

SUPREME COURT FOR THE STATE OF OHIO

Charles R. Evans
1892 Rear Oakland Park Avenue
Columbus, Ohio 43224

Relator,

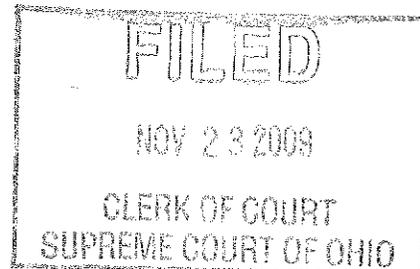
vs.

CASE NO.

09-2128

Tenth District Court of Appeals
Attn: Administrative Judge G. Gary Tyack
373 South High Street
Columbus, Ohio 43215,

Respondent.



COMPLAINT FOR AN ORIGINAL WRIT OF MANDAMUS

JURISDICTION

1. This is an original action for a Writ of Mandamus compelling Respondent to impartially adjudicate Relator's appeal of the trial court decision in Franklin County Court of Common Pleas Case No. 07CVH-10-14634 without requiring leave to proceed under R.C. 2323.52, where Respondent has a clear legal duty as an appellate court in the State of Ohio.
2. Further, Relator did not violate the express terms of the vexatious litigator classification in the May 8, 2009 Final Appealable Order, attached as **EXHIBIT A** where @ page 7:

“...the Court orders Plaintiff Charles R. Evans is prohibited from doing any of the following without first obtaining leave of 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 he has previously instituted in the court of claim, or in a court of common pleas, municipal court, or county court prior to the entry of this order that finds he is a vexatious litigator;
- (3) Making any application, other than an application for leave to proceed under R.C. 2323.52(F)(1), in any legal proceedings instituted by Charles

R. Evans or another person in the court of claims, or in a court of common pleas, municipal court, or county court.”

3. In the alternative, this is an original action for a Writ of Mandamus, compelling the Respondent, who has a clear legal duty pursuant to Revised Code § 2323.52 to grant a designated vexatious litigator leave for an appeal of the trial court’s decision and/or continuance of legal proceedings in state courts where the proceedings are not an abuse of process in the court in question and where there are reasonable grounds for the proceedings, *i.e.*, an appeal of the errors, judicial misconduct, prejudice and bias in the trial court decision in Franklin County Court of Common Pleas Case No. 07CVH-10-14634.
4. This action is brought pursuant to R.C. § 2731; Section 2, Article IV, Ohio Constitution for a Writ of Mandamus directed to Respondent.

PARTIES

5. Relator, an Ohio citizen, was designated a vexatious litigator pursuant to R.C. § 2323.52 in a counterclaim by elected official Richard Sheward and the Franklin County Court of Common Pleas in Case No. 07CVH-10-14634.
6. Relator is a beneficial and interested party, with no plain and adequate remedy at law, a fact evinced by the decision in *Mayer v. Bristow*, 91 Ohio St. 3d 3, 2000-Ohio-109.
7. Respondent Tenth District Court of Appeals maintains jurisdiction of appeals originating from cases in the Franklin County Court of Common Pleas.
8. Respondent is not a county court where appellate courts are state courts.

FACTUAL ASSERTIONS

Legal Issues with the Express Statutory Language of R.C. § 2323.52 addressing Leave to Appeal a Designation by the Trial Court

