

**IN THE COURT OF COMMON PLEAS OF FRANKLIN COUNTY, OHIO
CIVIL DIVISION**

STEVE PASS, et al., :
Plaintiffs, : Case No. 23CV-0073
v. : JUDGE MICHAEL HOLBROOK
KYLE ROHRIG :
Defendant. :

**DECISION AND JUDGMENT ENTRY GRANTING PLAINTIFFS' MOTION
FOR SUMMARY JUDGMENT**

AND

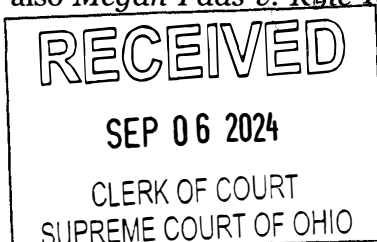
ORDER DECLARING DEFENDANT A VEXATIOUS LITIGATOR

This matter comes before the Court on the Motion for Summary Judgment filed by Plaintiffs Steve Paas, Jeffrey James, Megan Paas, Megan Stark, and Megan James (collectively "Plaintiffs"). Therein, Plaintiffs argue there are no genuine issue of material fact on their claim to have Defendant Kyle Rohrig ("Defendant") declared a vexatious litigator. The motion is unopposed and the time to respond to the same has expired.

Having carefully reviewed the evidence, arguments, and the salient law, the Court issues the following decision.

BACKGROUND

Since 2018 Defendant has initiated 29 actions or appeals in the Franklin County Court of Common Pleas or Tenth District Court of Appeals. A great majority of the cases have a common starting point: the meeting of the parties as a result of their common interest and heavy involvement in the country line dancing community. See *Kyle Rohrig v. Megan Paas*, Franklin CP Case No. 22CV-8259 (Jan. 6, 2023) (the "2022 CPOs"); see also *Megan Paas v. Kyle Rohrig*, Franklin CP Case No. 18CV-7313 (Feb. 6, 2019) (the



“2018 CPOs”). On a fateful night in January 2018, a physical altercation between Defendant and an individual named Gus took place in the presence of some of the Plaintiffs. Apparently, Plaintiffs attempts to defend Gus led to the ensuing dispute between the parties and multiple CPO filings.

In the 2018 CPOs, the Decision granting Plaintiffs Paas and Stark civil protective orders against Defendant states:

This Court is not without sympathy – to a point – and considerable concerns as well, for Kyle Rohrig. It appears that he has led a rather difficult life, but even acknowledging that, he himself exacerbates his problems by lashing out at those who disagree with him, regardless of how trivial or relatively unimportant the perceived disagreement or slight is. He threatens litigation – and has followed through often enough – with insufficient evidence, if his presentations in these cases are any indication of what he’s done representing himself in his other cases. He grandiosely exaggerates his present and future status (“soon to be a millionaire,” for example), and predicts loss of liberty and financial penalties (e.g. \$3,000 that will soon be his). He has admitted deliberately messing (e.g. “trolling”) with the Paas group’s lives, as noted above, but for some reason believes he ultimately will be vindicated. He claims he was found not guilty in a case that went to mediation, which (to be charitable) shows a clear misunderstanding of the legal system. In other words, that he was not found to be guilty (due to the case going to mediation) does not mean that he was found not guilty. It is, perhaps, not surprising that a lay person might not appreciate the difference, but to steadfastly claim that he was *found* not guilty is simply a misrepresentation, however intended or unintended. He wasn’t *found* to be anything but a candidate for mediation.

In short, Rohrig is a classic example of a bully. A troubled one, to be sure, but a bully nonetheless. And so, the sympathy this Court has for him ends, as it must, where the undue, overbearing, unnecessary, and frightening influence he has wielded in the lives of Stark and Paas Petitioners reaches the point where a Court must step in and put a stop to it. And in these cases, that point has long since been reached.

Megan Paas v. Kyle Rohrig, Franklin CP Case No. 18CV-7313 (Feb. 6, 2019), p 19. Despite this warning, Defendant proceed with another round of CPOs in 2021 and 2022. The 2021 CPOs were dismissed when Defendant “left after case called into court.” See e.g. *Kyle Rohrig v. Steve Paas*, Franklin Co. CP Case No.

