

TS 11/15/21

IN THE COURT OF COMMON PLEAS
STATE OF OHIO, COUNTY OF WARREN
GENERAL DIVISION

AMANDA LASWELL	:	CASE NO. 20-CV-93764
	:	
Plaintiff,	:	JUDGE TIMOTHY N. TEPE Magistrate Markus L. Moll
	:	
v.	:	<u>ORDER AND ENTRY</u>
	:	<u>ADOPTING MAGISTRATE'S</u>
DONALD NEEDHAM	:	<u>OCTOBER 28, 2021, AMENDED</u>
	:	<u>DECISION AS PERMANENT</u>
	:	<u>JUDGMENT OF THE COURT</u>
Defendant.	:	

An Amended Magistrate's Decision was filed herein on October 28, 2021, and no objections were filed within 14 days of that filing. Upon review, the Court determines, pursuant to Civ. R. 53(D)(4)(c), that there is no error of law or other defect evident on the face of the Magistrate's Decision. The Court hereby adopts the Magistrate's Decision in full as permanent judgment of the Court.

Accordingly, it is the **ORDER** of the Court that Mr. Needham is hereby **DECLARED** to be a vexatious litigator under R.C. 2323.52. Pursuant to R.C. 2323.52(D)(1). Mr. Needham is hereby **PROHIBITED** from doing any of the following without first obtaining leave of this Court to proceed:

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- (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 R.C. 2323.52(D)(1)(a) prior to the entry of the 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 R.C. 2323.52(D)(1)(a).

IT IS SO ORDERED.



Judge Timothy N. Tepe
Warren County Common Pleas Court

CERTIFIED COPY
JAMES L. SPAETH, CLERK
WARREN COUNTY, OHIO
COMMON PLEAS COURT

BY 
DEPUTY

TO THE CLERK: Please serve the following:

- RM - TS 11/15/21 Juliette Gaffney Dame, Esq. and Konrad Kircher, Esq., counsel for Plaintiff
- Andrew Brenner, Esq., counsel for Defendant
- Jane Short Esq., counsel for Legal Guardian of Defendant

IN THE COURT OF COMMON PLEAS
STATE OF OHIO, COUNTY OF WARREN
GENERAL DIVISION

AMANDA LASWELL	:	CASE NO. 20-CV-93764
	:	
Plaintiff,	:	JUDGE TIMOTHY N. TEPE
	:	Magistrate Markus L. Moll
	:	
v.	:	<u>AMENDED</u>
DONALD NEEDHAM	:	<u>MAGISTRATE'S DECISION</u>
	:	
Defendant.	:	

This matter came before the undersigned magistrate on September 24, 2021, for a bench trial on the complaint filed by Plaintiff, Amanda Laswell (“Ms. Laswell”) against Defendant, Donald Needham (“Mr. Needham”).

Present at the trial was Ms. Laswell, with her counsel, Konrad Kircher, Mr. Needham, with his counsel, Andrew Brenner, and Mr. Needham’s legal guardian, Krissy Needham¹, with her counsel Jane Short. Based on the testimony and evidence presented at trial, the magistrate makes the following factual and legal determinations:

¹ Ms. Krissy Needham appointed as legal guardian of Mr. Needham by the Warren County Probate Court, case no. 20202082, by way of Judgment Entry dated March 3, 2021.

Legal Standard

The sole issue before the Court is whether Mr. Needham should be declared a vexatious litigator pursuant to R.C. 2323.52.

A person who has defended against habitual and persistent vexatious conduct may commence a civil action to have an individual declared a vexatious litigator. R.C. 2323.52(B). See *Lasson v. Coleman*, 2d Dist. Montgomery No. 21983, 2008-Ohio-4140. A vexatious litigator is one who habitually, persistently, and without reasonable grounds engaged in vexatious conduct in a civil action or actions. R.C. 2323.52(A)(3). Vexatious conduct means conduct of a party in a civil action that satisfies any of the three conditions:

- (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.

R.C. 2323.52(A)(2).

