

**IN THE SUPREME COURT OF OHIO**

**NORTHEAST OHIO NEIGHBORHOOD)  
HEALTH SERVICES, INC., et al.** )

**Plaintiffs-Appellees,** )

**v.** )

**PRASAD BIKKANI, et. al.** )

**Defendants-Appellants.** )

**CASE NO.: 10-0993**

**ON APPEAL FROM COURT  
OF APPEALS EIGHTH JUDICIAL  
DISTRICT CASE NO. C.A. 09-094159**

**(CUYAHOGA COUNTY COURT OF  
COMMON PLEAS  
CASE NO. CV-07-628928)**

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**APPELLANT VIJAYA BIKKANI'S MOTION FOR RECONSIDERATION**

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Kevin J. Breen, Esq. (#0034670)  
3500 West Market Street, Suite 4  
Fairlawn, OH 44333  
Telephone: (330) 666-3600  
Facsimile: (330) 670-6556  
Email: [kevin.j.breen@gmail.com](mailto:kevin.j.breen@gmail.com)

Attorney for Appellant  
Vijaya Bikkani

Matthew T. Fitzsimmons, Esq.  
Nicola, Gudbranson & Cooper, LLC  
Landmark Office Towers  
Republic Building, Suite 1400  
25 West Prospect Avenue  
Cleveland, OH 44115  
Telephone: (216) 621-7227  
Facsimile: (216) 621-3999  
Email: [fitsimmons@nicola.com](mailto:fitsimmons@nicola.com)

Attorney for Appellees  
Northeast Ohio Neighborhood  
Health Service, Inc. and  
Total Health Care Plan, Inc.

**FILED**  
OCT 12 2010  
CLERK OF COURT  
SUPREME COURT OF OHIO

Pursuant to S. Ct. Prac. R. 11.2, Appellant Vijaya Bikkani hereby moves for reconsideration of this Court's September 29 Entry declining jurisdiction to hear this case and dismissing the appeal as not involving any substantial constitutional question. This motion for reconsideration focuses on Proposition of Law No. 1 which for ease of reference is repeated below:

**Proposition of Law No. 1.**

**The designation of a person as a vexatious litigator requires a determination that such person engaged in a pattern of vexatious conduct and a single action or incident of such conduct is insufficient to support the designation of a person as a vexatious litigator under O.R.C. § 2323.52 .**

Vijaya Bikkani had no involvement whatsoever in the employment dispute between her husband, Appellant Prasad Bikkani and Appellees NEON and THCP. In fact, the trial court determined that Prasad Bikkani engaged in "vexatious conduct" and "... dragged his wife with him" (**App. 1 @ ¶ 2**). Appellant respectfully submits that her designation as a "vexatious litigator" under O.R.C. § 2323.52 requires **voluntary, purposeful conduct** and one cannot be labeled "vexatious" by being "dragged into" litigation which she had nothing to do with.

The statute describes a vexatious litigator as, "...any person who has **habitually, persistently, and without reasonable grounds** engaged in vexatious conduct in a civil action or actions". O.R.C. § 2323.52(A)(3) (Boldface added). Against this backdrop, the trial court's conclusion that conduct in only one action is sufficient to label Mrs. Bikkani "vexatious" is plainly in error. Moreover, the conduct referred to consisted of signing her name to certain pleadings prepared by her husband in litigation over condominium maintenance fees not the employment dispute between Prasad Bikkani and Appellees.

As pointed out in Appellants' Memorandum in Support of Jurisdiction filed June 7, the vexatious litigator statute is designed to stop litigators who over years file serial litigation against a wide swath of defendants asserting baseless claims. Also, the party's conduct must constitute a willful violation of law as opposed to negligence. Wallace v. City of Rocky River, case no. 80182 (8th App. Dist., August 1, 2002). Carr v. Riddle, 136 Ohio App.3d 700, 705-706 (8<sup>th</sup> App. Dist. 2000).

Vijaya Bikkani has been unfairly and unconstitutionally painted with a broad brush solely for actions of her husband, Appellant Prasad Bikkani. She has never been employed by and has had no relationship whatsoever with either NEON nor THCP. The vexatious litigator statute imposes serious restrictions on a person's access to court. Those restrictions have been imposed "indefinitely" against Vijaya Bikkani (**App. 1 @ 3 ¶ 2**).

It is of great public interest and involves a substantial constitutional question when these rights granting access to Courts are restricted for no reason whatsoever other than the actions of one's spouse. In fact, Mrs. Bikkani is the **only** person in Ohio to be designated vexatious because of the actions of another. The identification of vexatious litigators in Ohio as of June 3, 2010 is attached (**App. 2**).

