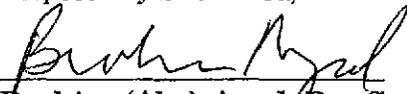
NOTICE OF APPEAL

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Now comes the Plaintiff/Appellants and respectfully serves Notice of theirhis Appeal of the Decisions of the Court of Appeals on 10-23-08 and previously, a copy of which is attached hereto and incorporated by reference herein as Exhibits "A".

Plaintiff/Appellants submit that this Appeal is being taken for reason that an injustice has occurred and not for any purpose of delay.

Respectfully Submitted,

  
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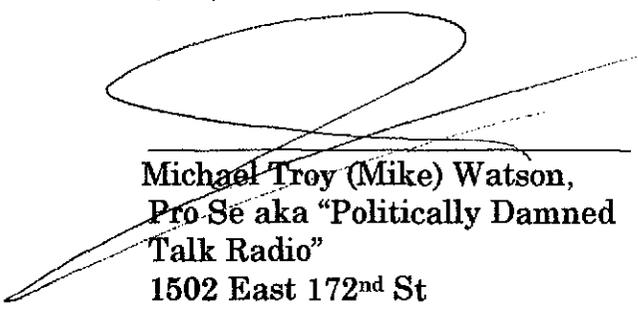
  
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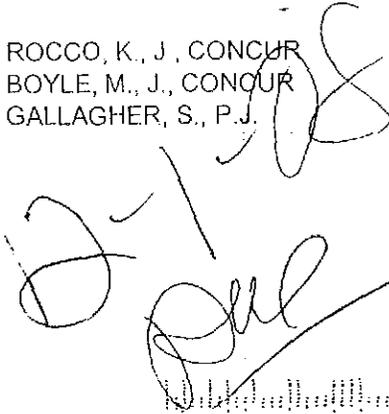
EXHIBIT "A"

**Case No: 90638**

BRAHIM (ABE) AYAD, DBA,  
ETC. VS. RADIO ONE INC., ET  
AL.

MOTION BY APPELLANT, PRO  
SE, FOR RECUSAL OF JUDGE  
MARY BOYLE IS DENIED.

ROCCO, K., J., CONCUR  
BOYLE, M., J., CONCUR  
GALLAGHER, S., P.J.



FROM

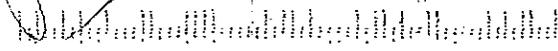
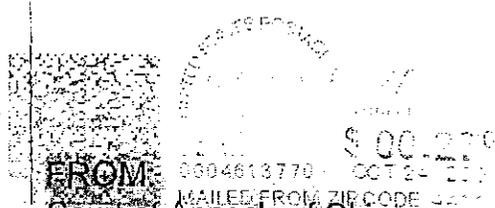
Court of Appeals of Ohio

Eighth Appellate District  
One Lakeside Ave.  
Cleveland, Ohio 44113

Date: 10/23/2008

TO:

MICHAEL TROY WATSON  
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[REDACTED]