“The 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.” *Mayer v. Bristow*, 91 Ohio St.3d 3, 13, 740 N.E.2d 656 (2000); *Prime Equip. Group, Inc. v. Schmidt*, 10th Dist. No. 15AP-584, 2016-Ohio-3472, 66 N.E.3d 305. Such conduct “clogs the court dockets, results in increased costs, and oftentimes is a waste of judicial resources – resources that are supported by taxpayers of this state.” *Id.* “The unreasonable burden placed upon courts by such baseless litigation prevents the speedy consideration of proper litigations. *Id.*, citing *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 (10th Dist. 1998).

The vexatious litigator statute was designed to “stop litigators who often ‘use litigation, with seemingly indefatigable resolve and prolificacy, to intimate public officials and employees or cause the emotional and financial decimation of their targets * * * .” *Lasson*, 2008-Ohio-4140 at 31, citing

Mayer, 91 Ohio St.3d at 13. “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.” *Id.*

Behavior that is more consistent with that of an “inexperienced litigant” should not trigger the vexatious litigator designation. *Lasson* at 33, citing *Mayor* at 14. Rather, the designation should be treated as an extraordinary remedy that should be applied in very limited circumstances, on clear and convincing evidence that a pro se litigant “persistently and habitually uses the legal process solely to harass another party or delay an ultimate resolution in the legal proceeding.” *Lasson* at 33. This “extreme measure” should be granted only “when there is no nexus between the filings made by the plaintiff and his or her intended claims. *Mansour v. Croushore*, 12th Dist. Butler No. CA2008-07-161, 2009-Ohio-2627, citing *McClure v. Fischer Attached Homes*, 145 Ohio Misc.2d 38, 882 N.E.2d 61, 2007-Ohio-7259.

R.C. 2323.52, at its core, “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.” *Easterling v. Union Sav. Bank*, 2d Dist. Greene No. 2012-CA-52, 2013-Ohio-1068. Ohio’s vexatious litigator statute has survived due process, equal protection, and as-applied constitutional challenges to its constitutionality under the United States Constitution. *Prime Equip.* at 13, citing *Hall v. Callahan*, 727 F.3d 450 (6th Cir. 2013).

In its review, the trial court must look to the “nature of the conduct, not the number of actions” to determine whether a person should be declared a vexatious litigator. *Mansour v. Croushore*, 12th Dist. Butler No. CA2008-07-161, 2009-Ohio-2627, citing *Borger v. McErlane*, 1st Dist. Hamilton No. C-010262, 2001-Ohio-4030. The consistent repetition of arguments and legal theories have been rejected by the trial court numerous times can constitute vexatious litigation. *Easterling* at 16, citing *Farley v. Farley*, 10th Dist. Franklin No. 02AP-1046, 2003-Ohio-3185.

"Conduct" includes "[t]he filing of a civil action, the assertion of a claim, defense, or other position in connection with a civil action, the filing of a pleading, motion, or other paper in a civil action, including, but not limited to, a motion or paper filed for discovery purposes, or the taking of any other action in connection with a civil action." R.C. 2323.52(A)(1); 2323.51(A)(1)(a).

The Tenth District in *Heizfrinch v. Allstate Ins. Co.*, 12AP-559, para 25 (CA 10th Sept. 30, 2013) held "the vexatious litigator statute indicates the right of the courts and the taxpayers of the state to be free from the delay and expense associated with baseless litigation . . . It's not the number of frivolous lawsuits one files, but the nature of the conduct that determines whether a person is a vexatious litigator." Although the term "vexatious" has a tendency to implicate ill will or malice in a colloquial sense, the Court must emphasize that these connotations have no bearing on the statutory definition of "vexatious conduct" or "vexatious litigator." *Id.* It is not necessary for vexatious litigators to intend their conduct to be harassing or know that their claims are baseless, "rather, it is sufficient that [their] conduct serves the purpose, or has the effect, of harassing [the opposing party] by obligating [it] to respond to a legal action for which there is no objective, reasonable grounds. *Borger* at 5.

