App. "C"

State ex rel. Howard v. Willamowski., 2025 Ohio LEXIS 419

Copy Citation

Supreme Court of Ohio

February 26, 2025, Decided
2024-1645.

App. "C"

Reporter
2025 Ohio LEXIS 419 * | 177 Ohio St. 3d 1445 | 2025-Ohio-598 | 253 N.E.3d 135

State ex rel. Howard v. Willamowski.

Notice:

DECISION WITHOUT PUBLISHED OPINION

Prior History: State ex rel. Howard v. Willamowski., 2024-Ohio-5897, 2024 Ohio LEXIS 2819, 248 N.E.3d 272 (Ohio, Dec. 18, 2024)

Core Terms

litigator, vexatious, declare, motion for a stay, sanctions, Motions

Judges: [*1] Kennedy, C.J., and Brunner, Deters, and Hawkins, JJ., concur. Fischer, J., concurs in part and dissents in part and would grant Magistrate Bear's motions to declare relator a vexatious litigator and for sanctions. DeWine and Shanahan, JJ., concur in part and dissent in part and would grant Magistrate Bear's motion to declare relator a vexatious litigator.

Opinion

MERIT DECISION WITHOUT OPINION

In Mandamus and Prohibition. On relator's motion for an emergency peremptory writ, motion for a stay in Marion C.P. No. 2023-CV-339, and motion for a stay in Marion App. No. 9-24-036. Motions denied. Relator's request for leave to conduct limited discovery denied as moot. Motions to dismiss of respondents Marion County Court of Common Pleas Magistrate Michael C. Bear, Judge Matthew P. Frericks, and Judge John R. Willamowski et al. granted. Motions of respondent Magistrate Bear to declare relator a vexatious litigator and for sanctions denied. Relator's request for an order commanding compliance denied. Cause dismissed.

Kennedy, C.J., and Brunner, Deters, and Hawkins, JJ., concur.

Fischer, J., concurs in part and dissents in part and would grant Magistrate Bear's motions to declare relator a vexatious litigator [*2] and for sanctions.

DeWine and Shanahan, JJ., concur in part and dissent in part and would grant Magistrate Bear's motion to declare relator a vexatious litigator.

App. "D"

State ex rel. Howard v. Willamowski, 2025 Ohio LEXIS 885

Copy Citation

Supreme Court of Ohio

April 29, 2025, Decided
2024-1645.

Reporter
2025 Ohio LEXIS 885 * | 178 Ohio St. 3d 1458 | 2025-Ohio-1483 | 257 N.E.3d 190 | 2025 LX 41050

State ex rel. Howard v. Willamowski.

Notice:

DECISION WITHOUT PUBLISHED OPINION

Prior History:

Reported at 177 Ohio St. 3d 1445, 2025-Ohio-598, 253 N.E.3d 135 **[*1]**.

State ex rel. Howard v. Willamowski., 176 Ohio St. 3d 1452, 2024-Ohio-5897, 2024 Ohio LEXIS 2819, 248 N.E.3d 272 (Dec. 18, 2024)

Core Terms

motion to dismiss, motion to strike, litigator, vexatious, declare, RECONSIDERATION, moot

Judges: Brunner and Deters, JJ., would deny relator's motions as moot. Shanahan, J., would deny respondent Magistrate Bear's motion and request as moot. Fischer, J., dissents in part and would grant respondent Magistrate Bear's motion to declare relator a vexatious litigator.

Opinion

RECONSIDERATION OF PRIOR DECISION

In Mandamus and Prohibition. On motion for reconsideration. Motion denied. Relator's motion to strike respondent Marion County Court of Common Pleas Magistrate Michael C. Bear's motion to dismiss and motion to declare relator a vexatious litigator denied. Relator's motion to strike motion to dismiss of respondents Third District Court of Appeals Judge John R. Willamowski, Judge John/Jane Doe, and Judge John/Jane Doe denied. Relator's motion to strike respondent Marion County Court of Common Pleas Judge Matthew P. Frericks's motion to dismiss denied. Respondent Magistrate Michael Bear's motion to declare relator a vexatious litigator and request for sanctions denied.

Brunner and Deters, JJ., would deny relator's motions as moot.

Shanahan, J., would deny respondent Magistrate Bear's motion and request as moot.

Fischer, J., dissents in part and would grant respondent Magistrate Bear's [*2] motion to declare relator a vexatious litigator.

App "B" App. B

COMMON PLEAS COURT
MARION CO. OHIO
2024 JAN 17 AM 10: 18
JESSICA WALLACE
CLERK OF COURTS

IN THE COMMON PLEAS COURT OF MARION COUNTY, OHIO
GENERAL DIVISION

Jeffrey L. Howard Plaintiff	:	Case Number: 23 CV 339
vs	:	Judge Frericks Magistrate Bear
Captain Brian Elliot, et. al. Defendants	:	**JUDGMENT ENTRY**

This comes on the Objections for the Plaintiff and the Response of the Defendants. The Court adopts the Decision of the Magistrate over the Objections of the Plaintiff.

