

**IN THE COURT OF COMMON PLEAS
STARK COUNTY, OHIO**

LYNN M. TODARO
CLERK OF COURTS
STARK COUNTY, OHIO
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WILMINGTON SAVINGS FUND SOCIETY, FSB, etc.,	:	CASE NO. 2023CV01915
	:	
Plaintiff,	:	JUDGE KRISTIN G. FARMER
	:	
vs.	:	JUDGMENT ENTRY DECLARING
	:	LATOYA S. GOODEN A
LATOYA S. GOODEN, et al.,	:	VEXATIOUS LITIGATOR
	:	
Defendants.	:	

This matter is before the Court upon several motions filed by Defendant Latoya Gooden.

By way of procedural background, this is a foreclosure case that was filed on October 23, 2023. Plaintiff filed motions for summary and default judgment on May 2, 2024. The Court set a briefing schedule and a non-oral hearing on the motion for summary judgment. On May 30, 2024, the Court issued a Decree of Foreclosure and Order of Sale with final appealable order language contained therein. On July 15, 2024, an Order of Sale was issued and on October 9, 2024, a Confirmation of Sale was filed.

Defendant filed an appeal with the Fifth District Court of Appeals on August 14, 2024, appealing the May 30, 2024, Decree of Foreclosure. Said appeal was dismissed by the Fifth District Court of Appeals on October 22, 2024, for failure to file a timely appeal (Case NO. 2024CA00127).

While the appeal was pending, Defendant filed the following motions in the instant case:

- On October 10, 2024, Defendant filed a Request for Written Decision.

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- On October 10, 2024, Defendant filed a Motion for Summary Judgment to Overturn Foreclosure Decree, Stay Sale and Not Confirm Sale of Property.

- On October 10, 2024, Defendant filed a Motion to Challenge Confirmation of Foreclosure Sale.

Subsequent to the Fifth District Court of Appeals dismissing Defendant's appeal as being untimely filed, Defendant filed the following motions:

- On November 15, 2024, Defendant filed a Motion to Compel Written Ruling on Foreclosure Confirmation.

- On November 15, 2024, Defendant filed a Motion to Vacate Foreclosure Judgment and Restore Title.

- On November 15, 2024, Defendant filed an Exhibit Outline in Support of Motion to Vacate Foreclosure Judgment.

- On November 15, 2024, Motion to Stay Foreclosure Proceedings Pending Bankruptcy Court Ruling.

- On November 20, 2024, Defendant filed a Motion to Recuse Judge Kristin Farmer for Bias, Failure to Follow the Law, and Violations of Defendant's Rights.

- On November 20, Defendant filed a Motion to Void Foreclosure Sale, Return Deed to Prior Owner, and Stay All Actions Pending Bankruptcy Court Ruling.

- On November 20, 2024, Defendant filed Affidavits and Exhibits.

- On November 25, Defendant filed a Notice of Lis Pendens.

- On November 25, 2024, Defendant filed a Motion to Quiet Title.

- On November 25, 2024, Defendant filed a Motion to Dismiss for Lack of Standing.

- On December 2, 2024, Defendant filed a Notice of Interest.

- On December 2, 2024, Defendant filed a Motion for Distribution of Excess Funds and Compensation for Property Value.

-On December 4, 2024, Defendant filed a Motion for Order of Possession.

-On December 4, 2024, Defendant filed a Praecipe for Writ of Possession.

-On December 6, 2024, Defendant filed an Affidavit of Facts.

-On December 6, 2024, Defendant filed a Combined Motion to Produce Original Mortgage Documents, to Set Aside Foreclosure Decree, to Objection Writ of Possession, and Counterclaim for Fraudulent Foreclosure Action.

-On December 6, 2024, Defendant filed a Petition for Writ of Possession.

-On December 6, 2024, Defendant filed a Notice of Rejected Recordings.

-On December 6, 2024, Defendant filed a Motion for Temporary Restraining Order, Preliminary Injunction and Objection to Plaintiff's Motion for Possession and Praecipe for Writ of Possession.

After review of the above-cited motions, on December 9, 2024, the Court found the motions were without merit and denied same.

In the December 9, 2024, Judgment Entry the Court found that a party may not use a motion for relief from judgment as a substitute for a timely appeal. As previously stated, Defendant filed an appeal with the Fifth District Court of Appeals on August 14, 2024, which was dismissed by the Fifth District Court of Appeals as being untimely filed (Case No. 2024CA00127).