9. Relator was designated a vexatious litigator pursuant to R.C. § 2323.52.

10. R.C. § 2323.52 restricts designated litigants the ability to perfect an appeal of a trial court's final appealable order.
11. R.C. § 2323.52 (F)(2) requires a designated litigant to file a motion for leave with the appellate court before proceeding in an appeal of a trial court's decision.
12. Relator was not subject to R.C. § 2323.52 (F)(2).
13. Requiring leave of the appellate court infringes upon unrestricted access to the appeals process permitted other litigants.
14. Leave denied by the appellate court violates the designated litigant's access to the appellate process.
15. R.C. § 2323.52 places designated litigants into a separate class.
16. Denial of leave for this class of litigants fails to provide designated litigants a check and balance of the trial court's judicial authority and the ability to address judicial abuse, prejudice, and bias.
17. Relator has no ability to appeal the gross abuse of discretion by the trial court when leave is arbitrarily denied by the appellate court.
18. Relator, by and through *pro bono* counsel, Stephen Ames, filed leave to appeal Case No. 07CVH-10-14634 in the Tenth District Court of Appeals, Case No. 09AP-467. The appellate court arbitrarily denied leave in a journal entry of dismissal filed June 11, 2009. Attached as **EXHIBIT B**, is the June 11, 2009 Journal Entry of Dismissal.
19. Respondent should not have dismissed Relator's appeal where:
 - (A) Relator was not required to request leave of court pursuant to the express language in the May 9, 2009 Final Appealable Order.
See Exhibit A.
 - (B) Reasonable grounds existed in an appeal addressing the trial court's errors, judicial misconduct, and appearance of impropriety and evidence of bias.
20. Where Respondent is a state court, leave of court should not be required for appellate review of a designation pursuant to R.C. § 2323.52.

21. Respondent should not have denied Relator leave to proceed in an appeal of Franklin County Court of Common Pleas Case No. 07CVH-10-14634.
22. Relator asserts trial court judge Richard Sheward in Franklin County Court of Common Pleas Case No. 07-CVH-14634 committed a gross abuse of discretion pursuant to his predisposition, bias, and prejudice as evinced in the certified copy of the December 10, 2008 Transcript of the Proceedings, filed in the court record, and additionally, as to Richard Sheward's judicial misconduct in conducting *ex parte* communications with opposing counsel on several occasions.
23. A conflict exists between Ohio appellate courts in the 8th Appellate District Court and the 10th Appellate District Court.
24. Relator's counsel, Stephen Ames, filed a Motion for Leave to Certify a Conflict Between Appellate Courts {Article IV 3(B)(4)} after his recent discovery of an Eighth District Appellate Court case captioned *Sailing, Inc. v. Pavarini*, 2007-Ohio-6844, which decision is inapposite of the Tenth Appellate District Court's decision in Case No. 09AP-467. The Cuyahoga Appellate Court concluded that where a designated litigant is represented by counsel leave is not necessary to file an appeal of the trial court's designation.
25. The *Sailing, id.* decision provides an adequate remedy in the ordinary course of law as to representation, but only where a litigant can afford/obtain legal counsel.
26. Realtor asserts that the *Sailing, id.* remedy must be expanded where it excludes pro se representation when an appeal is brought before a state court in a state monopolized proceeding where reasonable grounds exist for the proceedings and where the cause of appellate action is inherent, *i.e.*, sufficient, for appellate review.¹

¹ An appeal can only address the trial court's final appealable order (another *faux pas* where the order is not appealable for designated litigants who have been denied leave to appeal). Where appellate review is strictly limited to errors made in the trial court's final order, the sufficiency of the claim to proceed is inherent in the proceeding. Therefore, regardless of resolution as to the issue of requiring leave, an appeal of the trial court's decision should not be denied.

27. The Tenth District Appellate Court dismissed Relator counsel's request for leave to certify a conflict in their October 1, 2009 journal entry asserting it was without jurisdiction to address the motion for leave to certify a conflict.
28. Where leave to appeal is required for designated litigants pursuant to R.C. § 2323.52, the statute is unconstitutional on its face and/or as applied, for it can unintentionally restrict access to appellate review if leave is denied which effectively restricts/denies/eliminates the designated litigant's ability to obtain legal representation. The express statutory language is vague.
29. Relator was denied any remedy including denial for leave to appeal, and therefore, the ability to address the trial court's gross abuse of discretion. Additionally, the denial of leave to appeal *effectively* restricts/denies/eliminates Relator's ability to obtain legal representation on the merits.
30. The classification of vexatious litigants, including Relator, may result in an invidious classification under state and federal constitutions.