"Public records and government documents are generally considered 'not to be subject to reasonable dispute.' This includes public records and government documents available from reliable sources on the Internet." *States Resources Corp. v. Hendy*, 2011-Ohio-1900 ¶20 (9th Dist. 2011)(quoting *U.S. ex rel. Dingle v. BioPort Corp.* (W.D. Mich. 2003), 270 F.Supp.2d 968, 972, *aff'd* sub nom. *Dingle v. Bioport Corp.*, 388 F.3d 209 (6th Cir. 2004). And, thus, both federal and state courts have readily taken judicial notice of documents and information published on government websites. *E.g., State ex rel. Everhart v. McIntosh*, 115 Ohio St.3d 195, 974 N.E.2d 516, 2007-Ohio-4798 ¶¶8 & 10 (court can take judicial notice of judicial opinions and public records accessible from the internet); see also, *E.g., State v. Thompson*, 2d Dist. Montgomery No. 28449, 2019-Ohio-5140, ¶ 4, fn. 1. (court was permitted to take judicial notice of judicial opinions and public records accessible on the internet). Further, a court can take judicial notice of the court's own docket. *Morello*

v. Ferruccio, 2015-Ohio-1370 (5th Dist 2015), citing *Helfrich v. Madison*, 5th Dist. Licking No. 08-CA-150, 2009-Ohio-5140.

Where a vexatious litigator claim is based on conduct in multiple cases, the party bringing the vexatious litigator claim need not have been a party to all of the cases relied upon which they rely. A vexatious litigator claim may be supported by evidence of the alleged vexatious litigator's vexatious conduct in other actions to which the person bringing the vexatious litigator claim was not a party. *See, e.g., Prime Equip. Group*, 2016-Ohio-3472, 66 N.E.3d 305, at ¶ 19; R.C. 2323.52(A)(3) (indicating that a vexatious litigation claim may be based on "conduct * * * against the same party or against different parties in the civil action or actions"); *Ealy*, 2007-Ohio-4080 (evidence of multiple prior court actions instituted by a city commission meeting participant against various city and county employees, all which were found to lack any basis, supported the determination that meeting participant had engaged in "vexatious conduct" under R.C. 2323.52(A)(2) and was a vexatious litigator under R.C. 2323.52(A)(3)). In determining whether a party is a vexatious litigator, the trial court may consider the party's conduct in other, older cases as well as his or her conduct in the case in which the vexatious litigator claim is brought. *See, e.g., Catudal v. Netcare Corp.*, 10th Dist. Franklin No. 15AP-133, 2015-Ohio-4044, ¶ 8; *see also Prime Equip. Group*, 2016-Ohio-3472, 66 N.E.3d 305, at ¶ 20 (finding no "restriction" on the trial court's reliance on conduct occurring in cases that terminated more than one year before plaintiff filed its vexatious litigator complaint in determining that party was a vexatious litigator); *Buoscio v. Macejko*, 7th Dist. Mahoning No. 00-CA-00138, 2003-Ohio-689, ¶ 33 ("Under R.C. 2323.52(A)(3), a person's behavior in prior civil actions can also form the basis for declaring him a vexatious litigator."); *Georgeadis v. Dials*, 10th Dist. Franklin No. 99AP-232, 1999 Ohio App. LEXIS 5848, *9-*10 (Dec. 9, 1999) (affirming trial court's decision to declare appellant a vexatious litigator where her vexatious conduct was demonstrated by her actions in both the current action and prior actions).

Findings of Fact

The testimony of the two witnesses at trial, Plaintiff, Ms. Laswell and Defendant, Mr. Needham, reveal a contentious history between the two. This has resulted in trial court filings in Warren County Juvenile Court and Warren County Probate Court. These consisted of name change proceedings, custody and/or child support dispute, then a civil suit against Ms. Laswell and the presiding Judge of Warren County Probate Court. A significant portion of these filings were on the part of Mr. Needham. The facts relevant to the current case as follows:

Ms. Laswell and Mr. Needham are the biological parents of a minor child. Ms. Laswell first testified that she initiated a name change proceeding in Warren County Probate Court, where the focal point of the proceeding was the issue of the minor child's last name. Further Ms. Laswell submitted that Mr. Needham subsequently filed a lawsuit against her and the presiding Judge of Warren County Probate Court pertaining to the name change. Ms. Laswell further testified that Mr. Needham "sued" her for parenting time. Further, Ms. Laswell.