A miscarriage of justice has occurred in this case and Vijaya Bikkani is the victim. This Court should reconsider its September 29 Entry declining jurisdiction, hear this matter on the merits and provide redress to Vijaya Bikkani.



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Kevin J. Breen, Esq. (#0034670)  
3500 West Market Street, Suite 4  
Akron, OH 44333  
Telephone: (330) 666-3600  
Facsimile: (330) 670-6556

Attorney for Appellant  
Vijaya Bikkani

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Appellant Vijaya Bikkani's Motion for Reconsideration was sent via U.S. Regular Mail this 12<sup>th</sup> day of October, 2010 to:

Matthew T. Fitzsimmons, Esq.  
Nicola, Gudbranson & Cooper, LLC  
Landmark Office Towers  
Republic Building, Suite 1400  
25 West Prospect Avenue  
Cleveland, OH 44115

Attorney for Appellees

Prasad Bikkani  
3043 Forest Lake  
Westlake, OH 44145

Appellant



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Kevin J. Breen

RECEIVED  
10/11/09

IN THE COURT OF COMMON PLEAS  
CUYAHOGA COUNTY, OHIO

NORTHEAST OHIO NEIGHBORHOOD  
HEALTH SERVICES, INC., et al.

Plaintiffs

vs

PRASAD BIKKANI, et al.

Defendants

JUDGE JOHN D. SUTULA

CASE NO. CV-07-628928

JOURNAL ENTRY

John D. Sutula, J.

The Court finds the Defendants, Prasad Bikkani and Vijaya Bikkani, have both participated in conduct that to a reasonable person:

- 1) obviously served to merely harass or maliciously injure another party to a civil action; and,
- 2) was not warranted under existing law and was not supported by a good faith argument for an extension, modification or reversal of existing law; and,
- 3) was posed solely for delay.

This conduct has been exhibited in at least two civil actions as well as appellate off-shoots of those actions. This Court affirms the language of Judge David Matia in Case No. 566249, 5-29-09 entry, in describing the conduct of the defendants: Where the defendants went in the litigation process they left a wide path of destruction and have sown so much salt upon the land it would be barren for generations. The evidence adduced at trial indicates that there is no rational reason for the actions, conduct and allegations of the Defendants Bikkani.

O.R.C. 2323.52(A)(3) reads in part:

"Vexatious litigator" means any person who has habitually, persistently and without reasonable grounds engaged in vexatious conduct in a civil action or actions . . . 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. (emphasis added)

Regardless of whether the Defendants Bikkani instituted an action or they were the named defendants, they behaved similarly in filing baseless actions and motions, refusing to participate in discovery, and making allegations so vile that common decency prevents the Court from repeating them here. Such conduct in only one action is sufficient to render the Defendants Bikkani vexatious litigators. Prasad Bikkani prepared the documents containing the vexatious allegations and Vijaya Bikkani freely signed those pleading, thus making the allegations her allegations.

Prasad Bikkani is obviously a bright and intelligent individual, but he has lost his way with all of this litigation. It has completely sidetracked his life and mired him in what can only be considered mean and vengeful conduct. The Court can only hope that he can return to productive work, but his conduct in these cases falls into the vexatious category and he has dragged his wife with him.

The Court, therefore, orders, adjudges, and decrees that:

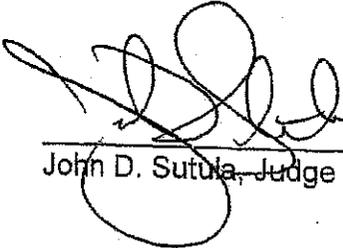
- 1) Defendants Prasad Bikkani and Vijaya Bikkani are declared to be vexatious litigators and are prohibited from doing any and all of the following, without first obtaining leave of the applicable court:
  - (A) Instituting legal proceeding in the court of claims, or in a court of common pleas, municipal court, or county court;
  - (B) Continuing any legal proceedings the Defendants Bikkani had instituted in any of the courts specified above prior to the entry of this order;

- (C) Making any application, other than an application for leave to proceed allowed under Division (F)(1) of O.R.C. 2323.52 in any legal proceedings instituted by the Defendants Bikkani or another person in any of the courts specified in (A) above;
- (D) Instituting legal proceedings in a court of appeals, continuing any legal proceedings that the Defendants Bikkani had instituted in a court of appeal prior to entry of this order, or make any application, other than the application for leave to proceed allowed by Division (F)(2) of O.R.C. 2323.52, in any legal proceeding instituted by Defendants Bikkani or another person in a court of appeals without first obtaining leave of the court of appeals to proceed pursuant to Division (F)(2) of O.R.C. 2323.52.
- 2) This order shall remain in force indefinitely against Defendants Bikkani.