21CV-5041 (Sept. 8, 2021). The 2022 CPOs were likewise dismissed, in part, pursuant to the doctrine of *res judicata*, and because the record was “woefully lacking any evidence” that the respondents committed menacing acts toward, harassed or stalked Defendant. *Kyle Rohrig v. Megan Paas*, Franklin CP Case No. 22CV-8259 (Jan. 6, 2023) p 7.

Beyond petitions for civil protections orders, Defendant has filed the following in Franklin County Common Pleas Court:

Case No. and Caption	Type	Disposition
18CV-6567 <i>Rohrig v. Tequila Cowboy Columbus</i>	Complaint for wrongful termination or forcing him to quit	Dismissed for failure to assert a claim against sole proprietorship or valid legal entity (affirmed)
19CV-3239 <i>Rohrig v. Westerville Police Department</i>	Complaint for harassment and discrimination	Judgment on the pleadings awarded to defendant
19CV-4494 <i>Rohrig v. NYOS Crew</i>	Complaint for harassment, perjury and distorting evidence	Bench trial – case dismissed for failure to commence within one year of filing
20CV-736 <i>Rohrig v. City of Westerville</i>	Complaint for police misconduct, malicious prosecution, failure to intervene, and attempted false arrest/imprisonment	Summarily terminated
20CV-5049 <i>Rohrig v. Franklin Co. Commissioner</i>	Complaint against Franklin County for violation of rights	Judgment on the pleadings awarded to defendant
21CV-1934 <i>Rohrig v. Grant</i>	Case against Columbus Police Officer for Police Misconduct stemming from an arrest for violation of CPOs	Removed to Federal Court
21CV-4482 <i>Rohrig v. Tequila Cowboy</i>	Personal injury claim related to Defendant’s interactions with Plaintiffs	Dismissed for failure to state a claim
22CV-4623 <i>Rohrig v. Flannagan’s Dublin</i>	Complaint for negligence, concert of action, fraud, premise liability, negligent security, and respondeat superior related to Defendant’s interactions with Plaintiffs	Claims dismissed against certain defendants and judgment on the pleadings entered in favor of remaining defendant
23CV-3923 <i>Rohrig v. Navy Federal Credit Union</i>	Complaint for negligence or gross negligence related to harm to Defendant’s credit score	Judgment on the pleadings awarded to defendants
23CV-3924 <i>Rohrig v. Public Storage</i>	Complaint related to property rented by Defendant in another state	Dismissed as to certain defendants. Stayed as to remaining defendants.
23CV-6237 <i>Rohrig v. Donaldson</i>	Complaint for intentional infliction of emotional distress, unfair business practices, and premise liability against Mr. Beast	Order to show cause for failure to prosecute

Having endured the three rounds of CPOs together with the ancillary involvement in some of the other lawsuits filed by Defendant, Plaintiffs brought the instant action to have Defendant declared a vexatious litigator pursuant to R.C. 2323.52. In response to the complaint, Defendant filed multiple motions including one saved as “F*ckHolbrook” (Exhibit A attached hereto) and motions to dismiss which were denied by this Court on March 25, 2024. Defendant also filed an Affidavit of Disqualification which the Supreme Court of Ohio denied as without any basis in the law.

Following the reactivation of this case, Plaintiffs moved for summary judgment asserting there are no genuine issues of material fact and that they are entitled to judgment as a matter of law. In support of their motion, Plaintiffs present the affidavits of Steve Paas and Megan Paas detailing the manner in which Defendant has used the Court for purposes of harassing them.

LAW AND ANALYSIS

Pursuant to Civ.R. 56(C), summary judgment is appropriate when the moving party is entitled to judgment as a matter of law because there is no dispute of material fact. *Temple v. Wean United, Inc.*, 50 Ohio St.2d 317, 327 (1977). The party moving for summary judgment must inform the trial court of the basis for the motion and point to parts of the record that demonstrate the absence of a genuine issue of material fact, *Dresher v. Burt*, 75 Ohio St.3d 280, 292-293 (1996), and it must do so in the manner required by Civ.R. 56(C). *Castrataro v. Urban*, 2003-Ohio-4705, ¶ 14 (10th Dist.). Once the moving party has met this burden, the non-moving party’s reciprocal burden to point to parts of the record demonstrating an issue of material fact is triggered. *Dresher* at 293. “[S]ummary judgment is appropriate if the nonmoving party does not respond, by affidavit or as otherwise provided in Civ.R. 56, with specific facts showing that a genuine

issue exists for trial.” *Davis & Meyer Law, Ltd. v. Pronational Ins. Co.*, 2007-Ohio-3552, ¶ 12 (10th Dist.).