Jeffrey Howard filed a December 15, 2023 Motion improperly stated as a request for additional leave for another response. It essentially states the Objections of the Plaintiff. The Plaintiff has the obligation to clearly state their Objections. The failure to do so waives all but plain error on appeal. The Court is not obligated to create or derive the arguments the Plaintiff fails to make. The Court can ascertain four (4) meritless objections.

Counterclaim v Claim

The Magistrate correctly addressed Civil Rule 13, which the Jeffrey Howard ignores. The *Claims and Counterclaims* section is correct, and the

arguments are meritless.

The Third District Court of Appeals recently addressed another vexatious litigant similar to Jeffrey Howard.

> ***We recognize it may not be obvious to Workman that his "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", but it is objectively obvious to us. Moreover, Workman's prolific history as a pro se litigator demonstrates vexatious conduct to which the vexatious-litigator statute applies. Pierce v. Workman, 2023-Ohio-2022, ¶ 25, appeal not allowed, 2023-Ohio-3670, ¶ 25, 171 Ohio St. 3d 1455, 218 N.E.3d 970***

Although likely more generous of a construction than his pleadings and filings deserve, the Court finds even with the most favorable construction this argument is applicable to the Plaintiff.

Service of Counterclaim

Jeffrey Howard Denies service of the Counterclaims. The Certified Mail receipt indicates service on the Plaintiff. The certificate of service on the Counterclaim also indicates that the Defendant sent the Answer and Counterclaim via ordinary mail at the time it was originally filed. The claims are factually baseless.

Evidence Rule 106

Jeffrey Howard attempts to cite Evidence Rule 106.

> ***When a writing or recorded statement or part thereof is introduced by a party, an adverse party may require the introduction at that time of any other part or any other writing or recorded statement which is***

otherwise admissible and which ought in fairness to be considered contemporaneously with it. Ohio Evid. R. 106

His arguments are unclear. He does not offer any complete document for the Court to consider. He simply makes conclusory arguments against the Defendants. His objection is without merit.

References to Criminal Case

The last Objection is an argument that the Defendants have improperly referenced his crimes for which he is currently incarcerated. The fact that he is an inmate is relevant to his filing requirements. The fact that he is an inmate is why he has interacted with the Defendants. The fact that Jeffrey Howard is incarcerated and was incarcerated at this particular prison at the times alleged is a relevant fact. The objection is without merit.

In sum, the Objections and other filings are baseless. Construing the most generous version of the filings by Jeffrey Howard, the Court recognizes it may not be obvious to Howard that his "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", but it is objectively obvious to any reasonable person and the Court.

The Court therefore adopts the Magistrate's Decision.

The Court adopts the *Findings of Fact* without specific objection by Jeffrey Howard. The Court Adopts the *Civil Rule 8(D), Affidavit of Prior Actions, R.C. 2969.21-.27, Civil Rule 11, Vexatious Litigator Counterclaim, Frivolous Conduct*

Counterclaim sections where the Plaintiff has failed to file specific objections.

The Court adopts the remaining analysis, either without objection or over the objections of the Plaintiff.

This matter comes before the Court on the Motion to Dismiss and Summary Judgment on the Defendant's Counterclaims. The Defendants have requested Summary Judgment in their favor.

Findings of Fact

This case was improperly filed in Franklin County Ohio on March 28, 2023. On July 20, 2023, the Franklin County Common Pleas Court transferred the case to Marion County.

On August 29, 2023, the Defendants filed an Answer with Counterclaims. Counterclaim I seeks to have Jeffrey L. Howard declared a vexatious litigator under R.C. 2323.52. Count II alleges Frivolous Conduct under R.C. 2323.51.

Jeffrey L. Howard, after being granted an extension of time to file an Answer to the Counterclaims, filed an answer on October 20, 2023.

Paragraphs 1 and 2 of the counterclaims are unaddressed, but reincorporate the fact of the Complaint being filed, but not it's truthfulness, as well as the answer filed by the Defendants.

Jeffrey L. Howard admits to paragraphs 3-5 of the Counterclaim, essentially that he is an inmate at Mansfield Correctional Institution and was an inmate at North Central Correctional Complex (NCCC) at the times alleged. He is also not an attorney licensed in Ohio.

Jeffrey L. Howard denies paragraphs 7-16, 18-28, 30, and 42-45 of the Counterclaims in his Answer.

Jeffrey L. Howard did not timely respond to paragraphs 6, 17, 29, and 31-41 of the Counterclaims. Civil Rule 8(D) provides that averments in a pleading that are not denied in the responsive pleading (answer), with the exception of the amount of damages, are admitted.

Paragraph 17 beings the pro se claims of the Plaintiff and no response was necessary.

"29. Plaintiff represented himself pro se in one case before the Tenth District Court of Appeals: 21-AP-000283." This case was remanded back to the trial court (20-CV-002847) due to the trial court requiring an affidavit (Exhibit M). The original case remains pending on a motion to dismiss before the trial court."

"31. Plaintiff represented himself *pro se* in <u>one</u> case before the Sixth Circuit Court of Appeals: Case No 3:20-cv-01466-JJH."