Ms. Laswell then testified that Mr. Needham has filed other lawsuits in the past. The Court will note that Ms. Laswell has not been a party to the majority of suits filed by Mr. Needham, however, that does not bar her from bringing in these other suits as evidence. Ms. Laswell, through her counsel, requested the Court to take judicial notice of the cases that Mr. Needham filed, as they were outlined in the pleadings. Further, Ms. Laswell's attorney attached decisions and rulings from other courts regarding Mr. Needham's filings and conduct. Additionally, it appears to the Court that the majority of the lawsuits Mr. Needham has filed are part of public records and court records, thus the Court can take judicial notice. The Court will address these other suits later in the decision. Ms. Laswell rested her case-in-chief after the request for judicial notice.

Next, Mr. Needham testified. The Court will note at the beginning of the hearing, Mr. Needham objected to Ms. Laswell's attorney representing her as he averred that he filed a "counterclaim" against Ms. Laswell and her attorney, and thus, it would be a conflict of interest. Mr. Needham was adamant that it was improper for Ms. Laswell to proceed with her current counsel. The

Court will note that there has been no such counterclaim filed in this case. Thus, the Court interprets this statement as an attempt to either prolong the proceedings or to put Ms. Laswell in a position where she would have to retain another attorney. Further, Mr. Needham requested a continuance, articulating that he did not know about the Court date. The Court finds that notice of the trial date was sent out on August 19, 2021. Mr. Needham then further told the Court that it would be participating in criminal actions if it proceeded with the hearing. The Court denied Mr. Needham's motion for continuance.

Mr. Needham then testified as to background information regarding himself and Ms. Laswell. Mr. Needham averred that Ms. Laswell's complaint should be dismissed because it "never stated an injury"². Next, Mr. Needham provided the Court with a confusing narrative pertaining to Ms. Laswell's relationship and interactions with Mr. Needham. Mr. Needham submits that Ms. Laswell has been "extorting" him since the birth of their minor child.³ Mr. Needham explained his frustration to the Court that he felt as if all of the conversations between the parties seemed to be one sided, as she would not always respond to him.

Mr. Needham then briefly focused his testimony on his other filings. Mr. Needham focused on specific aspects of cases, without referencing which case he was discussing. Further, Mr. Needham did not dispute any of the Court entries, nor did he address his specific claims or filing. He then indicated that he had a case "won" by summary judgment, until "someone else used Judge Brogan's UCC." Further, Mr. Needham stated that he ended up losing the case because he was unable to "file [his] chapter 11". Also, during these proceedings, he was unable to "look at the Cincinnati rules of Court". He also stated he could "not look at the Warren County rules." Mr. Needham also indicated that he was no longer able to access "search cites where [he] would find legal cases" as they would

² Mr. Needham never filed a Motion to Dismiss pursuant to 12(B)(6).

³ The Court placed quotation marks around "extorting", not to diminish Mr. Needham's claims, but instead to use his exact wording.

“not work” or he would “be blocked”. Mr. Needham then articulated that the hard drives on his computer were mysteriously deleted by an unknown third party.

Mr. Needham then finished his testimony articulating how he believed that he was coerced to do drugs. This was perplexing to the Court as there were no drug allegations made in any filings or testimony. However, Mr. Needham testified that he was coerced to do a drugs and participate in a drug deal so a local court could “put a fishing line” into him.

Mr. Needham did not present any further witnesses or exhibits. Mr. Needham then rested his case-in-chief. The Court will next analyze the other lawsuits filed by Mr. Needham.

Filings in Laswell v. Needham, case no 20-cv-093764.

In the case at bar, Ms. Laswell filed a Complaint to have Mr. Needham declared a vexatious litigator on November 10, 2020. On June 23, 2021, Mr. Needham filed a document, which was titled “answer”⁴. This document was twenty-three (23) pages in length and was a jumbled assortment of statutes and case law, most of which are not applicable. At the end of his “answer”, Mr. Needham states “This was wrote to be very simple, however, very intense to insure these individuals think twice about attacking Donald Paul Needham again, the and or any others who come with them and from their illegal black markets and the such.” Answer of Defendant, page 23.

