

DANIEL M. HARRIGAN
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SUMMIT COUNTY
CLERK OF COURTS

IN THE COURT OF COMMON PLEAS

SUMMIT COUNTY, OHIO

MICHAEL P. HARIG,

Plaintiff,

CASE NUMBER CV 2009 06 4916

JUDGE JUDITH CROSS

VS.

JAMES Z. CODY, et al.,

Defendants.

ORDER

On June 30, 2009, the Plaintiff, Michael P. Harig (Harig) filed a Complaint for Vexatious Litigator against the Defendants, James Z. Cody (Cody) and Sharon L. Hall (Hall)(collectively: Defendants). Defendants have filed separate Answers.

Civil actions to have persons declared vexatious litigators are governed by RC 2323.52 which states in pertinent part:

(A)(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.

(A)(3) "Vexatious litigator" means any 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.

Cody and Hall reside together at 1595 Gregory Drive in Springfield Township. Harig resides next door at 1605 Gregory Drive in Springfield Township. The Defendants and Harig are neighbors. Over the course of the past three years, there have been eight lawsuits involving Cody and/or Hall—five of which were filed in Summit County Common Pleas Court by the Defendants and are currently pending.

This litigiousness has its inception as a dispute between neighbors resulting in a civil protection order against both Cody and Hall. Harig is a convicted sexual offender. Upon serving his prison term, he was released on probation and resides next to the Defendants. Although the relationship among neighbors apparently began amicably, it rapidly deteriorated when Cody and Hall alleged that Harig was having improper contact with a male minor. The allegation never resulted in charges. This inaction prompted the Defendants to escalate measures which resulted in various lawsuits.

The Defendants have posted signs in their yard to "warn" others of Harig's actions and his criminal past. The Defendants were ordered to remove signs. The dispute has further resulted in verbal sparring and actions which could only be described as hostile and aggressive. The Defendants seem intent upon forcing Harig out of the neighborhood. When law enforcement failed to aid them in their endeavor, they sought the intervention of the court and

began to file lawsuit after lawsuit. Defendants are attempting to use the Court to do what they otherwise could not accomplish.

No evidence has been presented to indicate Harig violated any of the terms of his sexual offender registration and/or post release control. Harig lawfully resides at 1605 Gregory Drive and unless or until Harig voluntarily chooses to live elsewhere, he will remain the Defendants' neighbor. Yet Defendants have sought to intervene and when those avenues proved fruitless, they sued well over 50 parties, sometimes naming the same parties in multiple lawsuits and claiming their rights were violated. These parties have included Springfield Township, Springfield Township Board of Trustees, the Chief of Police, individual police officers, prosecutors, attorneys, and newspaper reporters. Moreover, the Defendants have filed multiple appeals of various Court rulings. None of the issues raised by the Defendants were found to have merit.

Thus, the Court finds that the conduct of the Defendants obviously serves merely to harass or maliciously injure other parties, and 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.

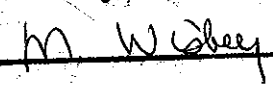
As such the Court determines that James Z. Cody and Sharon L. Hall should be deemed vexatious litigators and are prohibited from instituting legal proceedings before the Summit County Court of Common Pleas without first obtaining the leave to proceed. Further, any and all claims remaining in the cases filed prior to the entry of this order, CV 2008 08 5820, CV 2008 08 5821, CV 2008 09 6136, CV 2008 09 6137, and CV 2009 03 1916, are hereby DISMISSED.

IT IS SO ORDERED.



JUDGE JUDITH CROSS

I certify this to be a true copy of the original.
Daniel M. Horrigan, Clerk of Courts.



Deputy