LEGAL REQUIREMENTS for a WRIT of MANDAMUS to ISSUE

Relator Has Met the Established Requirements for a Writ of Mandamus to Issue

31. Realtor has a clear legal right for Respondent to impartially adjudicate his appeal where Relator was not subject to the express language in R.C. § 2323.52 (F)(2) in the May 8, 2009 Final Appealable Order requiring Relator to file a motion for leave to proceed in an appeal..
32. Relator has a clear legal right for Respondent to impartially adjudicate his appeal where Realtor was denied leave "for not demonstrating reasonable grounds for this appeal pursuant to R.C. 2323.52" {EXHIBIT B} where Realtor is not required to file for leave.
33. In the alternative, Realtor has a clear legal right for Respondent to permit Relator to perfect his appeal where there are plain errors of law, judicial misconduct, impropriety, and evidence of bias in the final appealable order in Franklin County Court of Common Pleas Case No. 07CVH-10-14634.

34. Where there is no plain and adequate remedy in the ordinary course of law {*State ex rel. Manson v. Morris*, 66 Ohio St.3d 440, 441 (1993)}. Relator has no remedy other than the extraordinary writ of mandamus. *Mayer, id.* @ 17.
35. Relator has met the established requirements for a writ to be issued:
 - (1) Relator has a clear legal right to the relief prayed for;
 - (2) Respondents have a clear legal duty to perform the acts requested;
 - (3) Relator has no plain and adequate remedy in the ordinary course of law.
State ex rel. Manson v. Morris, 66 Ohio St.3d 440, 441 (1993).
36. In addition to the requirements established in *State ex rel. Manson v. Morris*, and pursuant to trial court judge Richard Sheward's prejudicial and judicial misconduct addressed in a collaterally-filed Complaint for Writ of Mandamus, and the attached EXHIBIT 1, incorporated herein as if fully rewritten, a Writ may be issued to compel the performance of ministerial act, to compel the exercise of discretion, or to correct a gross abuse of discretion. *Truman v. Village of Clay Center*, 160 Ohio App. 3d 78 (2005).

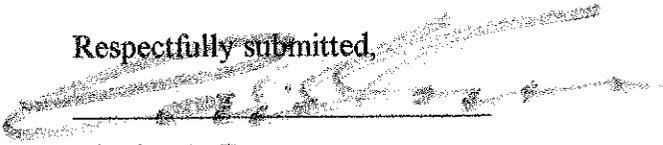
CLAIM FOR RELIEF:

WHEREFORE, in order to insure that Relator and all designated litigants rights are protected pursuant to designation under R.C. § 2323.52, Relator prays for relief as follows:

1. A writ of mandamus directing the Respondent to comply with their clear legal duty to adjudicate Relator's appeal, *and in the alternative*, directing the Respondent to comply with the requirements of R.C. § 2323.52 to grant a designated vexatious litigator leave for the institution and/or continuance of legal proceedings, *i.e.*, to permit an appeal of a trial court's final appealable order in state courts where appellate proceedings shall not be construed an abuse of process in the court in question and where appellate review of a trial court's final decision is reasonable grounds for the proceedings by the litigant or a licensed attorney, and specifically:

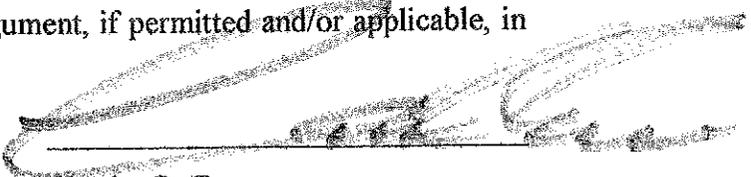
- (a) Require Respondent, as a *state* court, to fairly and impartially address appeals of litigant designations pursuant to R.C. § 2323.52.
 - (b) Require Respondent to docket an appeal for Franklin County Court of Common Pleas Case No. 07-CVH-14634 and provide Relator a briefing schedule.
 - (c) Require Respondent to permit Relator impartial appellate review of the trial court errors in Franklin County Court of Common Pleas Case No. 07-CVH-14634.
 - (d) Require Respondent to vacate the vexatious designation of Relator under R.C. § 2323.52 to correct a gross abuse of discretion by trial court judge Richard Sheward in Franklin County Court of Common Pleas Case No. 07-CVH-14634. *Cf. Truman, id.* See also Relator's Complaint for Writ of Mandamus filed concurrently with the instant Complaint for Writ of Mandamus, and specifically **EXHIBIT 1**, which addresses the gross abuse of discretion by trial court judge Richard Sheward attached to the concurrently-filed complaint, incorporated herein in its entirety.
2. Removal of trial court judge Richard Sheward from Case No. 07-CVH10-14634 where there are documented issues of judicial impropriety and the appearance of bias and prejudice towards Relator in the certified transcript of the proceedings and filed in the court record.
 3. Require a designated litigant under R.C. § 2323.52 appellate review of the trial court's designation without requiring leave of the state court, which matter is addressed in *Sailing, Inc. v. Pavarini*, 2007-Ohio-6844.
 4. An award of such other relief as the Court may deem just and equitable.