**IT IS SO ORDERED.**

Date: \_\_\_\_\_

9.25.09

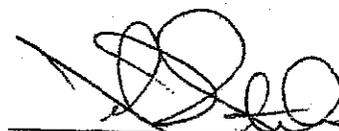
  
\_\_\_\_\_  
John D. Sutula, Judge

CERTIFICATE OF SERVICE

A copy of the foregoing Journal Entry was sent by regular U.S. Mail this 25 day  
of September, 2009, to:

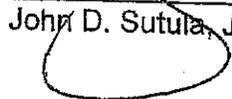
Matthew T. Fitzsimmons, Esq.  
R. Christopher Yingling, Esq.  
Republic Building, Suite 1400  
25 West Prospect Avenue  
Cleveland, OH 44115-1048  
*Attorneys for Plaintiffs*

Kevin J. Breen, Esq.  
3500 West Market Street, Suite 4  
Akron, OH 44333  
*Attorney for Defendants Bikkani*



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John D. Sutula, Judge



[SCO HOME](#) » [CLERK](#) » [VEXATIOUS](#) » VEXATIOUS LITIGATORS UNDER R.C. 2323.52

## Vexatious Litigators Under R.C. 2323.52

**Note:** All links on this page open in a new browser window .

**Section 2323.52** of the Ohio Revised Code establishes a procedure for having courts of appeals and common pleas courts declare certain persons to be vexatious litigators. The statute requires the clerk of court that enters a vexatious litigator order to send a copy of the order to the Supreme Court for publication. Pursuant to the statute, the Supreme Court has been sent court orders determining the individuals listed below to be vexatious litigators.

### How to use these files

This list includes the name of the person determined to be a vexatious litigator, the court issuing the order, the date the order was entered, and relevant comments. The list is available sorted in alphabetical order by last name of litigator, and sorted chronologically by date of order. Select the **name** of the individual to **view, download, or print the order**. You will need the free plug-in **Acrobat Reader** to access the order.

### Disclaimer

The following list contains **only** those orders the Supreme Court has received from the clerks of the courts of appeals and courts of common pleas.

### For more information

Contact the **clerk** of the issuing court to determine whether orders have been amended or modified, or for additional information.

[View list sorted by last name](#) | [View list sorted by order date](#)

Name	Court that issued the order	Date of order	Comments
<b>Baumgartner, Elsebeth M.</b>	Ottawa County C.P.	04/05/04	
<b>Bennett, Leland, a.k.a Abengo, Daniel</b>	Mahoning Co. C.P.	01/24/03	
<b>Bilder, Rudolph</b>	Summit Co. C.P.	11/15/04	Actions limited to certain individuals. See Order

<b>Borger, Iduna</b>	Hamilton Co. C.P.	03/19/01	
<b>Borkowski, A. J.</b>	Fulton Co. C.P.	04/29/04	Limited to legal actions in the Fulton County Court of Common Pleas
<b>Bozsik, Steven A.</b>	Medina Co. C.P.	03/17/05	Does not apply to courts of appeals
<b>Bratton, Judith</b>	Summit Co. C.P.	05/10/99	
<b>Briggs, Joel</b>	Hamilton Co. C.P.	11/05/97	Order modified on 02/05/99
<b>Bristow, Lonny</b>	Crawford Co. C.P.	06/01/98	See also <i>Mayer v. Bristow</i> (2000) 91 Ohio St. 3d 3
<b>Buoscio, Samuel L.</b>	Franklin Co. C.P.	12/01/05	Limited to legal actions against named defendant
<b>Buoscio, Samuel L.</b>	Summit Co. C.P.	12/11/06	
<b>Buschard, Preston</b>	Hamilton Co. C.P.	9/21/06	Limited to legal actions involving the state of Ohio or Hamilton County
<b>Castrataro, Linda</b>	Delaware Co. C.P.	5/09/03	Limited to legal actions in the Delaware County Court of Common Pleas
<b>Dunina, Olga</b>	Miami Co. C.P.	05/16/08	Does not apply to courts of appeals
<b>Ealy, Larry E.</b>	Montgomery Co. C.P.	12/05/06	
<b>Fergus, Carol A.</b>	Cuyahoga Co. C.P.	04/29/04	Some prohibitions limited to Pro se filings only
<b>Fontanella, Dominic</b>	Mahoning Co. C.P.	06/29/06	Limited to legal actions in the Mahoning County Court of Common Pleas