Notwithstanding the Defendant's failure to timely file an appeal, the Court further found that Defendant failed to satisfy the requirements for relief from judgment pursuant to Civ.R. 60(B), including the three requirements set forth in *GTE Automatic Elec., Inc. v.*

Arc Industries, Inc., (1976), 47 Ohio St.2d 146, 351 N.E.2d 113.

Additionally, while the Defendant filed motions referencing a bankruptcy filing, no evidence of any bankruptcy filed on behalf of the Defendant has ever been filed in this matter.

-On December 9, 2024, Defendant filed a Notice of Appeal with the Fifth District Court of Appeals (2024CA00127).

-On December 13, 2024, Defendant filed a Motion to Stay Writ of Possession, Temporary Restraining Order and Request for Emergency Hearing.

The Court denied the December 13, 2024, motion via a Judgment Entry filed on December 18, 2024.

Notwithstanding the above, Defendant continues to file motions in the within matter. Currently before the Court are the following motions filed by the Defendant:

-On December 30, Defendant filed a Motion for Emergency Hearing, Objection to December 9 Ruling and December 28 Motion and Request for Stay of Sheriff Lockout.

- On December 30, 2024, Defendant filed a Motion to Enjoin the JPMBT Corp.

-On December 30, 2024, Defendant filed an Objection.

-On January 10, 2025, Defendant filed a Motion to Stay Lockout and Investigate the Conduct of the Stark County Sheriff.

-On January 21, 2025, Defendant filed a Motion to Oppose Plaintiff's Motion for Extension of Time to Execute on Writ of Possession.

-On February 7, 2025, Defendant filed a Combined Motion to Vacate Foreclosure Judgment & Opposition to Plaintiff's Motion to Deem Defendant a Vexatious Litigator.

-On February 18, 2025, Defendant filed a Combined Motion to Vacate Foreclosure

Judgement, Restore Title, Set Aside Writ of Possession, and Grounds Fraud on the Court.

Upon review of the above-cited motions, the Court finds that the motions are duplicative and frivolous motions that are without merit, and as such, said motions are **DENIED**.

On January 30, 2025, Plaintiff filed a Motion to Deem Defendant Latoya Gooden a Vexatious Litigator. Plaintiff's motion is made pursuant to R.C. 2323.52. Plaintiff moves the Court for an Order declaring Latoya S. Gooden, a vexatious litigator, based upon Defendant's continued frivolous conduct in filing multiple meritless motions, including a motion to stay the writ of possession. Defendant filed a Combined Motion to Vacate Foreclosure Judgment and Opposition to Plaintiff's Motion to Deem Defendant a Vexatious Litigator on February 7, 2025.

In support of its motion, Plaintiff argues that, "[d]espite a valid court order and the expiration of the voluntary move-out date, Defendant refused to vacate the premises, necessitating Plaintiff's December 26, 2024, Motion for an Order Directing the Sheriff to Schedule a Lockout". Said motion is currently pending before the Court.

The vexatious litigator statute allows a court to declare a person a "vexatious litigator" for engaging in "vexatious conduct" habitually, persistently and without reasonable grounds, and to prohibit the vexatious litigator from instituting, continuing, or making an application in any legal proceeding without first seeking leave of the trial court making the designation. R.C. 2323.52(D)(1).

The vexatious-litigator statute defines "vexatious litigator" to mean any person who has habitually, persistently, and without reasonable grounds engaged in

“vexatious conduct.” R.C. 2323.52(A)(3). The statute defines “vexatious conduct” to mean conduct of a party in a civil action that satisfies any of the following:

(1) The conduct obviously serves merely to harass or maliciously injure another party to the civil action;

(2) 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; or

(3) The conduct is imposed solely for delay.

The Ohio Supreme Court noted the purpose of the vexatious-litigator statute is “to prevent abuse of the system by those persons who persistently and habitually file lawsuits without reasonable grounds and/or *otherwise engage in frivolous conduct in the trial courts of this state.*” (Emphasis added.) *Mayer v. Bristow*, 91 Ohio St.3d 3, 13, 740 N.E.2d 656 (2000), quoting *Cent. Ohio Transit Auth. v. Timson*, 132 Ohio App.3d 41, 50, 724 N.E.2d 458 (1998).