Respectfully submitted,


Charles R. Evans
1892 Rear Oakland Park Avenue
Columbus, Ohio 43224
614-268-7330 Box #2
FAX 614-268-7977

REQUEST TO PARTICIPATE IN ORAL ARGUMENT

Relator requests to participate in oral argument, if permitted and/or applicable, in this matter.



Charles R. Evans
1892 Rear Oakland Park Avenue
Columbus, Ohio 43224
614-268-7330 Box #2
FAX 614-268-7977

Exhibit A

FILED
COMMON PLEAS COURT
FRANKLIN CO. OHIO
2009 MAY -8 PM 2:20
CLERK OF COURT

IN THE COURT OF COMMON PLEAS
FRANKLIN COUNTY, OHIO

CHARLES R. EVANS,

Plaintiff,

v.

CAROL M. DAVIS,

Defendant.

FINAL APPEALABLE ORDER

Case No. 07 CVH 10 14634

Judge Richard S. Sheward

| |
|--------------------|
| TERMINATION NO. 18 |
| BY: PE 5/8/09 |

DECISION AND ENTRY GRANTING
 DEFENDANT CAROL M. DAVIS'
 MOTION FOR PARTIAL SUMMARY JUDGMENT, FILED FEBRUARY 4, 2009
 AND
 INTERVENOR SANDY SULLIVAN'S MOTION FOR SUMMARY JUDGMENT,
 FILED MARCH 9, 2009;
 ADDITIONALLY,
 GRANTING DEFENDANT DAVIS' MOTION TO EXTEND TIME TO FILE MOTION
 FOR SUMMARY JUDGMENT, FILED FEBRUARY 4, 2009,
 AND
 INTERVENOR SULLIVAN'S MOTION FOR LEAVE TO FILE MOTION FOR
 SUMMARY JUDGMENT, FILED FEBRUARY 11, 2009

RENDERED THIS ___ DAY OF MAY 2009. (SHEWARD, J.)

This matter is before the Court upon the Motions for Summary Judgment filed by Defendant Davis on February 4, 2009, and Intervenor Sullivan on March 9, 2009. Additionally, Defendant Davis filed Motion to Extend time to file Motion for Summary Judgment on February 4, 2009, and Intervenor Sullivan filed a Motion for Leave to file Motion for Summary Judgment on February 11, 2009. The Court granted the Motion for Leave on March 2, 2009. However, the Plaintiff opposed the Intervenor's Motions in a brief filed March 13, 2009. The Intervenor filed a Reply on March 23, 2009. Likewise, the

Plaintiff opposed Defendant Davis' Motion for Summary Judgment in a brief filed February 9, 2009. Later, on April 7, 2009, the Plaintiff filed a Motion for Leave to Supplement his affidavit and memo Contra the Defendants' Motions for Summary Judgment. Defendant Davis filed a Memorandum on April 27, 2009 which indicated she did not object to the supplement. The Plaintiff filed another response on April 29, 2009.

Having recited the above the briefs, the Court acknowledges there are a number of other related extraneous motions and/or memos. However, the ultimate issue in dispute arises from Defendant Davis' first cause of action in her amended Counterclaim, and the only cause of action brought by Intervenor Sandy Sullivan in her Complaint, filed January 26, 2009. That is, is Plaintiff Evans a vexatious litigator?