## DOCKET INFORMATION

**Case Number:** CA-07-090638

**Case Title:** BRAHIM (ABE) AYAD DBA POLITICALLY DAMED TALK RADIO vs. RADIO ONE INC. ETAL

**Image Viewer:** [AlternaTIFF](#)

### DOCKET INFORMATION

Date	Side	Type	Description	Image
11/03/2008	N/A	BL	November 3, 2008: AFFIRMED. VOL. 669 PG. 175. NOTICE ISSUED.	
11/03/2008	N/A	JE	November 3, 2008: AFFIRMED. VOL. 669 PG. 175. NOTICE ISSUED.	
10/23/2008	N/A	JE	MOTION BY APPELLANT, PRO SE, FOR RECUSAL OF JUDGE MARY BOYLE IS DENIED. VOL. 668 PG. 538. NOTICE ISSUED.	
10/23/2008	N/A	SR	ANNOUNCEMENT OF COURT'S DECISION FILED (SEE APPELLATE RULE 26). COPIES MAILED COST TAXED	
08/29/2008	N/A	MO	MOTION BY APPELLANT, PRO SE, FOR RECUSAL OF JUDGE MARY BOYLE	
06/10/2008	N/A	JE	SUA SPONTE, THE APPELLANTS' JOINT BRIEF IS ACCEPTED FOR REVIEW, ALTHOUGH THE BRIEF FAILS TO COMPORT WITH THE FORM REQUIREMENTS OF APP.R. 16(A). THE JOINT BRIEF FAILS TO CONTAIN A STATEMENT OF THE ASSIGNMENTS OF ERROR, A STATEMENT OF THE CASE, AND A STATEMENT OF THE FACTS. ANY FUTURE BRIEF, WHICH FAILS TO STRICTLY COMPORT WITH THE FORM REQUIREMENTS OF THE APPELLATE RULES, SHALL BE STRICKEN. VOL. 659 PG. 228. NOTICE ISSUED.	
02/01/2008	E1	EV	APPELLEE'S BRIEF FILED.	
01/17/2008	A1	EV	APPELLANT'S BRIEF FILED.	
12/12/2007	N/A	JE	MOTION BY APPELLANT, PRO SE, TO EXTEND TIME TO FILE ASSIGNMENTS OF ERROR AND BRIEF IS GRANTED TO JANUARY 18, 2008. NO FURTHER EXTENSION WILL BE CONSIDERED. VOL. 648 PG. 482. NOTICE ISSUED.	
12/12/2007	N/A	JE	MOTION BY APPELLEES TO DISMISS APPEAL AND AWARD SANCTIONS IS DENIED PER APP.R. 3(E). THE TRIAL COURT'S AUGUST 29, 2007 ENTRY WILL NOT BE CONSIDERED BY THE COURT OF APPEALS PER APP.NO. 90454 ENTRY DATED OCTOBER 19, 2007. THIS COURT WILL CONSIDER ONLY THE TRIAL COURT'S OCTOBER 9, 2007 ENTRY. VOL. 648 PG. 481. NOTICE ISSUED.	
12/05/2007	N/A	MO	MOTION BY APPELLANT, PRO SE, TO EXTEND TIME TO FILE ASSIGNMENTS OF ERROR AND BRIEF	
11/15/2007	N/A	MO	MOTION BY APPELLEES TO DISMISS APPEAL AND AWARD SANCTIONS	
11/07/2007	A1	EV	ORIGINAL PAPERS FILED BY TRIAL COURT.	

11/07/2007 A1 EV NOTICE OF APPEAL FILED FROM COMMON PLEAS, CIVIL DIVISION COURT , CASE # CV-542585 WITH JOURNAL ENTRY, PRAECIPE, DOCKETING STATEMENT, POVERTY AFFIDAVIT AND COPY OF DOCKET SHEET.

11/07/2007 A1 SF LEGAL RESEARCH

11/07/2007 A1 SF COMPUTER FEE

11/07/2007 A1 SF CLERK'S FEE

11/07/2007 A1 SF COURT OF APPEALS SPECIAL PROJECTS

11/07/2007 A1 SF LEGAL NEWS

11/07/2007 A1 SF POVERTY AFFIDAVIT FILED

11/07/2007 N/A SF CASE INITIATED

11/07/2007 N/A NT RECORD ON APPEAL FILED AND NOTICE ISSUED TO ALL PARTIES.

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# Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT  
COUNTY OF CUYAHOGA

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JOURNAL ENTRY AND OPINION  
No. 90638

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**BRAHIM (ABE) AYAD, DBA, POLITICALLY  
DAMNED TALK RADIO, ET AL.**

PLAINTIFFS-APPELLANTS

vs.

*10-1-08* **RADIO ONE INC., ET AL.**

DEFENDANTS-APPELLEES

---

**JUDGMENT:  
AFFIRMED**

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Civil Appeal from the  
Cuyahoga County Court of Common Pleas  
Case No. CV-542565

**BEFORE:** Gallagher, P.J., Rocco, J., and Boyle, J.

**RELEASED:** October 23, 2008

**JOURNALIZED:**

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ANNOUNCEMENT OF DECISION  
PER APP. R. 22(E), 22(D) AND 26(A)  
**RECEIVED**

OCT 23 2008

GERALD E. FUERST  
CLERK OF THE COURT OF APPEALS  
BY \_\_\_\_\_ DEP.

N.B. This entry is an announcement of the court's decision. See App.R. 22(B), 22(D) and 26(A); Loc.App.R. 22. This decision will be journalized and will become the judgment and order of the court pursuant to App.R. 22(E) unless a motion for reconsideration with supporting brief, per App.R. 26(A), is filed within ten (10) days of the announcement of the court's decision. The time period for review by the Supreme Court of Ohio shall begin to run upon the journalization of this court's announcement of decision by the clerk per App.R. 22(E). See, also, S.Ct. Prac.R. II, Section 2(A)(1).