As relative to the claim before the Court, R.C. 2323.52 provides the authority for a common pleas court to designate a person as a vexatious litigator. R.C. 2323.52(A)(3) defines “vexatious litigator” as:

[A]ny person who has habitually, persistently, and without reasonable grounds engaged in vexatious conduct in a civil action or actions, whether in the court of claims or in a court of appeals, court of common pleas, municipal court, or county court, 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. * * *

“Vexatious conduct” is defined as conduct of a party in civil actions that satisfies any of the following:

- (a) The conduct obviously serves merely to harass or maliciously injure another party to the civil action.
- (b) 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.
- (c) The conduct is imposed solely for delay.

R.C. 2323.52(A)(2)(a)-(c). The Supreme Court of Ohio has expressed that the vexatious litigator statute serves an important function:

[t]he purpose of the vexatious litigator statute is clear. It seeks 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. Such conduct clogs the court dockets, results in increased costs, and oftentimes is a waste of judicial resources—resources that are supported by the taxpayers of this state. The unreasonable burden placed upon courts by such baseless litigation prevents the speedy consideration of proper litigation.

Mayer v. Bristow, 2000-Ohio-109, 91 Ohio St.3d 3, 13. The high court further expressed:

* * * vexatious litigators oftentimes use litigation, with seemingly indefatigable resolve and prolificacy, to intimidate public officials and employees or cause the emotional and financial decimation of their targets. Such conduct, which employs court processes as amusement or a weapon in itself, undermines the people's faith in the legal system, threatens the integrity of the judiciary, and casts a shadow upon the administration of justice. Thus, the people, through their representatives, have a legitimate, indeed compelling, interest in curbing the illegitimate activities of vexatious litigators.

The relationship between these goals and the methods employed in R.C. 2323.52 to achieve them is substantial. At its core, the statute establishes a screening mechanism that serves to protect the courts and other would-be victims against frivolous and ill-conceived lawsuits filed by those who have historically engaged in prolific and vexatious conduct in civil proceedings. It provides authority to the court of common pleas to require, as a condition precedent to taking further legal action in certain enumerated Ohio trial courts, that the vexatious litigator make a satisfactory demonstration that the proposed legal action is neither groundless nor abusive. Thus, 'the vexatious litigator statute bears a real and substantial relation to the general public welfare because its provisions allow for the preclusion of groundless suits filed by those who have a history of vexatious conduct.'

Id. at 13-14. (Citations omitted). R.C. 2323.52(B) outlines the procedure to institute a civil action seeking a vexatious litigator designation:

A person * * * who has defended against habitual and persistent vexatious conduct in the court of claims or in a court of appeals, court of common pleas, municipal court, or county court may commence a civil action in a court of common pleas with jurisdiction over the person who allegedly engaged in the habitual and persistent vexatious conduct to have that person declared a vexatious litigator. The person * * * may commence this civil action while the civil action or actions in which the habitual and persistent vexatious conduct occurred are still pending or within one year after the termination of the civil action or actions in which the habitual and persistent vexatious conduct occurred.

There is no magic number of frivolous claims that must be filed before crossing the vexatious litigation threshold. The Tenth District has held that a vexatious litigator designation may be based upon a person's behavior in a single civil action or multiple civil actions. *Earthy v. Farley*, 2003-Ohio-3185, ¶48 (10th Dist.); see also *Catudal v. Netcare Corp.*, 2015-Ohio-4044, ¶ 8 (10th Dist.) (By including the word "actions," the statute

permits a court to examine other actions that a person has participated in to determine if that person is a vexatious litigator.). In *Earthy*, the Tenth District determined that appellant's:

repetitive arguments and unrelenting pleadings on issues already decided issues have congested the judicial process and hindered the trial court's and receiver's lawful duties. His persistent and tedious grievances inserted into every pleading of every type have amounted to an unnecessarily massive record. His tormenting of every party whom he sees as aiding his wife has risen to the level of compulsiveness.