Previously, in a Decision entered July 28, 2008, the Court denied Defendant Davis' Motion for Summary Judgment on the identical issue that is before the Court now. At the time, the Court acknowledged that some Plaintiff's conduct exhibited some characteristics of a vexatious litigator. However, the Court denied the motion because, at the time, the Plaintiff had a colorable claim. See July 28, 2008 Decision, page 4. The Plaintiff's claims were dismissed on December 10, 2008 at the hearing, as reflected in the Court's Decision filed December 11, 2008. Although the Court denied the motion in July 2008, it warned the parties that frivolous conduct would not be tolerated. Now, the Defendant comes with additional evidence in support of her claim that Plaintiff is a vexatious litigator. Intervenor Sandy Sullivan joins in the request having previously been granted leave, and having been named as a defendant in 08-CVA-10-14340. The Court picks up where the last decision left off and incorporates the legal standard explained earlier in this decision.

dismissal of
claim does
mean
act in good faith

Do not actually where
the court continues to address
this

In terms of additional facts, the Defendant offers four civil cases brought by the Plaintiff in this action, Charles R. Evans, against parties and witnesses in this case. First, Plaintiff Evans filed Case No. 08-CV-14340 against Defendant Sandy Sullivan, the Intervenor in this action. Defendant's Exh. C. In it, Plaintiff Evans alleges that Sandy Sullivan breached her confidence by testifying in the domestic case that involves Plaintiff Evans and Defendant Davis' son, Collin. Judge Cain has stayed the "confidence" case pending a determination in this case on the vexatious litigator claim. See J. Cain's Decision and Entry filed January 23, 2009. Second, Plaintiff Evans filed Case No. 08-CV-15756, on November 3, 2008 against Defendants Carol Davis and the State of Ohio. It was assigned to Judge Lynch and dismissed upon the State's motion, on the grounds of the jurisdictional priority rule. Defendant's Exhs. A & B. Next, on November 19, 2009, Plaintiff Evans filed suit against Defendant Charles Riley, in Case No. 08-CV-16563, and alleged that Defendant Riley had an affair with Defendant Davis, amongst other allegations. Defendant's Exh. D. It was assigned to Judge Sheeran, but he recused himself based on his prior knowledge of the underlying events that he gained while he served as a prosecutor in the civil division where he represented various court personnel that Plaintiff had sued. See Entry of Recusal filed January 8, 2009. Lastly, Plaintiff Evans filed a Writ of Prohibition in the Tenth District Court of Appeals on April 17, 2009, 09-AP-390, against Judge Loudon of the Franklin Co. Common Pleas Court, Domestic Relations Division, who presided over the divorce proceeding involving Plaintiff Evans and Defendant Davis. See April 27, 2009 Memo. The Defendant actually brought this case to the Court's attention.

Incorrect!
She has never been a hearing - she did not testify
She signed a public consent agreement she admitted violating my rights under RL

On appeal that the legal, constitutional issues cannot be decided in the pending divorce action or declaratory judgment act

was complicated in hiding child at issue & moving my personal & marital property

sparse communication *

In addition to the most recent case filings by Plaintiff Evans, Defendant Davis

submitted a number of other exhibits which her counsel contends support finding by Christina Cox. Defendant's Exh. E. In her affidavit, Ms. Cox relates the financial and emotional harm that Plaintiff Evans has brought to her by virtue of his prolific court filings.

Total Fabrication No exhibits

Id. She contends that Plaintiff Evans uses the judicial system by filing over 200 actions to avoid fiscal responsibility for his children and punish the people in his life for perceived wrongs. Id.

(?) Genuine issues? See July 28, 2008 in that court decision 22 of 29 were appellate related

total misrepresentation

Defendant Davis also submitted a portion of the transcript taken in the Plaintiff's revocation hearing in Municipal Court Case No. 2007CRB30552. Defendant's Exh. G.

Previously, the Plaintiff was convicted of menacing and telephone harassment of Defendant Davis. He was sentenced to probation, but his conduct continued toward

after she admitted numerous extra-marital affairs

Defendant Davis and the probation department consequently asked the Court to revoke his probation. At the hearing, the Court expressed its concern for Defendant Davis' safety.