<b>Kluge, Kurt</b>	Wood Co. C.P.	09/16/98	Amended judgment entry and order filed 10/07/98
<b>Koleno, George</b>	Lorain Co. C.P.	08/31/99	
<b>Kosanovich, Jean</b>	Ottawa Co. C.P.	05/08/97	
<b>Lasson, Gerald A.</b>	Montgomery Co. C.P.	12/07/06	
<b>Lewis, Sidney</b>	Franklin Co. C.P.	05/04/06	See also <b>05CVH07-7346</b>
<b>Lynch, Jan</b>	Lorain Co. C.P.	01/31/08	Applies only to courts of common pleas and municipal courts
<b>Martin, Robert</b>	Wayne Co. Probate Court	07/26/07	Does not apply to court of appeals
<b>May, Morris</b>	Hamilton Co. C.P.	07/24/98	
<b>Metzenbaum, Terry Shane</b>	Cuyahoga Co. C.P.	07/13/04	
<b>Miller, Selina</b>	Franklin Co. C.P.	05/17/01	
<b>Newsome, Frank</b>	Montgomery Co. C.P.	08/14/06	
<b>Pavarini, Philip and Kathryn Krinek</b>	Cuyahoga Co. C.P.	07/29/99	
<b>Payne, Thomas E.</b>	Montgomery Co. C.P.	03/12/99	
<b>Pearce, Richard</b>	Ottawa Co. C.P.	05/21/98	
<b>Perotti, John</b>	Cuyahoga Co. C.P.	08/28/08	Does not apply to courts of appeals
<b>Petway, Derrick</b>	Lake Co. C.P.	10/04/07	

<b>Planey, Joseph</b>	Mahoning Co. C.P.	03/26/09	Does not apply to courts of appeal; order expires in ten (10) years
<b>Price, Terrell</b>	Lorain Co. C.P.	02/02/07	
<b>Rickels, Romane</b>	Paulding Co. C.P.	03/31/05	
<b>Rickels, Romane</b>	Paulding Co. C.P.	02/02/06	
<b>Rolland, Robin Neil</b>	Butler Co. C.P.	03/14/00	
<b>Sawchyn, Ivan</b>	Cuyahoga Co. C.P.	10/18/01	
<b>Smith, Barbara</b>	Summit Co. C.P.	10/18/01	Additional order entered 6/19/03
<b>Spencer, Scott W.</b>	Franklin Co. C.P.	10/25/04	
<b>Spencer, Maria L.</b>	Franklin Co. C.P.	10/25/04	
<b>Taylor, Teresa Jane</b>	Wayne Co. C.P.	08/21/08	
<b>Thrower, Albert</b>	Summit Co. C.P.	09/22/03	Limited to legal actions in the Summit County Court of Common Pleas
<b>Thrower, Raymond</b>	Summit Co. C.P.	10/31/03	
<b>Tillimon, Duane J.</b>	Lucas Co. C.P.	06/13/07	Order indicates it shall remain in effect for three years
<b>Topazio, Michelle</b>	Cuyahoga County C.P. Juvenile Division	02/17/09	Limited to legal actions in the Cuyahoga County Court of Common Pleas and all courts of appeal
<b>Tracy, Edward</b>	Miami Co. C.P.	01/12/04	

<b>Traver, Frances</b>	Hamilton Co. C.P.	02/04/03	Limited to litigation regarding certain real property in Hamilton County (see entry)
<b>Triplett, James</b>	Franklin Co. C.P.	12/03/04	
<b>Wallace, Linda</b>	Cuyahoga Co. C.P.	08/02/01	Decision rendered 08/02/01; journal entry received for filing 08/03/01
<b>Webb-Lewis, Yvonne D.</b>	Franklin Co. C.P.	07/24/05	
<b>Westfall, John T.</b>	Guernsey Co. C.P.	02/05/09	Limited to legal actions in Guernsey County Common Pleas Court or Municipal Court
<b>Whitt, Patsy Sue</b>	Greene Co. C.P.	06/06/05	
<b>Williams, Regina</b>	Franklin Co. C.P.	11/04/04	
<b>Wilson, Thomas</b>	Lorain Co. C.P.	11/27/06	