"32. Plaintiff's Sixth Circuit Court case was ultimately dismissed because he failed to pay the filing fee after he was denied the ability to proceed forma pauperis. He was denied the ability to proceed forma pauperis because there was "no non-frivolous basis on which to challenge the district court's denial of Howard's requests for reconsideration and relief from judgment." (Exhibit B)."

"33. It is clear, as evidenced by Plaintiff's conduct, that he will not stop filing frivolous and meritless claims against the institutions that incarcerate him, with the intention to cause annoyance and force the institutions to spend additional resources and money defending against these meritless claims."

"34. Plaintiff's conduct of habitual and persistent filing of meritless claims against Defendants obviously serves to harass or maliciously injure Defendants."

"35. Plaintiff's conduct serves merely to cause delay."

"36. Plaintiff's 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."

"37. Plaintiff habitually, persistently, and without reasonable grounds engages in vexatious conduct in civil actions, whether in the court of claims, or in a court of appeals, court of common pleas, municipal court, or county court, consistently against the same parties, or substantially the same parties across different civil actions."

Paragraph 38 is a request to declare the Plaintiff a vexatious litigator. Paragraphs 39 and 40 are requests regarding the request to declare the Plaintiff a vexatious litigator. Paragraph 41 is a reincorporation paragraph.

Affidavit of Prior Actions Facts

Jeffrey L. Howard filed an affidavit of prior civil actions/appeals referencing Revised Code 2969.25 on March 28, 2023. Ten (10) cases are listed. As of the date of March 16, 2023, it states that ***"jeffrey l. howard swear under penalty of perjury that the five(5) year history of previous civil actions and appeal in state and federal courts is accurate"*** 3/28/23 affidavit of prior actions.

1. Jeffrey L. Howard's October 20, 2023, answer includes a pleading from

Third District Court of Appeals case 9-19-40. The 2019 case is not listed in the March 28, 2023, affidavit of prior civil actions/appeals.

2. Jeffrey L. Howard's affidavit in support of his current motion includes an exhibit x. The list at the front of the affidavit lists it as "z," but it is marked as "x" on the first page of the pleading. It is a memorandum in response to an Ohio Supreme Court case 2022-1644. It states that it is on appeal from Tenth District case 21 AP 283.

Tenth District case 21 AP 283 is not listed in the March 28, 2023, affidavit of prior civil actions/appeals. It was filed by Jeffrey L. Howard. See Counterclaim paragraph 29.

Ohio Supreme Court case 2022-1644 was not filed by Jeffrey L. Howard. The Court therefore is not counting that case as missing.

3. Paragraph 19 of the counterclaim refences ***Howard v. Mgmt. & Training Corp., 2019-Ohio-4408***, a case filed in 2019 that is not listed in the March 28, 2023, affidavit of prior civil actions/appeals.

4. Paragraph 18 references Third District case 9-19-83, Howard v Shuler, et al., a 2019 case that is not listed in the March 28, 2023, affidavit of prior civil actions/appeals.

These are the cases that the Court can find are missing that have been filed in the last five (5) years before the Complaint was filed upon a review of only the filings in this case.

Conclusions of Law

Judgment on the Pleadings and Summary Judgment present different standards.

A Motion for Judgment on the Pleadings is governed by Civil Rule 12(C).

> ***Dismissal under Civ.R. 12(C) is appropriate when there are no material disputes of fact and the court determines, construing all material allegations in the complaint as true, that the plaintiff or relator can prove no set of facts that would entitle him or her to relief. State ex rel. Midwest Pride IV, Inc. v. Pontious, 75 Ohio St.3d 565, 570, 664 N.E.2d 931 (1996). State ex rel. Mancino v. Tuscarawas Cnty. Ct. of Common Pleas, 2017-Ohio-7528, ¶ 8, 151 Ohio St. 3d 35, 37, 85 N.E.3d 713, 716***

The Third District Court of Appeals has further stated that the motion presents only questions of law.

> ***Under Civ.R. 12(C), "[a]fter the pleadings are closed but within such time as not to delay the trial, any party may move for judgment on the pleadings." Civ.R. 12(C). "In determining whether to grant a motion for judgment on the pleadings, a court must examine solely the pleadings." McComb v. Suburban Natural Gas Co., 85 Ohio App.3d 397, 400, 619 N.E.2d 1109, 1111 (3d Dist.), citing Peterson v. Teodosio, 34 Ohio St.2d 161, 297 N.E.2d 113 (1973). If the trial court "finds beyond doubt, that the plaintiff could prove no set of facts in support of his claim that would entitle him to relief," then the grant of the motion for judgment on the pleadings is proper. Reznickcheck v. North Cent. Correctional Institution, 3d Dist. Marion No. 9-07-22, 2007-Ohio-6425, 2007 WL 4225496, ¶ 12. "[T]he nonmoving party is entitled to have all material allegations in the complaint, with all reasonable inferences to be drawn therefrom, construed in his or her favor." Klever v. Sullivan, 3d Dist. Crawford No. 3-07-33, 2008-Ohio-1784, 2008 WL 1700433, ¶ 4. On appeal, "Civ.R. 12(C) * * * presents only questions of law * * *. Peterson at 166, 297 N.E.2d 113. Smith v. Wal-Mart Stores E., LP, 2019-Ohio-5037, ¶ 8, 150 N.E.3d 499, 502***

Summary Judgment is governed by Ohio Civil rule 56.