Further, on the same day, Mr. Needham field an eighty-one (81) page document, titled “motion”. Similar to the answer, this motion was perplexing, jumbled, and not coherent. Oddly enough on page 6 of Defendant’s Motion, Mr. Needham states “NONE of Mr. Needhams lawsuits appear to have any merit.” Subsequently, Mr. Needham filed a five-page document titled “civil minute order”. Further, throughout the Motion, Mr. Needham discusses past issues with TriHealth, Butler County Clerk of Courts and what he believes to be illegal activity of Ms. Laswell and her attorney.

⁴ The Court interpreted Mr. Needham’s filing as a responsive filing, even though it failed to admit or deny specific facts.

Next, on September 2, 2021, Mr. Needham filed a “civil minute order”. This motion started out with a copy and paste section of the Federal Rules of Bankruptcy Procedure. This was followed by copy and pasted sections of the UCC, U.S. Code, and a section of the Ohio Revised Code. None of which pertain to the Complaint that was filed against him.

A bench trial was held on September 24, 2021. After the bench trial, on October 12, 2021, Mr. Needham filed an “Entry Granting Motion, for Case Dismissal”. This makeshift Entry stated:

“Upon the court a good show of evidence has been given, the case is purported with no opposition filed, nor submissions fitting the description of Vexatious litigator.

At this time, the plaintiff/counterdefendants “Amanda Laswell” claims are mostly without merit and have little or no right of law, the court does agree with Mr. Needham, it seems to be a malicious slander causing unnecessary delays, burdens and court costs, and is without rebuttal and reference as facts.

With no opposition filed, nor rebuttal this court has no choice expect to dismiss with prejudice, this court hereby grants Donald Paul Needham a six month period for summary judgment, and all that is entitled therein, this case is dismissed.”

The Court will note that neither the undersigned Magistrate nor, the Honorable Judge Tepe put on said Entry. Additionally, neither the undersigned Magistrate nor the Honorable Judge Tepe authorize a party to put on such an entry. This forged entry contains a “certified copy” stamp, which states “I hereby certify that the within is a true copy of the original on file in the **probate court** of warren county” (emphasis added). Further, there is a signature on the line titled “judge”, which is not the Honorable Judge Tepe’s signature. The Court is disturbed by Mr. Needham’s actions. Not only did he create a fictitious entry, he forged a certified copy stamp and then forged a judicial official’s signature. Then, he filed the entry with the Clerk of Courts. This action required the Court to issue a decision striking Mr. Needham’s forged Entry. Additionally, this caused Ms. Laswell’s attorney to file additional motions pertaining to the case. This was done maliciously by Mr. Needham for the sole purpose of harassment and intimidation.

Next, on October 20, 2021, Mr. Needham filed a document titled “Journal Entry notice for Submission hearing.” On the same day, Mr. Needham filed a request for “agency for all banking ledgers and that are connected to the debtor account” and “request for agency for notice on private attorney for Josh storm and e file.”

Other lawsuits

Under established Ohio law, “courts may appropriately take judicial notice of judicial opinions and public records that are accessible via the internet. *State v. Carr*, 2d Dist. Montgomery No. 28360, 2020-Ohio-42, 2020 WL 116036. A court may take judicial notice of a fact not subject to reasonable dispute that is “capable of accurate and ready determination by report to sources whose accuracy cannot reasonably be questioned. Evid. R. 201(B). Further, judicial notice may be taken at any stage of the proceeding. Evid. R. 201(F). Once judicial notice of fact is taken, a “party is entitled upon timely request to an opportunity to be heard as to the propriety of taking judicial notice and the tenor of the matter noticed. Evid. R. 201(E). In the absence of prior notification, the request may be made after judicial notice has been taken. *Id.*

“Public records and government documents are generally considered ‘not to be subject to reasonable dispute.’ This includes public records and government documents available from reliable sources on the internet. *U.S. ex rel. Dingle v. BioPort Corp.*, 270 F.Supp.2d 968, 972 (W.D. Mich. 2003)], *aff’d sub nom. Dingle v. Bioport Corp.*, 388 F.3d 209 (6th Cir. 2004).

