

IN THE COURT OF COMMON PLEAS  
COLUMBIANA COUNTY, OHIO  
GENERAL TRIAL DIVISION

**FILED**  
COLUMBIANA COUNTY  
COURT OF COMMON PLEAS

MAY 07 2024

ANTHONY J. DATTILIO  
CLERK

VITO J. ABRUZZINO  
PROSECUTING ATTORNEY  
COLUMBIANA COUNTY, OHIO,  
PLAINTIFF

CASE NO. 2023 CV 503

VS

JUDGE:  
EDWARD EMMETT O'FARRELL  
RETIRED/ASSIGNED BY THE  
OHIO SUPREME COURT

TERRY BROWN,  
DEFENDANT

JUDGMENT ENTRY - PLAINTIFF'S 03/29/2024  
MOTION FOR SUMMARY JUDGMENT CONSIDERED  
AND **GRANTED** - DEFENDANT DECLARED TO BE  
**VEXATIOUS LITIGATOR** UNDER R.C. 2323.52 (D)(1) -  
FINAL ORDERS ISSUED UNDER R.C. 2923.52(D)(2)

This matter was further considered by Edward Emmett O'Farrell, Retired Judge of the Court of Common Pleas, Tuscarawas County, Ohio, General Trial Division, presiding in the Columbiana County, Ohio Court of Common Pleas, General Trial Division, by assignment of the Ohio Supreme Court, on **05/06/2024**, on a non-oral basis, relative to the following:

- \* Complaint filed by Plaintiff on **11/06/2023** under R.C. 2323.52 to declare Defendant, Terry Brown, a **Vexatious Litigator**
- \* *Pro Se* Answer filed by Defendant on **12/04/2023**
- \* **03/29/2024** Motion for Summary Judgment filed by Plaintiff
- \* **04/15/2024** Memorandum in Opposition filed by Defendant
- \* **05/03/2024** Reply Memorandum filed by Plaintiff

The Court

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CLERK OF COURT  
SUPREME COURT OF OHIO

FINDS that the Ohio Supreme Court, in construing Civ. R. 56(C), has stated that Summary Judgment may be granted if it is determined that:

- \* No genuine issue as to any material fact remains to be litigated;
- \* The moving party is entitled to judgment as a matter of law;
- \* It appears from the evidence that reasonable minds can come to but one conclusion, and viewing the evidence most strongly in favor of the party against whom the Motion for Summary Judgment is made, that conclusion is **adverse** to that party. (*Temple v. Wean United, Inc.* [1977], 50 Ohio St. 2d 317, 327, 4 O.O 3d 466, 472, 364 N.E. 2d 267, 274).

FINDS that the burden of demonstrating that no genuine issue of material fact exists falls upon the moving party requesting a Summary Judgment. (See *Harless v. Willis Day Warehousing Company* [1978], 54 Ohio St. 64, 66, 8 O.O. 3d, 73, 74, 375 N.E. 2d 46, 47).

FINDS that the non-moving party is forced to produce evidence on any issue for which that party bears the burden of production at trial. (See *Wing v. Anchor Media Limited of Texas* [1991], 59 Ohio St. 3d 108, 111, 570 N.E. 2d 1095, 1099; and *Dresher v. Burt* [1996], 75 Ohio St. 3d 280).

FINDS that in a Summary Judgment proceeding, the moving party first bears the burden of specifically notifying the Trial Court and the party-opponent which areas of the Complaint raise no genuine issues of material facts. The moving party may support this assertion with Affidavits or other evidence allowed by rule. The moving party must be able to specifically point to evidence in support of its claim(s), and may not make a conclusory assertion that the non-moving party has no evidence to prove its case. Thereafter, Civ. R. 56(E) requires the non-moving party to come forward to meet its reciprocal burden to set forth specific facts showing there is/are genuine issue(s) for Trial. (See *Vahila v. Hall* [1997], 77 Ohio St. 3d 421).

FINDS that neither the weight of the evidence nor the assessment of credibility should be determined by the Court in deciding whether Summary Judgment should be Granted. (See *Perez v. Scripps-Howard Broadcasting Company* [1988], 35 Ohio St. 3d 215, 218, 520 N.E. 2d 198, 201-202). Rather, all doubts or conflicts in the evidence must be construed most strongly in favor of the party against whom the judgment is sought. (See *Morris v. Ohio Casualty Insurance Company* [1988], 35 Ohio St. 3d 45, 46-47, 517 N.E. 2d 904, 906-907). In most civil cases, the evidentiary standard must be "Whether reasonable jurors could find by the preponderance of the evidence that the non-moving party is entitled to a verdict." (See *Anderson v. Liberty Lobby, Inc.* [1986], 477 U.S. 242, 252, 106 S. Ct. 2505, 2512, 91 L. Ed. 2d 202-214).

FINDS that from a thorough review of the evidence to be considered under Civ. R. 56, reasonable minds can come to but one conclusion on the Claims of the Complaint against the Defendant, Terry Brown, and that conclusion is unfavorable to the Defendant, the party against whom the Motion for Summary Judgment has been made. The Defendant has been entitled to, and has received, a construction of the evidence most strongly in his favor.

FINDS that no genuine issue as to any material fact remains to be litigated relative to the claims of Plaintiff under R.C. 2323.52 against Terry Brown in this case.