Vexatious conduct includes “filing unnecessary, inappropriate or supernumerary pleadings and motions which raise or re-raise arguments that have been repeatedly rejected by the courts.” *Howdyshell v. Battle*, 5th Dist., 2019-Ohio-5232. “Vexatious conduct” also includes the “consistent repetition of arguments and legal theories that have been rejected by the court numerous times.” *Prime Equip. Group, Inc. v. Schmidt*, 2016-Ohio-3472, 66 N.E.3d 305, ¶ 40 (10th Dist.).

Pursuant to the above standard, the Court finds that Defendant Latoya Gooden has engaged in vexatious conduct in this matter with the filing of superfluous and frivolous motions¹ that have been repeatedly rejected not only by this Court, but also by the Fifth

¹ Including, but not limited to, those motions filed by Latoya Gooden on November 8, 2023; November 16, 2023;

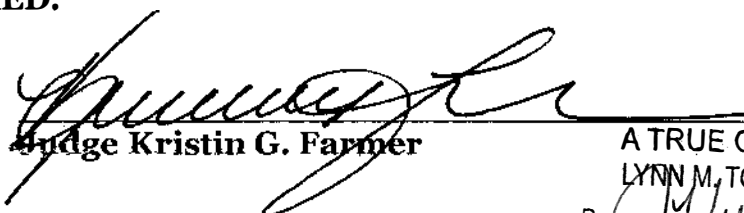
District Court of Appeals. The Court further finds that the Defendant's conduct in the filing of the superfluous and frivolous motions is solely for the purpose of delaying her removal from the property at issue in this foreclosure.

As such, the Court hereby declares Latoya S. Gooden to be a vexatious litigator. Accordingly, it is Ordered that Latoya Gooden shall be permanently enjoined from filing future pro-se cases in the Stark County Court of Common Pleas, or future filings in the within matter, unless she complies with one of the following:

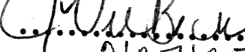
A. The offered filing carries with it the signature of an officer of the Stark County Court of Common Pleas, which signature is in compliance with Rule 11 of the Ohio Civil Rules of Procedure.

B. The Offered filing is first submitted to a Judge of the Stark County Court of Common Pleas, for such Judge to make an independent determination that the subject matter of the offered case or filing does not arise out of and/or is not a duplication of the same or similar issues previously raised in prior cases or filings by the said Latoya Gooden, and that such offered filings, or such statements, would support a claim for relief on some set of facts and is in compliance with Rule 8 of the Ohio Civil Rules of Procedure.

IT IS SO ORDERED.


Judge Kristin G. Farmer

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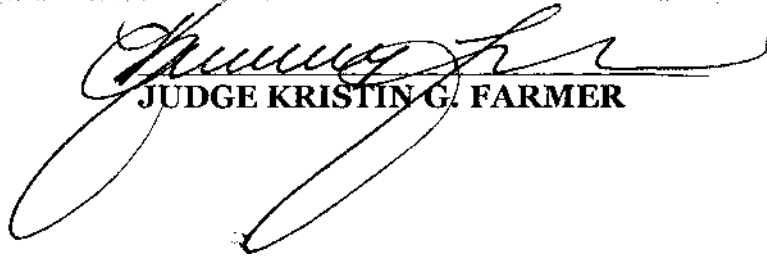
By  Deputy
Date 01/27/25

Copies: Megan J. Katz, Esq./Benjamin N. Hoen, Esq.
Latoya S. Gooden

November 17, 2023; December 4, 2023; December 11, 2023; January 3, 2024; January 10, 2024; January 11, 2024; January 12, 2024; January 17, 2024; January 19, 2024; January 24, 2024; and January 26, 2024, using the Seal of the State of Ohio and purporting to be done on behalf of the Ohio Attorney General's office. As a result of such filings, the Ohio Attorney General was forced to intervene in this matter and have such filings stricken, which was done by entry on April 10, 2024. Said entry further prohibited the Latoya Gooden and any associates of hers from filing pleadings using the Seal of the State of Ohio or indicating that it was filed on behalf of the Ohio Attorney General.

**NOTICE TO THE CLERK:
FINAL APPEALABLE ORDER
Case No. 2023CV01915**

IT IS HEREBY ORDERED that notice and a copy of the foregoing Judgment Entry shall be served on all parties of record within three (3) days after docketing of this Entry and the service shall be noted on the docket.



JUDGE KRISTIN G. FARMER