Earthy at ¶ 49. Significantly, the Tenth District quoted with approval the following passage from *Borger v. MrErlane*, 1st Dist. No. C-01026, 2001-Ohio-4030:

* * * vexatious conduct, as defined in R.C. 2323.52(A)(2)(a), requires proof that [the appellant's] conduct serves merely to harass or maliciously injure another party to the civil action. It is not necessary, therefore, that [the appellant] intends for her conduct to be harassing, or that she not sincerely believe in the justness of her cause. Rather, it is sufficient that her conduct served the purpose, or has the effect, of harassing [the appellee] by obligating her to respond to a legal action for which there is no objective, reasonable grounds.

Id. at ¶ 51.

After careful consideration and guided by the forgoing legal framework, the Court finds the uncontroverted evidence in the record clearly and convincingly demonstrates that Defendant's actions constitute vexatious conduct pursuant to R.C. 2323.52 as a matter of law. As recognized by Judge Sheeran in the 2018 CPOs, it is clear that Defendant intended to weaponize the judicial process against Plaintiffs from the very beginning. From the contents of the Paas affidavits it is also clear that Defendant's efforts have hit their mark. Although it is not the subjective intent behind the conduct, but the effect of the conduct that is at issue, Defendant has made it no secret that his intent is to decimate the Plaintiffs through the litigation process.

Defendant's abuse of the judicial process is not limited to Plaintiffs alone. Indeed, it's been directed to anyone whom he believes has aided Plaintiffs. For example, the City of Westerville and the Westerville Police Department have been targeted as a result of an investigation in which Defendant Stark allegedly provided confidential information concerning Defendant's whereabouts. See Franklin County CP Case Nos. 19CV-3239 and 20CV-736. The same is true for Fannagan's Dublin and Tequila Cowboy. See Franklin County CP Case Nos. 22CV-4623 and 18CV-6567. Indeed, there can be no doubt that Defendant's filings had a harassing and injurious effect, especially in the form of the costs borne by the defendants and the efforts expended by counsel in performing the legal obligation to defend against each frivolous claim.

Beyond the parties, Defendant's repetitive arguments and unrelenting pleadings have congested the docket and hindered the Court's lawful duties. His persistent and tedious grievances inserted into every pleading have invaded nearly every floor of this courthouse, wasting judicial resources on unfounded actions.

Finally, outside of the persistent harassing conduct, Defendant routinely files unwarranted actions and pleadings. The resolution of each of the cases filed by Defendant demonstrates the frivolousness and vexatious nature of his actions. Other than a bench trial that ended in a dismissal for lack of personal jurisdiction for Defendant's failure to timely commence the action, Defendant's cases have been summarily dismissed for failure to assert any cognizable cause of action. To be sure, Defendant inserts legalese into his pleadings; however, he then simply proceeds to lash out at those who disagree with him failing to manifest a viable claim under existing law or a good faith extension of the same.

CONCLUSION

Upon careful consideration of all the evidence before it, the Court finds that Plaintiffs have met their burden under Civ.R. 56; however, Defendant has failed to satisfy his reciprocal burden. Therefore, the Court further finds there is no genuine issue of material fact and that Defendant's conduct is exactly that which the vexatious litigator statute aims to thwart. Accordingly, the Court finds that Defendant has engaged in vexatious conduct as set forth in R.C. 2323.52(A)(2)(a)-(c), and thus a vexatious litigator designation is appropriate under R.C. 2323.52(A)(3). Therefore, Plaintiffs' Motion for Summary Judgment is well-taken and hereby **GRANTED**.

Kyle Rohrig is hereby declared a Vexatious Litigator.

Pursuant to R.C. 2323.52(D)(1), Defendant Kyle Rohrig is prohibited from doing the following without first obtaining leave of court to proceed:

(a) Instituting legal proceedings in the court of claims or in a court of common pleas, municipal court, or county court;

(b) Continuing any legal proceedings that the vexatious litigator had instituted in any of the courts specified in section (a) above prior to the entry of this order;

(c) Making any application, other than an application for leave to proceed under R.C. 2323.52(F)(1), in any legal proceedings instituted by the vexatious litigator or another person in any of the courts specified in section (a) above.