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> **...,Summary judgment shall be rendered forthwith if the pleadings, depositions, answers to interrogatories, written admissions, affidavits, transcripts of evidence, and written stipulations of fact, if any, timely filed in the action, show that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law... Civ. R. 56(C).**

The rule further states that judgment should be granted when the facts, construed most favorably to the Defendant are such that **"that reasonable minds can come to but one conclusion and that conclusion is adverse to the party against whom the motion for summary judgment is made, that party being entitled to have the evidence or stipulation construed most strongly in the party's favor. Civ. R. 56(C).**

The United States Supreme Court has stated that:

> **Summary judgment procedure is properly regarded not as a disfavored procedural shortcut, but rather as an integral part of the Federal Rules as a whole, which are designed "to secure the just, speedy and inexpensive determination of every action." Fed.Rule Civ.Proc. 1; see *Schwarzer, Summary Judgment Under the Federal Rules: Defining Genuine Issues of Material Fact*, 99 F.R.D. 465, 467 (1984). *Celotex Corp. v. Catrett*, 477 U.S. 317, 327 (1986).**

Courts have held that Summary Judgment can be appropriate in vexatious litigator claims. See Joyce v. Godale, 2009-Ohio-2439, ¶ 46 and Watkins v. Perry, 2017-Ohio-9347, ¶¶ 28 and 34, 107 N.E.3d 574, 579-581.

Civil Rule 8(D)

The Defendant filed an answer and chose not to respond to multiple sequentially numbered allegations.

(D) Effect of Failure to Deny. Averments in a pleading to which a responsive pleading is required, other than those as to the amount of damage, are admitted when not denied in the responsive pleading. Averments in a pleading to which no responsive pleading is required or permitted shall be taken as denied or avoided. Ohio Civ. R. 8(D)

Based upon Civil Rule 8(D) and the Answer of the Plaintiff to the Counterclaims, the Court finds that the averments to which the Plaintiff did not respond are admitted as facts. They are therefore included in the findings of fact previously stated.

Claims and Counterclaims

Part of the motion of Jeffrey L. Howard misunderstands the concept of a Counterclaim. Ohio Civil Rule 13 explains Counterclaims.

(A) Compulsory Counterclaims. A pleading shall state as a counterclaim any claim which at the time of serving the pleading the pleader has against any opposing party, if it arises out of the transaction or occurrence that is the subject matter of the opposing party's claim and does not require for its adjudication the presence of third parties of whom the court cannot acquire jurisdiction. But the pleader need not state the claim if (1) at the time the action was commenced the claim was the subject of another pending action, or (2) the opposing party brought suit upon his claim by attachment or other process by which the court did not acquire jurisdiction to render a personal judgment on that claim, and the pleader is not stating any counterclaim under this Rule 13. Ohio Civ. R. 13(A)

R.C. 2323.52(B) provides that a person may bring an action to declare a person a vexatious litigator while the matters are pending or within a year of the termination of the actions.

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(B) A person, the office of the attorney general, or a prosecuting attorney, city director of law, village solicitor, or similar chief legal officer of a municipal corporation 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, office of the attorney general, prosecuting attorney, city director of law, village solicitor, or similar chief legal officer of a municipal corporation 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. Ohio Rev. Code Ann. § 2323.52(B) (West)

The Defendant's allege that that this pending case by Jeffrey L. Howard is vexatious conduct. It arises in part because Jeffrey L. Howard filed this case (originally in the wrong venue). A Counterclaim is every bit as valid as a claim. It is a matter of who filed in Court first. The Defendants assert that Jeffrey L. Howard's argument for dismissal on this basis is nonsensical. The Court finds that Jeffrey L. Howard's argument is baseless. The Defendants can bring this claim as a counterclaim.

Affidavit of Prior Actions

The Third District Court of Appeals has dismissed similar cases by this Plaintiff against the same entity for failing to comply with R.C. 2969.25(A).

In addition, R.C. 2969.25(A) requires that at the time an inmate commences a civil action against a government entity or employee, the inmate must file an affidavit that contains a (1) a brief description of the nature of the civil action or appeal; (2) the case name, case number, and the court in which the civil

action or appeal was brought; (3) the name of each party to the civil action or appeal; and (4) the outcome of the civil action or appeal. "The requirements of R.C. 2969.25 are mandatory and failure to comply with them requires dismissal of an inmate's complaint." State ex rel. Hall v. Mohr, 140 Ohio St.3d 297, 2014-Ohio-3735, ¶ 4. "[T]he affidavit required by R.C. 2969.25(A) must be filed at the time the complaint is filed, and an inmate may not cure the defect by later filings." Id., citing Fuqua v. Williams, 100 Ohio St.3d 211, 2003-Ohio-5533, ¶ 9. Here, the record indicates that Howard failed to file an affidavit in compliance with R.C. 2969.25(A) when he initiated this lawsuit by filing his complaint. Accordingly, we find that the trial court's decision to dismiss the complaint for the failure to comply with R.C. 2969.25(A) is supported by the record. Howard v. Mgmt. & Training Corp., 2019-Ohio-4408, ¶ 14

This case was 9-19-40, a 2019 case that was not included in the March 28, 2023, affidavit of prior civil actions/appeals. This alone would be a basis to dismiss the claims of Jeffrey L. Howard.

