

IN THE COURT OF COMMON PLEAS
COUNTY OF SUMMIT

JAMES HALL

Plaintiff

-vs-

JAMES R SILVER

Defendant

) CASE NO.: CV-2020-12-3325

) JUDGE TAMMY O'BRIEN

) **ORDER**

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This matter came before the Court on January 3, 2023 for a Bench Trial on Defendant's Counterclaim only. Attorney Eric Fink appeared on behalf of Defendant, James Silver. Mr. Silver also appeared. Plaintiff, James Hall, appeared *pro se*.

Defendant, James Silver, testified as the only witness during the Bench Trial. Defendant, James Silver, also admitted the following exhibits: Exhibit A-Order issued in this matter on November 30, 2022; Exhibit C-Complaint filed by Mr. Hall in Federal Court; Exhibit D-Decision of Federal Court; Exhibit E-Order of Magistrate Todd in the Akron Municipal Court; and Exhibit F-Judgment of Judge Walker in the Akron Municipal Court. Plaintiff, James Hall, appeared *pro se* and did not present any witnesses or exhibits on his behalf.

After consideration of the testimony and evidence presented and upon review of the docket in this matter, the Court finds good cause to issue judgment in favor of Defendant, James Silver on his counterclaim. The Court finds Plaintiff, James Hall, engaged in vexatious conduct. The Court further finds Plaintiff, James Hall, is a vexatious litigator as defined under R.C. 2323.52. Based thereupon, the Court finds good cause to issue an Order prohibiting Plaintiff, James Hall, from continuing to sue Defendant, James Silver, and prohibiting Plaintiff, James Hall, from suing any other person in anyway based on the facts of this matter without leave of Court in accordance with R.C. 2323.52(D)(1).

The Court does not find good cause to issue a general ban on Plaintiff, James Hall, from filing any lawsuit against any person whatsoever without leave of Court. The evidence and testimony presented at the Bench Trial related solely to vexatious conduct that occurred in actions against Defendant, James Silver, and other individuals related to the factual allegations in this lawsuit. No testimony or evidence was presented related to any vexatious conduct of Plaintiff, James Hall, in any lawsuits unrelated to the factual allegations in this lawsuit. Accordingly and in the interest of justice, the Court finds good cause to limit the scope of this Order. The Court will

prohibit Plaintiff, James Hall, from filing any action without leave of Court against Defendant, James Silver, and will prohibit the filing of any action without leave of Court related to the factual allegations of this lawsuit against any person, including but not limited to, Attorney Eric Fink for his representation of Defendant, James Silver, in this action.

The Court therefore ORDERS judgment shall be rendered against Plaintiff, James Hall, and in favor of Defendant, James Silver, on Defendant's, James Silver's, Counterclaim.

The Court further ORDERS James Hall shall hereby be deemed a vexatious litigator pursuant to R.C. 2323.52.

The Court further ORDERS that James Hall shall be prohibited from filing further action against James Silver in any Court without leave of the Summit County Court of Common Pleas.

The Court further ORDERS that James Hall shall be prohibited from filing any further action in anyway related to the factual allegations of this lawsuit against any person, including but not limited to, Attorney Eric Fink for his representation of Defendant, James Silver, in this action.

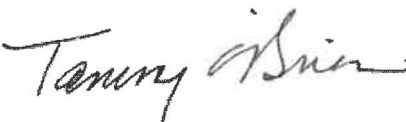
The Court further ORDERS that Plaintiff, James Hall, shall be granted leave in this action to file a direct appeal in the Ninth District Court of Appeals related to the decisions in this action. The Appeal must comply with the Ohio Rules of Appellate Procedure and the local rules of the Ninth District Court of Appeals.

The Court further ORDERS Defendant's, James Silver's, request to issue an Order preventing James Hall from suing any person in any Court for any reason whatsoever without leave of Court shall be DENIED.

This is a final appealable order. There is no just reason for delay.

Pursuant to Ohio Civ. R. 58(B), the Clerk of Courts shall serve upon all parties notice of this judgment and its date of entry on the Journal.

IT IS SO ORDERED.



JUDGE TAMMY O'BRIEN

CC: ATTORNEY PRO SE
ATTORNEY ERIC FINK

JCV

I certify this to be a true copy of the original
Sandra Kurt, Clerk of Courts.
 Deputy Clerk