In the case at bar, Ms. Laswell’s counsel requested the Court to take judicial notice of the court filings as outlined in her pleadings. These court filings and reports and recommendations are available on the internet. Further, the decisions are available on a wide variety of credible sites. For example, the cases and decisions can be found on WestLaw, LexisNexis, and Google Scholar.

Further, Mr. Needham had a chance to address the cases and facts that Ms. Laswell requested the Court to take judicial notice of. Mr. Needham failed to present any evidence about the facts, nor did he dispute them. Additionally, as the date of this decision, Mr. Needham has not requested additional time to be heard on the aspect of judicial notice.

Lastly, the filings and records at issue here are not subject to reasonable dispute. These opinions were published by a federal court and a state probate court. Mr. Needham's previous filings were as followed:

Donald Needham v. Butler County Jail, et al., 1:19-cv-294. This case was filed by Mr. Needham on April 23, 2019. In a Report and Recommendation ("R&R") filed on May 9, 2019, the presiding magistrate recommended dismissal of the case. After receiving the R&R recommending the dismissal, Mr. Needham filed a new case in the same court, which set forth essentially identical claims against the Sheriff of Butler County Jail. This was filed under a new case number, 1:19-cv-368. This case was dismissed and closed on June 28, 2019. In the 1:19-cv-294 case number, Mr. Needham filed eleven motions, including six that requested leave to amend his complaint.

The Federal Court stated in its Order, "from the outset of this litigation, Plaintiff [Mr. Needham] inundated the Court with procedurally improper and legally frivolous motions." See, Needham v. Butler County Jail, Case No. 1:19-cv-294 (2020). Further, in the 1:19-cv-294 case number, the United States District Court of Southern District of Ohio, Western division granted Mr. Needham access to the electronic case filing and PACER early on in his case. However, the federal Court revoked his electronic filing access due to the numerous and repetitive filings. In said order, the federal court stated, "Plaintiff also filed a frivolous and procedurally improper duplicative lawsuit. . .". Further, the federal court stated that [Mr. Needham] has "continued to file procedurally improper and/or legally unsupported motions. [Mr. Needham] also recently initiated two entirely new lawsuits which I have been recommended for sua sponte dismissal for failure to state any claim. See Case Nos. 1:19-cv-861 and 1:19-cv-902. The federal ended up revoking Mr. Needham's electronic filing privileges. This was dismissed.

Needham v. Richard K. Jones, et al., 1:19-cv-368. This case was filed by Mr. Needham on April 23, 2019. At the time of filing the 1:19-cv-368 case number, Mr. Needham had an open case with essentially identical claims to this filing under case number 1:19-cv-294. This suit was filed after Mr.

Needham received a R&R, which recommended dismissal of his other case. The federal court held that the complaint should be dismissed as it “is duplicative of the prior complaint”.

Needham v. Richard K. Jones, et al., 1:19-cv-00927. This case was filed by Mr. Needham against the attorney General, William Barr and the Butler County Sheriff, Richard Jones. This was filed on November 1, 2019. The Federal Court issued a R&R recommending the case be dismissed with prejudice for failing to state a claim upon which relief can be granted.

Needham v. Summit Behavior Health, 1:19-cv-861. This case was filed by Mr. Needham while case number 1:19-cv-294 was pending. The Federal Court sua sponte recommended dismissal of the complaint as it stated essentially identical claims as the 1:19-cv-294 case.

Needham v. Bethesda North (TriHealth), et al., 1:19-cv-902. This case was filed by Mr. Needham while case number 1:19-cv-294 was pending in federal court. This case was recommended for sua sponte dismissal.

Needham v. Kirby, et al., 19MS0316;17. This case was filed by Mr. Needham in Warren County Probate Court. This complaint was dismissed.