FINDS that the certified copies of pleadings, Judgment Entries, and other materials presented to the Court by Plaintiff in support of his Motion for Summary Judgment in this case clearly and dispositively establish that the Defendant, Terry Brown, habitually, persistently, and without reasonable grounds, instituted multiple civil actions in the Court of Common Pleas, the Court of Appeals, and the Ohio Supreme Court.

FINDS that these civil actions were not warranted under existing law, and could not be supported by a good faith argument for an extension, modification, or reversal of existing law; served merely to harass or maliciously injure the other parties to the civil actions and/or appeals; and were filed and/or pursued solely for delay.

FINDS that the filing and prosecution of the numerous, meritless civil actions against multiple defendants, along with the meritless appeals related to these filings, constitutes **vexatious conduct** under R.C. 2323.52(A)(2)(a)(b)(c).

FINDS that the Plaintiff is entitled to judgment, as a matter of law; that Defendant, Terry Brown be declared a **Vexatious Litigator** under R.C. 2323.52, and is subject to all sanctions and restrictions provided by law.

FINDS that the Clerk of Courts should transmit a **Certified Copy** of this Judgment Entry to the **Ohio Supreme Court** as required under R.C. 2323.52(H).

FINDS that there is no just reason for delay under Civ. R. 54(B).

FINDS that the Clerk of Courts should close this case file and remove it from the pending case docket. All accumulated court costs should be assessed to, and paid by, the Defendant.

It is therefore

ORDERED that the Motion for Summary Judgment filed by the Plaintiff on **03/29/2024** and pertaining to his claims against the Defendant under R.C. 2323.52 in this case is **GRANTED**.

ORDERED, under R.C. 2323.52 (D), that:

- \* Terry Brown is prohibited from instituting legal proceedings in the Court of Claims, or in any Court of Common Pleas, Municipal Court or County Court in the State of Ohio unless Terry Brown first obtains leave from that Court to proceed
- \* Terry Brown is prohibited from continuing any legal proceedings that he has instituted in the Court of Claims, in a Court of Common Pleas, Municipal Court or County Court in the State of Ohio, unless Terry Brown first obtains leave from that Court to proceed
- \* Terry Brown is prohibited from making any application, other than an application for leave to proceed under Division (F)(1) of R.C. 2323.52 in any legal proceedings instituted by Terry Brown, or another person in the Court of Claims, a Court of Common Pleas, a Municipal Court or a County Court in the State of Ohio
- \* Terry Brown shall not institute legal proceedings in a Court of Appeals. nor shall he continue any proceedings he has instituted in a Court of Appeals prior to **05/06/2024**,

nor make any application, other than an application for leave to proceed allowed by Division (F)(2) of R.C. 2323.52.

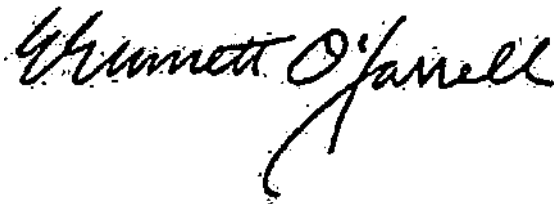
ORDERED that this Order shall remain in full legal force and effect **INDEFINITELY**.

ORDERED that the Clerk of the Columbiana County, Ohio Court of Common Pleas shall transmit a **Certified Copy of this Judgment Entry to the Ohio Supreme Court** for publication in the manner that the Ohio Supreme Court determines is appropriate, and that will facilitate the Clerk of the Court of Claims, the Clerk of the Court of Appeals, the Clerk of the Court of Common Pleas, the Clerk of the Municipal Court, and the Clerk of the County Court in refusing to accept pleadings and papers submitted for filing by persons who have been found to be **Vexatious Litigators** under this section, and who have failed to obtain leave to proceed.

ORDERED that this Order does not affect Terry Brown's right to appeal this Court's declaration that he is a **Vexatious Litigator** under R.C. 2323.52 (D)(1), and that there is no just reason for delay under Civ. R. 54(B).

ORDERED that the Clerk of Courts shall close this case file and remove it from the pending case docket. All accumulated court costs are assessed against to, and shall be paid by, the Defendant.

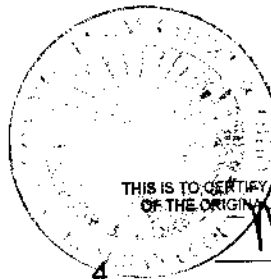
It is so **ORDERED**.



EDWARD EMMETT O'FARRELL  
RETIRED/ASSIGNED JUDGE  
DATE: 05/06/2024

COPIES TO:

Ohio Supreme Court (**CERTIFIED**)  
Asst. Pros. Atty. Krista R. Peddicord  
Defendant Terry Brown, ODR # A751-619,  
Belmont Correctional Institution,  
68518 Bannock Road,  
St. Clairsville, OH 43950-9736  
Bailiff to Judge Bickerton, Linda Hill  
Judge O'Farrell



STATE OF OHIO  
COLUMBIANA COUNTY

THIS IS TO CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY  
OF THE ORIGINAL NOW ON FILE IN THE CLERK OF COURTS OFFICE.

May 16 2024

ANTHONY J. DANTILIO, CLERK OF COURTS

BY  DEPUTY CLERK