The Court follows the binding precedent of the Third District Court of Appeals. See also *Israfil v. Mgmt. & Training Corp., 2022-Ohio-1270, appeal not allowed sub nom. Israfil v. Mgt. & Training Corp., 2022-Ohio-2633, 167 Ohio St. 3d 1472, 191 N.E.3d 455.*

The Third District Court has also indicated that the Court should dismiss these filing for non-compliance and has done so sua sponte.

Upon review of the record, we reverse the May 7, 2020 judgments of the Marion County Court of Common Pleas sua sponte without reaching the merits of Turner's appeal on the basis that Long failed to attach the necessary affidavits under R.C. 2969.25 and 2969.26 to his original action. We conclude Long's mandamus action against Turner should have been dismissed by the trial court as a result of Long's failure to comply with the statutory requirements for an inmate civil action as required by R.C. 2969.25 and 2969.26. State ex rel. McGrath v. McDonnell, 126 Ohio St.3d 511, 2010-Ohio-4726, ¶

2-3, citing R.C. 2969.25. See Howard v. Management and Training Corporation, 3d Dist. Marion No. 9-19-40, 2019-Ohio-4408, ¶ 12, quoting State ex rel. Howard v. Turner, 156 Ohio St.3d 285, 2019-Ohio-759, at ¶ 6, citing R.C. 2969.26(A) and ¶ 14, quoting State ex rel. Hall v. Mohr, 140 Ohio St.3d 297, 2014-Ohio-3735, ¶ 4, citing R.C. 2969.25(A). State ex rel. Long v. Turner, 2021-Ohio-470, ¶ 8

At least each of the following cases are an independent basis on which the Court dismisses under R.C. 2965.25 and 2965.24(A)(3):

1. Third District Court of Appeals case 9-19-40
2. Tenth District case 21 AP 283
3. Third District Court of Appeals case Howard v. Mgmt. & Training Corp., 2019-Ohio-4408,
4. Third District Court of Appeals case 9-19-83, Howard v Shuler

Inmate suits against private prisons require compliance with R.C. 2969.21-.27

The Court is aware that the Plaintiff inmate has made claims that he should not have to follow R.C. 2969.25 because the prison is a private entity. The Court finds that, given some of the contrary non-binding cases, the argument should be addressed here. The argument of the Plaintiff is incorrect, and the Court finds those cases unpersuasive.

The Court looks at R.C. 9.06, 2969.21-.27, other relevant sections and finds that the statutes incorporate private prisons.

Revised Code 9.06(L) incorporates private prisons with public prisons in the Revised Code.

(L) If, on or after the effective date of this amendment, the department of rehabilitation and correction enters into a contract with an owner, operator, or manager of a facility described in division (M)(5)(c) of this section for the housing of inmates, all of the following apply:

(1) Except as expressly provided to the contrary under this section, the facility that is privately owned, operated, or managed by the contractor shall be considered for purposes of the Revised Code to be under the control of, or under the jurisdiction of, the department of rehabilitation and correction.

(2) Any reference in this section to "state correctional institution," any reference in Chapter 2967. of the Revised Code to "state correctional institution," other than the definition of that term set forth in section 2967.01 of the Revised Code, or to "prison," and any reference in Chapter 2929., 5120., 5145., 5147., or 5149. or any other provision of the Revised Code to "state correctional institution" or "prison" shall be considered to include a reference to the facility being privately owned, operated, or managed by the contractor, unless the context makes the inclusion of that facility clearly inapplicable. Ohio Rev. Code Ann. § 9.06(L)(1)-(2) (West)

R.C. 2743.01(A) is incorporated by R.C. 2969.21(G)

(A) "State" means the state of Ohio, including, but not limited to, the general assembly, the supreme court, the offices of all elected state officers, and all departments, boards, offices, commissions, agencies, institutions, and other instrumentalities of the state. "State" does not include political subdivisions. Ohio Rev. Code Ann. § 2743.01(A) (West)

R.C. 2967.01 uses this language and includes public and private prisons.

R.C. 2969.21(H) incorporates the definition.

(A) "State correctional institution" includes any institution or facility that is operated by the department of rehabilitation and correction and that is used for the custody, care, or treatment of criminal, delinquent, or psychologically or psychiatrically disturbed offenders. Ohio Rev. Code Ann. § 2967.01(A) (West)

R.C. 5120.03(C) provides in relevant part that inmates in a private prison

applies to more than when the Plaintiff wants to obtain something. It also applies when it imposes obligations on the Plaintiff.