Analysis

Upon review, the undersigned Magistrate finds that Mr. Needham has habitually, persistently, and without reasonable cause filed a deluge of motions, requests, memorandum, a forged entry, and other pleadings that are harassing in nature. As the Ohio Supreme Court has held, the objective of the vexatious litigator statute is to prevent the abuse of the system by vexatious litigators who deplete judicial resources, unnecessarily encroach upon the judicial machinery needed by others for the vindication of legitimate rights and attempts to intimidate public officials and employees or cause the emotional and financial decimation of their targets. *Mayer*, 91 Ohio St.3d at 13.

Mr. Needham has attempted to injure Ms. Laswell by alleging criminal actions against her and her attorney. Further, Mr. Needham intended to injure and harass Ms. Laswell by filing a forged entry with the Court. The Court does not need to dig into a deeper analysis of Mr. Needham's Federal Court filings, as the orders, decisions, and report and recommendations clearly articulate the harassing and improper nature of Mr. Needham's complaints and motions.

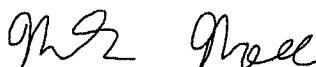
Mr. Needham may not believe that his conduct serves merely to harass or maliciously injure Ms. Laswell or other parties without legitimate basis under existing law, but the question is not what a Defendant (in this case, Mr. Needham) intends or believes. Rather, it is sufficient that Defendant's conduct serves the purpose for which there is no objective, reasonable grounds. *Borger v. McErlane*, 1st Dist. Hamilton No. C-010262, 2001-Ohio-4030, 2001 WL 1591338. It is clear from his filings and statement in Court that Mr. Needham longs for what he considers to be a fair and just result. However, Mr. Needham has filed several of his lawsuits and has been given his day(s) in court. What Mr. Needham actually seeks is to have the outcome of the lawsuits to be in accord with his personal desires. "With any judicial system, the receipt of justice often fails to coincide with the outcome desired by all parties. *Farley*, 2003-Ohio-3185 at 52. Simply because the outcome of the Federal Court cases and Probate cases is not what Mr. Needham desired, does not entitle him to continue harassment of not only Ms. Laswell, but also the other participants in the aforementioned cases, until he gets his way. Further, it is inexcusable for Mr. Needham to forge a Court's entry. There is no justification for this filing. This filing was malicious and intended only to serve his purpose to harass the Ms. Laswell in this case.

Accordingly, the undersigned Magistrate finds Ms. Laswell's arguments to be well taken and hereby **DECLARES** Mr. Needham to be a vexatious litigator under R.C. 2323.52. Pursuant to R.C. 2323.52(D)(1). Mr. Needham is hereby **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 the vexatious litigator had instituted in any of the courts specified in R.C. 2323.52(D)(1)(a) prior to the entry of the 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 R.C. 2323.52(D)(1)(a).

This ruling does not impact Mr. Needham's ability to institute or continue any pending or future legal proceedings or applications wherein he is represented by legal counsel. The undersigned Magistrate notes the findings contained herein do not prohibit Mr. Needham from filing timely objections to this decision in accordance with the requirements of Civ. R. 53.

IT IS SO ORDERED.



Magistrate Markus L. Moll
Warren County Common Pleas Court

NOTICE TO PARTIES

The parties shall take notice that this decision may be adopted by the Court unless objections are filed within fourteen (14) days of the filing hereof in accordance with Civil Rule 53(D)(3)(b).

A party shall not assign as error on appeal the Court's adoption of any factual findings or legal conclusions whether or not specifically designated as a finding of fact or conclusion of law under Civ.R. 53(D)(3)(a)(ii), unless the party timely and specifically objects to that factual finding or legal conclusion as required by Civ.R. 53(D)(3)(b).

**INSTRUCTIONS TO THE CLERK FOR SERVICE OF MAGISTRATE'S DECISION
PURSUANT TO CIVIL RULE 5**

TO THE CLERK: Please serve the following:

Juliette Gaffney Dame, Esq. and Konrad Kircher, Esq., counsel for Plaintiff

Andrew Brenner, Esq., counsel for Defendant

Jane Short Esq., counsel for Legal Guardian of Defendant

RM - TS 10/29/21