It is FURTHER ORDERED that, pursuant to R.C. 2323.52(H), the clerk of the court shall send a certified copy of this Order to the Clerk of the Supreme Court of Ohio for publication in a manner that the Supreme Court determines is appropriate and that will facilitate the clerk of the court of claims and a clerk of a court of appeals, court of common pleas, municipal court, or county court in refusing to accept pleadings or other papers

submitted for filing by Kyle Rohrig without first obtaining leave to proceed under this section.

All other motions currently pending in this matter are **MOOT**.

It is further ORDERED that Defendant shall have until, and including, **September 20, 2024** to request leave from the Court to proceed with his counterclaim pro se OR for counsel to appear on Defendant's behalf. Failure to do so may result in the dismissal of claims.

Pursuant to Civil Rule 58(B), the Clerk of Courts is directed to serve upon all parties notice and the date of this judgment. **This is a final appealable order; there is no just reason for delay.**

IT IS SO ORDERED.

Electronic notification to counsel of record

EXHIBIT A




Franklin County Review

Home Filings CASEeFile My Profile Logout User: DARCY A SHAFER

Filing Report => Filing Details

Filing

Description: H-Other Civil
 Status: Filing Complete

Tracking #	Case ID	Case #	Case Title	Date Entered	Filer Name	User ID	Approved By
12132356	9510379	23CV000073	STEVE PAAS ET AL -VS- KYLE ROHRIG	02-06-2023:10:23:24 AM	KYLE JAMES ROHRIG		TMCYRUS

Description	Document	Document
Description: H-Other Civil Filer: KYLE JAMES ROHRIG Payment Method: None Specified Return addresses: Email: rohrigkyle65@gmail.com Filing: https://intefiling.franklincountyohio.gov/runit Filing Package: Download Filing Package		
NOTICE	23Case.pdf	23Case.pdf
MOTION	FuckHolbrook.pdf	FuckHolbrook.pdf
- Document Form	motionbucket5mstForm.xml	
Form	Form.xml	Form.xml

Description	Document
Description: Receipt Filer: SYSTEM ADMINISTRATOR Return addresses: Email: admin@tybera.com Filing: https://intefiling.franklincountyohio.gov/runit Receipt Package: Download Receipt Package	
Main Document	receipt.html
NOTICE	23Case.pdf
MOTION	FuckHolbrook.pdf
Form	form.xml

Queue Entries Resulting from this Filing:

Queue Entry ID	Queue	Status	Entered/Completion Date	Last Assigned To	Priority
8787538	MOTION: MISCELLANEOUS No Action		2023-02-06	DARCY SHAFER	

Franklin County Court of Common Pleas

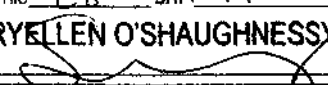
Date: 08-28-2024
Case Title: STEVE PAAS ET AL -VS- KYLE ROHRIG
Case Number: 23CV000073
Type: DECISION/ENTRY

It Is So Ordered.



/s/ Judge Michael J. Holbrook

Electronically signed on 2024-Aug-28 page 12 of 12

THE STATE OF OHIO } Franklin County, ss }	I, MARYELLEN O'SHAUGHNESSY, Clerk OF THE COURT OF COMMON PLEAS WITHIN AND FOR SAID COUNTY, HEREBY CERTIFY THAT THE ABOVE AND FOREGOING IS TRULY TAKEN AND COPIED FROM THE ORIGINAL
<i>ORDER</i>	
NOW ON FILE IN MY OFFICE. WITNESS MY HAND AND SEAL OF SAID COUNTY THIS <u>28</u> DAY OF <u>AUG</u> 20 <u>24</u>	
MARYELLEN O'SHAUGHNESSY, Clerk	
By 	Deputy

Court Disposition

Case Number: 23CV000073

Case Style: STEVE PAAS ET AL -VS- KYLE ROHRIG

Final Appealable Order: Yes

Motion Tie Off Information:

1. Motion CMS Document Id: 23CV0000732024-05-2099980000
Document Title: 05-20-2024-MOTION FOR SUMMARY
JUDGMENT - PLAINTIFF: STEVE PAAS
Disposition: MOTION GRANTED