Along the same lines, Defendant Davis stated in her affidavit that she believes Plaintiff Evans' conduct is meant to intimidate and harass her. Defendant's Exh. H.

in a of course she does but it is not factual & without a basis here

Similarly, Stephanie Gibson, the former Guardian ad Litem for Collin Evans feared what legal repercussions she may encounter as a result of her work as a guardian for the

my claim was colorable

Plaintiff's son. See Defendant's Exh. I. Plaintiff Evans threatened her that he would file a federal action against her. Rather than defend the case, she opted to ask to withdraw. Also in the domestic relations arena, every Franklin County Domestic Relations Judge, including the visiting judge, has recused because the Plaintiff's filings were so well known to them that presiding over the domestic case could have had the appearance of impropriety.

she volunteered to return to work in the fall 1 year later

they individually chose to when a federal case named the court as a party where are 200?

Defendant's Exh. J This evidence is all in addition to the twenty nine cases Plaintiff has

cases are not original actions - most are appellate-related legal challenges

filed since the inception of the vexatious litigator statute. Defendant's Exh.F.

The legislature has defined a vexatious litigator as a person who habitually, persistently and without reasonable grounds engaged in vexatious conduct in a civil action regardless of what Ohio court it was filed, or whether it was against the same or different parties. R.C. 2323.52(A). Further, the legislature defined "vexatious conduct" as conduct that obviously serves merely to harass or maliciously injure another party, is not warranted under existing law, or supported by a good faith argument for an extension of existing law; and is imposed solely for delay. Id. The Court finds that evidence shows the Plaintiff's conduct meets all of these criteria. Moreover, the Court notes that Plaintiff has never argued otherwise on the merits of the matter.

GAH motion
- Recusals
- The probation allegation has nothing to do with this statute.

First, the Court finds that the Plaintiff's cases were intended to harass or maliciously injure another party. *Gains v. Harman* (2002), 148 Ohio App. 3d 357, 363. The twenty nine cases referenced in Exh. F were outcroppings of the Defendant's failed marriages and the parties were identified because they had in some way been involved with the domestic relations separation process. Most recently, the four cases which the Defendant filed follow the same pattern. Three of the defendants had been identified by Defendant as witnesses in this case. The law suits against the witnesses were brought only to harass Defendant Davis and her witnesses so that they could not testify for her.

Likewise, the filings against the witnesses harassed and injured the witnesses individually, in that they had to defend a case simply because they could provide testimony favorable to the Defendant. The fourth lawsuit, against Judge Loudon was also meant to harass and injure him in his capacity as presiding judge. This is evident by the writ itself, filed in the

witness list was disclosed in camera on Nov. 19, 2008
ALL cases filed before any disclosure
Also the alleged witnesses had no personal knowledge
never met known to Davis as to Evans' colorable claim

{Sullivan, Tom Riley, State of Ohio, Judge Loudon}
(Nov. 23, 2006)

how?
how?

Tenth District. In the writ, Plaintiff asks the Court to prohibit Judge Louden from determining the constitutionality of R.C. 3109.04 and 3109.043, the statutes that govern the allocation of parenting rights, the very issue that at the heart of the domestic relations determination. All four of these cases were attempts by the Plaintiff to deny Defendant Davis the opportunity to put on a defense to the claims Plaintiff brought against her in this case.

Impossible - chronologically

As for the three recent cases against witnesses, none have proved meritorious to date. Judge Lynch dismissed the case against Carol Davis. Judge Cain has stayed the case against Sandy Sullivan, but only after denying the Plaintiff's Civ.R. 37(C) motions.

Dismissal of claim does not mean that a good faith claim does not exist. This is not vexatious conduct.

Moreover, Counsel for the Intervenor argues that assuming Ms. Sullivan testified in domestic relations matters as Plaintiff has alleged, she was privileged to make those remarks. Intervenor's March 9, 2009 Memo at 5. Lastly, the Plaintiff's case against Mr.

Riley has not progressed any since being reassigned after Judge Sheeran recused.

She didn't testify - she handed out a written report of the event in formation without express consent.