One only. Thereafter, Radio One moved for summary judgment and the trial court granted the motion.

Appellants filed an appeal challenging the trial court's granting of judgment on the pleadings, granting of summary judgment, and certain interlocutory rulings. This court affirmed the judgment of the trial court in *Ayad v. Radio One, Inc.*, Cuyahoga App. No. 88031, 2007-Ohio-2493, discretionary appeal not allowed, 116 Ohio St.3d 1477, 2008-Ohio-153.

On August 22, 2007, appellants filed a motion for default judgment against defendants John Does. These defendants were identified in the complaint as "John Does unnamed and/or unidentified defendants (except as 'Jewish' by WERE 1300 AM executives Glover, Bivens, and Bush) and as 'terrorists' by plaintiffs known only to defendants Radio One, Inc." On August 29, 2007, the trial court denied the motion, referring to this court's decision in *Ayad*, supra. Appellants' appeal from this ruling was sua sponte dismissed by this court on October 12, 2007.

Appellees, Radio One, WERE, Bevins, Glover, Hamilton, and Hughes, filed a request for sanctions. Following a hearing, the trial court granted the motion on October 9, 2007. The trial court imposed sanctions against appellants, jointly and severally, and awarded appellees \$1,397.50 plus interest beginning on October 8, 2007, and court costs. Appellants now appeal this ruling.

We note that appellees also attempted to appeal the trial court's August 29, 2007 order regarding their motion for default judgment. Per this court's prior order, the trial court's August 29, 2007 entry cannot be considered in this appeal. Appellants' first assignment of error pertaining to said order is stricken.

Appellants' second assignment of error provides as follows: "The trial court erred in granting sanctions against the plaintiffs including but not limited to that the trial court's decision is contrary to the laws and precedents as established by the Supreme Court of Ohio."

Trial courts retain jurisdiction to resolve collateral matters, such as a motion for sanctions, pursuant to Civ.R. 11 or R.C. 2323.51. *Kinstle v. Union County Sheriff's Office*, Union App. No. 14-07-16, 2007-Ohio-6024. The decision to grant sanctions under R.C. 2323.51 and Civ.R. 11 rests with the sound discretion of the trial court. *Taylor v. Franklin Blvd. Nursing Home, Inc.* (1996), 112 Ohio App.3d 27. A reviewing court will not reverse a trial court's decision to deny or grant sanctions absent an abuse of discretion. *Id.*; *Jurick v. Jackim*, Cuyahoga App. No. 89997, 2008-Ohio-2346. Both R.C. 2323.51 and Civ.R. 11 allow for the imposition of sanctions against a pro se litigant. See *Burrell v. Kassicieh* (1998), 128 Ohio App.3d 226.

In this matter, appellees moved for sanctions on the grounds that appellants had engaged in frivolous conduct by filing a motion for default judgment. The motion for default was filed despite the fact that the trial court had granted summary judgment to Radio One on the breach of contract claim and, in rendering judgment on the pleadings, had dismissed all remaining claims against all defendants. Further, the trial court's judgment had been affirmed by this court.

Nevertheless, appellants argue that the trial court erred in imposing sanctions against them. Because appellants have failed to file a transcript of the sanctions hearing, we must presume the regularity of those proceedings. See *Soler v. Evans, St. Clair & Kelsey*, Franklin App. No. 04AP-314, 2006-Ohio-5402.

Upon our review, we find the record in this case supports a finding that appellants, in filing their motion for default judgment after a final judgment had been rendered, engaged in frivolous conduct. See Civ.R. 11 and R.C. 2323.51. The filing of a motion that obviously serves to simply harass or injure another party or that is not warranted under existing law and cannot be supported by a good faith argument will not be sanctioned by this court. We find no abuse of discretion occurred. Appellants' second assignment of error is overruled.

Judgment affirmed.

It is ordered that appellees recover from appellants costs herein taxed.

It is ordered that a special mandate be sent to said court to carry this judgment into execution.

A certified copy of this entry shall constitute the mandate pursuant to Rule 27 of the Rules of Appellate Procedure.

A handwritten signature in cursive script, appearing to read "Sean C. Gallagher", is written over a horizontal line.

SEAN C. GALLAGHER, PRESIDING JUDGE

KENNETH A. ROCCO, J., and  
MARY J. BOYLE, J., CONCUR

