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

FAREED HASAN BEY
Plaintiff

STATE OF OHIO ETC., ET AL
Defendant

Case No: CV-14-821761

Judge: DEENA R CALABRESE

JOURNAL ENTRY

89 DIS. W/PREJ - FINAL

PENDING BEFORE THE COURT IS DEFENDANTS' MOTION FOR SUMMARY JUDGMENT ON THEIR COUNTERCLAIM. DEFENDANTS SEEK A DECLARATION THAT PLAINTIFF, FAREED HASAN BEY ("BEY"), IS A VEXATIOUS LITIGATOR WITHIN THE MEANING OF OHIO REV. CODE § 2323.52. WHILE BEY HAS NOT OPPOSED THE MOTION, THE COURT HAS CAREFULLY CONSIDERED ITS MERITS.

A VEXATIOUS LITIGATOR IS "ANY PERSON WHO HAS HABITUALLY, PERSISTENTLY, AND WITHOUT REASONABLE GROUNDS ENGAGED IN VEXATIOUS CONDUCT" IN A STATE COURT. OHIO REV. CODE § 2323.52(A)(3). THE STATUTE DEFINES VEXATIOUS CONDUCT AS FOLLOWS:

"(2) "VEXATIOUS CONDUCT" MEANS CONDUCT OF A PARTY IN A CIVIL ACTION 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."

OHIO REV. CODE § 2323.52(A)(2).

DEFENDANTS' MOTION REFERENCES SEVERAL CASES FILED BY BEY THAT THEY CLAIM EVIDENCE VEXATIOUS CONDUCT. THESE INCLUDE TWO CUYAHOGA COURT OF COMMON PLEAS CASES, NAMELY, BEY V. UNITED TOWING SERVICES, INC., CUYAHOGA COMMON PLEAS CASE NO. CV-13-799606, AND BEY V. SNAKOVSKY, CUYAHOGA COMMON PLEAS CASE NO. CV-13-800145.

DEFENDANTS' LIST OF PURPORTEDLY VEXATIOUS CASES ALSO INCLUDES SEVERAL FEDERAL ACTIONS. THE COURT IS MINDFUL, HOWEVER, OF THE EIGHTH DISTRICT'S HOLDING THAT FEDERAL ACTIONS ARE NOT TO BE CONSIDERED IN DETERMINING VEXATIOUS LITIGATOR STATUS. CARR V. RIDDLE, 136 OHIO APP. 3D 700, 737 N.E.2D 976, 2000 OHIO APP. LEXIS 350 (8TH DIST. 2000); SEE ALSO CATUDAL V. CATUDAL, 2015-OHIO-1559, 2015 OHIO APP. LEXIS 1496, ¶ 11 (10TH DIST.). BUT SEE BORGER V. MCERLANE, 2001-OHIO-4030, 2001 OHIO APP. LEXIS 5544 (1ST DIST.) ("ALTHOUGH WE AGREE WITH CARR THAT CIVIL ACTIONS FILED IN A FEDERAL COURT CANNOT BE THE PREDICATE ACTIONS FOR DECLARING A PERSON A 'VEXATIOUS LITIGATOR' UNDER R.C. 2323.52, THAT IS NOT TO SAY THAT THEY DO NOT HAVE ANY EVIDENTIARY RELEVANCE FOR DETERMINING 'VEXATIOUS CONDUCT' AS DEFINED IN R.C. 2953.52(A)(2)(A), OR TO IDENTIFY A 'VEXATIOUS LITIGATOR' AS DEFINED IN R.C. 2953.52(A)(3).").

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THIS COURT, IN ACCORDANCE WITH THE EIGHTH DISTRICT'S DECISION IN CARR, WILL NOT CONSIDER -- IN ANY FASHION -- THE FEDERAL CASES THAT BEY FILED. AS NOTED ABOVE, HOWEVER, DEFENDANTS LISTED AND DISCUSSED TWO CUYAHOGA COMMON PLEAS CASE IN THEIR MOTION FOR SUMMARY JUDGMENT. IN ADDITION, AFTER FILING THEIR MOTION, DEFENDANTS SUBMITTED A SUPPLEMENTAL PLEADING LISTING A THIRD STATE COURT CASE THEY CONTEND DEMONSTRATES BEY'S VEXATIOUS CONDUCT: BEY V. KEEFER (STATUTORY AGENT FOR CASE WESTERN RESERVE UNIVERSITY), CUYAHOGA COMMON PLEAS CASE NO. CV-14-834038. IN THAT CASE, THE COURT GRANTED CWRU'S UNOPPOSED MOTION TO DISMISS BEY'S PATENTLY FRIVOLOUS CLAIM. EVEN THAT DID NOT STOP HIM. AFTER THE COURT DISMISSED THE CASE, BEY FILED A MOTION FOR DEFAULT JUDGMENT AGAINST CWRU.