The language in R.C. 2969.25, R.C. 2969.21(B)(1) and (2) *"...civil action against a government entity or employee..."* includes the private prisons which are under the State of Ohio/Ohio Department of Rehabilitation and Corrections as well as their employees.

Civil Rule 11

Before moving onto the Counterclaims in more detail, the Court also notes that independently of R.C. 2696.25 and the frivolous conduct claim, the Court also has the authority to address false and sham filings under Civil Rule 11 and the inherent authority of the Court.

> ***The signature of an attorney or pro se party constitutes a certificate by the attorney or party that the attorney or party has read the document; that to the best of the attorney's or party's knowledge, information, and belief there is good ground to support it; and that it is not interposed for delay. If a document is not signed or is signed with intent to defeat the purpose of this rule, it may be stricken as sham and false and the action may proceed as though the document had not been served. For a willful violation of this rule, an attorney or pro se party, upon motion of a party or upon the court's own motion, may be subjected to appropriate action, including an award to the opposing party of expenses and reasonable attorney fees incurred in bringing any motion under this rule. Similar action may be taken if scandalous or indecent matter is inserted. Ohio Civ. R. 11***

Civil Rule 11 is similar to R.C. 2323.51, but there are some differences, particularly the objective and subjective tests.

Unlike Civ.R. 11, R.C. 2323.51 does not require a showing that the individual willfully engaged in frivolous conduct. *Grove v. Gamma Ctr.*, 3d Dist. Marion No. 9-14-29, 2015-Ohio-1180, 2015 WL 1510812, ¶ 115. R.C. 2323.51 uses an objective standard in determining whether sanctions may be imposed for frivolous conduct. *Kester v. Rodgers*, 11th Dist. Lake Nos. 93-L-056 and 93-L-072, 1994 WL 188918, at *4 (May 6, 1994). Thus, a finding of frivolous conduct under R.C. 2323.51 is decided without inquiry as to what the individual knew or believed, and instead asks whether a reasonable lawyer would have filed the action or continued to pursue the claims in light of existing law or facts in a particular case. *Omerza v. Bryant & Stratton*, 11th Dist. Lake No. 2006-L-147, 2007-Ohio-5216, 2007 WL 2821996, ¶ 15, citing *City of Wauseon v. Plassman* (Nov. 22, 1996), 6th Dist. No. F-96-003, 1996 WL 673521, at *3; *Pingue v. Pingue*, 5th Dist. Delaware No. 06-CAE-10-0077, 2007-Ohio-4818, 2007 WL 2713763, ¶ 20. Keith-Harper v. Lake Hosp. Sys., Inc., 11th Dist. No. 2015-L-137, 2017-Ohio-7361, 96 N.E.3d 823, ¶ 16

the test is whether no reasonable lawyer would have brought the action in light of the existing law.' *Stafford* at ¶ 6. Under Civ.R. 11, an attorney's signature on a document certifies "that to the best of the attorney's or party's knowledge, information, and belief, there is good ground to support it." "Thus, the relevant inquiry under Civ.R. 11 is whether the attorney's actual intent or belief was of willful negligence." *Id.* at ¶ 8. {¶ 25} Although we conclude that the probate court abused its discretion by awarding sanctions against Onesto for the appeal of this court's decision in *Garza* to the Supreme Court, the Garzas' motion for sanctions addressed both the Supreme Court appeal and the appeal to this court. Under these circumstances, the probate court did not abuse its discretion by concluding that the Garzas' motion was filed in good faith with adequate support and therefore denying the co-executors' motion for sanctions.
In re Estate of Garza, 2016-Ohio-5531, ¶¶ 24-25, 69 N.E.3d 1175, 1181

Civ.R. 11 specifies that sanctions may be imposed only for willful violations: "For a willful violation of this rule, an attorney or *pro se* party * * * may be subjected to appropriate action, including an award to the opposing party of expenses and reasonable attorney fees incurred in bringing any motion under this rule." R.C. 2323.51 " 'addresses conduct that serves to harass or maliciously injure the opposing party in a civil

action or is unwarranted under existing law and for which no good-faith argument for extension, modification, or reversal of existing law may be maintained.' " *Harold Pollock Co., L.P.A. v. Bishop*, 9th Dist. Lorain No. 12CA010233, 2014-Ohio-1132, 2014 WL 1344581, ¶ 19, quoting *Indep. Taxicab Assn. of Columbus, Inc. v. Abate*, 10th Dist. Franklin No. 08AP-44, 2008-Ohio-4070, 2008 WL 3319295, ¶ 22.

{¶ 17} Haley's argument regarding sanctionable conduct (to the extent he makes it on appeal here) consists of a disagreement regarding whether a March 17, 2010 judgment has been satisfied. Even if the judge and her counsel were mistaken about this fact in their pleadings, **284 Haley has provided no evidence that any misstatements were intentional or that the pleadings were presented for the purpose of harassment or malicious injury. We affirm the court of appeals' denial of sanctions.