These cases fit the game-playing mold described by Christina Cox, the Plaintiff's

third ex-wife. Moreover, all of these cases were brought while a claim to declare Plaintiff a

all supported by good faith evidence

vexatious litigator was pending, and after the Court had warned Plaintiff to conduct

himself in accordance with the rules of the Court. The Rules of the Court do not allow for

the intimidation of witnesses at the expense of a party.

biased; ex parte Judge see December 10, 2008 Transcript

The Court finds that the Plaintiff's conduct in filing cases to delay the outcome of another has become habitual and persistent. The court reaches this conclusion in part based on the sheer number of filings, but also the Plaintiff's threatening statements. He threatened his own child's guardian ad litem, Stephanie Gibson, Defendant Davis, and

Federal case requires proper party Defendants, i.e., state actors, be named.

even the Municipal Court. But more telling of the habit is the fact that the Plaintiff filed cases against the Defendant's witnesses in the two months prior to trial in this case. (Trial was set for December 10, 2008.) Even with the shadow of being declared a vexatious litigator hanging over his head, the Plaintiff has not stopped filing baseless claims. Thus, it appears that the Plaintiff's litigation strategy is to initiate other litigation, this time against witnesses and the presiding judge, to delay resolution of the initial case.

In Camera
Disclosure
never made
until a step
ALL cases
were
pending

Judge Sheppard
is corrupt!

Christina Cox has provided an affidavit that describes a similar course of conduct that has pestered her since 1996. In light of her experience, Defendant Davis has good reason to try to stop Plaintiff's conduct now. The Defendant has not come forward with

totally
fabricated

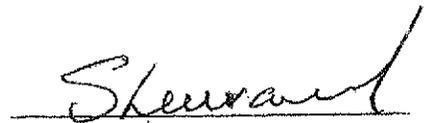
any arguments or explanations to refute the Plaintiff's evidence, and there is an abundance of it. Accordingly, the Court finds the Plaintiff is a vexatious litigator, as that term is defined in R.C. 2323.52(A). There being no other claims remaining, as Defendant dismissed

I have
issues
of
evidence
accepted against
and not even
close
pen 2323.52

her other counterclaim which included the recovery of her attorneys' fees, the Court finds this is a final, appealable order. Further, the Court orders Plaintiff Charles R. Evans is prohibited from doing any of the following without first obtaining leave of 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 he has previously instituted in the court of claim, or in a court of common pleas, municipal court, or county court prior to the entry of this order that finds he is a vexatious litigator;
3. Making any application, other than an application for leave to proceed under R.C.

2323.52(F)(1), in any legal proceedings instituted by Charles R. Evans or another person in the court of claims, or in a court of common pleas, municipal court, or county court.


JUDGE RICHARD S. SHEWARD

Copies to:

Charles R. Evans
Plaintiff *pro se*

Joel R. Campbell
Counsel for Defendant

James Brudny, Jr.
Counsel for Intervenor Sullivan

EXHIBIT B NX

IN THE COURT OF APPEALS OF OHIO
TENTH APPELLATE DISTRICT

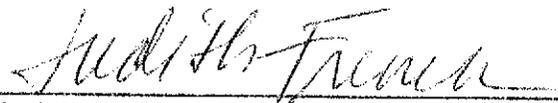
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COURT OF APPEALS
TENTH APPELLATE DISTRICT

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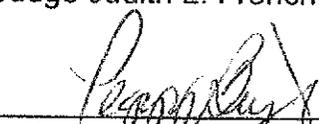
| | | |
|----------------------|---|--------------------|
| Charles R. Evans, | : | |
| | : | |
| Plaintiff-Appellant, | : | |
| | : | |
| v. | : | No. 09AP-467 |
| | : | |
| Carol M. Davis, | : | (REGULAR CALENDAR) |
| | : | |
| Defendant-Appellee. | : | |

JOURNAL ENTRY OF DISMISSAL

Appellant's May 27, 2009 motion for leave to appeal the trial court's judgment is denied, appellant not demonstrating reasonable grounds for this appeal pursuant to R.C. 2323.52. This appeal, which was prematurely docketed, is hereby dismissed.



Judge Judith L. French, P.J.



Judge Peggy Bryant



Judge G. Gary Track