THE EVIDENCE THEREFORE ESTABLISHES THAT IN ADDITION TO THE PRESENT ACTION, BEY HAS FILED THREE STATE COURT LAWSUITS THAT ARE NOT WARRANTED UNDER EXISTING LAW AND CANNOT BE SUPPORTED BY A GOOD FAITH ARGUMENT FOR AN EXTENSION, MODIFICATION, OR REVERSAL OF EXISTING LAW. THE COURT REITERATES THAT ITS DETERMINATION IS NOT INFLUENCED IN ANY WAY BY BEY'S FEDERAL COURT FILINGS. THE THREE FRIVOLOUS COMMON PLEAS CASES ARE QUITE ENOUGH. INDEED, "SEPARATE, REPETITIVE ACTIONS ARE NOT NECESSARY FOR A VEXATIOUS LITIGATOR FINDING, AND SUCH A FINDING CAN BE BASED UPON ACTIONS IN A SINGLE CASE." ROO V. SAIN, 2005-OHIO-2436, 2005 OHIO APP. LEXIS 2320, ¶ 18 (10TH DIST.).

FOR ALL OF THE FOREGOING REASONS:

1) DEFENDANTS' UNOPPOSED MOTION FOR SUMMARY JUDGMENT IS GRANTED.

2) THE COURT, PURSUANT TO OHIO REV. CODE § 2323.52, DECLARES PLAINTIFF BEY A VEXATIOUS LITIGATOR. CONSISTENT WITH THAT DESIGNATION, BEY IS ORDERED INDEFINITELY PROHIBITED FROM DOING ANY OF THE FOLLOWING WITHOUT FIRST OBTAINING LEAVE OF THIS 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 HE HAS INSTITUTED IN ANY OHIO TRIAL COURT PRIOR TO THE ENTRY OF THIS ORDER;

(C) MAKING ANY APPLICATION, OTHER THAN AN APPLICATION FOR LEAVE TO PROCEED UNDER OHIO REV. CODE § 2323.52(F)(1), IN ANY LEGAL PROCEEDINGS INSTITUTED BY HIM OR ANOTHER PERSON IN ANY OF THE OHIO TRIAL COURTS LISTED ABOVE; OR

(D) INSTITUTING OR CONTINUING ANY LEGAL PROCEEDINGS IN THE COURT OF APPEALS WITHOUT FIRST OBTAINING LEAVE FROM THE COURT OF APPEALS PURSUANT TO OHIO REV. CODE § 2323.52(F)(2). PROVIDED, HOWEVER, THAT THIS COURT'S JOURNAL ENTRY AND OPINION DOES NOT AFFECT BEY'S RIGHT TO APPEAL HIS CLASSIFICATION AS A VEXATION LITIGATOR.

THE CLERK OF COURTS, CUYAHOGA COUNTY, OHIO, IS HEREBY ORDERED TO SEND A CERTIFIED COPY OF THIS JOURNAL ENTRY TO THE OHIO SUPREME COURT FOR PUBLICATION PURSUANT TO OHIO REV. CODE § 2323.52(H).

PLAINTIFF IS TO PAY ALL COSTS ASSOCIATED WITH THIS CASE.

AS THIS COURT'S PREVIOUS ORDER GRANTING DEFENDANTS' MOTION TO DISMISS BEY'S COMPLAINT DISPOSED OF ALL OTHER CLAIMS IN THE INSTANT MATTER, THIS ORDER CONSTITUTES A FINAL JUDGMENT IN THIS ACTION.

PURSUANT TO CIV. R. 54(B), THE COURT FINDS THERE IS NO JUST REASON FOR DELAY.

IT IS SO ORDERED.

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COURT COST ASSESSED TO THE PLAINTIFF(S).
PURSUANT TO CIV.R. 58(B), THE CLERK OF COURTS IS DIRECTED TO SERVE THIS JUDGMENT IN A MANNER
PRESCRIBED BY CIV.R. 5(B). THE CLERK MUST INDICATE ON THE DOCKET THE NAMES AND ADDRESSES OF ALL
PARTIES, THE METHOD OF SERVICE, AND THE COSTS ASSOCIATED WITH THIS SERVICE.

Jenna Calabrese

Judge Signature

06/15/2015

THE STATE OF OHIO }
 Cuyahoga County } SS. I, THE 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 Journal Entry

NOW ON FILE IN MY OFFICE.
 WITNESS MY HAND AND SEAL OF SAID COURT THIS 2nd
 DAY OF July A.D. 20 15

CUYAHOGA COUNTY CLERK OF COURTS
 By [Signature], Deputy