State ex rel. Haley v. Davis, 2016-Ohio-534, ¶¶ 16-17, 145 Ohio St. 3d 297, 301, 49 N.E.3d 279, 283–84

The essence of a Rule 11 violation is the filing of a false or sham document. On the other hand, the frivolous conduct statute places a more specific burden upon the moving party. Although this may be a distinction without a difference, it is appropriate to delineate this burden under R.C. 2323.51(A)(2). In order to establish frivolous conduct under R.C. 2323.51, the moving party must demonstrate that the actions of a party or his counsel lie within one of the following categories:

a. It obviously serves merely to harass or maliciously injure another party to the civil action;

b. It is not warranted under existing law and cannot be supported by a good faith agreement for an extension, modification, or reversal of existing law.

CWP L.P. v. Vitrano, 96 Ohio Misc. 2d 37, 40, 708 N.E.2d 1091, 1093 (Ohio Com. Pl. 1998)

There is also the issue that merely prevailing on summary judgment is not tantamount to sanctionable conduct for the losing party, of the Court would be effectively adopting the English Rule in cases. Readily granting sanctions upon a prevailing summary judgment motion would chill legitimate advocacy. Various Courts, including the Ohio Supreme Court have reached this conclusion.

The decision to grant a summary judgment motion, albeit a converted summary judgment exercise in this case, does not necessarily lead to the conclusion that a willful violation of Civ.R. 11 has taken place. A trial court could easily rule that summary judgment is appropriate in a given case, but also rule that Civ.R. 11 sanctions are inappropriate. Accordingly, the trial court did not abuse its discretion when it determined that a willful violation of Civ.R. 11 which justified the imposition of sanctions had not occurred, and thereby overrule appellee's motion for sanctions. Appellee's cross-assignment is without merit, and is overruled. Furness v. Pois, 107 Ohio App.3d 719, 722–23, 669 N.E.2d 481, 483 (11th Dist.1995)

A claim is "frivolous" if "[i]t is not warranted under existing law, cannot be supported by a good faith argument for an extension, modification, or reversal of existing law, or cannot be supported by a good faith argument for the establishment of new law." R.C. 2323.51(A)(2)(a)(ii). Although both the trial court and this court determine that Reddy's trespass claim lacks merit, the mere fact that the claims were unsuccessful is not enough to warrant sanctions. *Halliwell v. Bruner*, 8th Dist. No. 77487, 2000 WL 1867398, *8, 2000 Ohio App. LEXIS 5896, *23–24 (Dec. 14, 2000).

{¶ 40} The Plain Dealer also asserts that Reddy's repeated request of discovery, including the filing of the Civ.R. 56(F) motion, seeking The Plain Dealer's financial and revenue information, which is irrelevant to his trespass claim, rises to the level of frivolous and sanctionable conduct.
{¶ 41} We are mindful of the chilling effect applying the sanction remedy can have upon zealous advocacy. *Carr v. Riddle*, 136 Ohio App.3d 700, 706, 737 N.E.2d 976 (8th Dist.2000).
Reddy v. Plain Dealer Publ'g Co., 2013-Ohio-2329, ¶¶ 39-41, 991 N.E.2d 1158, 1166

If the mere fact that a motion is denied were enough to make its filing frivolous, we would in effect be adopting the English system of awarding attorney fees to the prevailing party, to be paid out of the losing attorney's pocket! Passmore v. Greene Cty. Bd. of Elections, 74 Ohio App.3d 707, 713, 600 N.E.2d 309, 313 (2nd Dist.1991)

The affidavit of prior actions under Revised Code 2969.25 filed March 28,

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2023, is objectively and repeatedly false. Perjury is far past any standard of legitimate advocacy and is not part of any legitimate filing with a court. The fact that some of the filings of undisclosed cases are included in Jeffrey L. Howard's own arguments show the subjective knowledge of the falsity of the affidavit.

Compliance with R.C. 2969.25 is easy for any reasonable person filing a non-frivolous complaint. This is true even if numerous cases have been filed by an inmate.

The reasons are that each time an inmate files a new Complaint, one more case is added to the list. If an inmate is not acting in bad faith, each new Complaint will include the following steps under R.C. 2969.25:

a. Reviewing the properly filed affidavit in the last civil case.

b. Adding the last case filed to the list.

c. Updating the outcomes, if any have changed, under R.C. 2969.24(A)(4)

d. The inmate may delete those cases that are now greater than five years old.

Short of the vexatious litigator status, R.C. 2969.25(B) allows the Court to appoint a member of the bar to review the claim and make a recommendation regarding whether the claim asserted in the action or the issues of law raised in the appeal are frivolous or malicious under section 2969.24 of the Revised Code, any other provision of law, or rule of court when the inmate has filed three (3) or more actions in the last twelve months or previously been subjected to that procedure.

In the absence of a complete and accurate affidavit, the inmate can effectively prevent this review from occurring, going to the improper purpose of a

false, missing, or incomplete affidavit.

Even if the Plaintiff disagrees with R.C. 2969.21-.27 and was not obligated to file an affidavit, he would still be precluded from filing a materially false affidavit as he has done here.

Given that even the Plaintiff himself has filed pleadings from recent cases that were not included in his affidavit, the Plaintiff clearly knows that his affidavit is materially false. In spite of this, the Plaintiff proceeds to continue this improperly filed case.

This is in addition to the improper venue problem.

Jeffrey L. Howard has willfully engaged in this frivolous conduct under Civil Rule 11. The Court finds that dismissal of Jeffrey L. Howard's claims is also warranted under Civil Rule 11 for at least filing a materially false affidavit with the Court.

Vexatious Litigator Counterclaim

The Defendants have brought a Counterclaim to declare Jeffrey L. Howard a vexatious litigator under R.C. 2323.52.

> ***(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.***

(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. "Vexatious litigator" does not include a person who is authorized to practice law in the courts of this state under the Ohio Supreme Court Rules for the Government of the Bar of Ohio unless that person is representing or has represented self pro se in the civil action or actions. For the purposes of division (A)(3) of this section, "civil action" includes a proceeding under section 2743.75 of the Revised Code. Ohio Rev. Code Ann. § 2323.52(A)(2)-(3) (West)

The Court finds that either the Judgment on the Pleadings or Summary Judgment standard warrants a judgment in the Defendants' favor.

The Court notes that this process has been declared constitutional when previously challenged. Mayer v. Bristow, 2000-Ohio-109, 91 Ohio St. 3d 3, 5, 740 N.E.2d 656, 659.

As noted above in the Findings of Fact and Civil Rule 8(D) analysis, many of the relevant factual contentions were admitted by Jeffrey L. Howard.

The Court restates some of these facts, under either a judgment on the pleadings or summary judgment standard, since these allegations have been admitted at the pleading stage.

"33. It is clear, as evidenced by Plaintiff's conduct, that he will not stop filing frivolous and meritless claims against the institutions that incarcerate him, with the intention to cause annoyance and force the institutions to spend additional resources and money defending against these meritless claims."

"34. Plaintiff's conduct of habitual and persistent filing of meritless claims against Defendants obviously serves to harass or maliciously injure Defendants."

"35. Plaintiff's conduct serves merely to cause delay."

"36. Plaintiff's 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."

"37. Plaintiff habitually, persistently, and without reasonable grounds engages in vexatious conduct in civil actions, whether in the court of claims, or in a court of appeals, court of common pleas, municipal court, or county court, consistently against the same parties, or substantially the same parties across different civil actions."

The admission to paragraph 37 of the Counterclaim alone meets the definition of a "vexatious litigator." Therefore, upon review of the pleadings, as a matter of law the Defendants have established their claim on the pleadings.

The Court would consider Civil Rule 11 and other objectively proven matters, but given the admission to paragraph 37, these considerations are unnecessary to reach the conclusion that the Defendants are entitled to judgment as a matter of law.

As to a Summary Judgment analysis, there is no question of material fact remaining for Jeffrey L. Howard to contest his vexatious litigation. The Court grants judgment under a summary judgment theory as well to the vexatious litigator claim.

Frivolous Conduct Counterclaim

The Defendant has also filed a Counterclaim for frivolous conduct under R.C. 2323.51. Upon analysis, the damages issue is the only matter that remains. The statute defines frivolous conduct.

(2) "Frivolous conduct" means either of the following:
(a) Conduct of an inmate or other party to a civil action, of an inmate who has filed an appeal of the type described in division (A)(1)(b) of this section, or of the inmate's or other party's counsel of record that satisfies any of the following:
(i) It obviously serves merely to harass or maliciously injure another party to the civil action or appeal or is for another improper purpose, including, but not limited to, causing unnecessary delay or a needless increase in the cost of litigation.
(ii) It is not warranted under existing law , cannot be supported by a good faith argument for an extension, modification, or reversal of existing law, or cannot be supported by a good faith argument for the establishment of new law.
(iii) The conduct consists of allegations or other factual contentions that have no evidentiary support or, if specifically so identified, are not likely to have evidentiary support after a reasonable opportunity for further investigation or discovery.
(iv) The conduct consists of denials or factual contentions that are not warranted by the evidence or, if specifically so identified, are not reasonably based on a lack of information or belief.
(b) An inmate's commencement of a civil action or appeal against a government entity or employee when any of the following applies:
(i) The claim that is the basis of the civil action fails to state a claim or the issues of law that are the basis of the appeal fail to state any issues of law.
(ii) It is clear that the inmate cannot prove material facts in support of the claim that is the basis of the civil action or in support of the issues of law that are the basis of the appeal.
(iii) The claim that is the basis of the civil action is substantially similar to a claim in a previous civil action commenced by the inmate or the issues of law that are the basis of the appeal are substantially similar to issues of law raised in a previous appeal commenced by the inmate, in that the claim that is the basis of the current civil action or the issues of law that are the basis of the current appeal involve the same parties or arise from the same operative facts as the claim or issues of law in the previous civil action or appeal.
Ohio Rev. Code Ann. § 2323.51(A)(2)(a) and (b) (West)

The Court compared and contrasted this section with Civil Rule 11 earlier. For brevity, the Court will restate that this section only requires an objective test

of whether a reasonable attorney would have made the filing.

> **Unlike Civ.R. 11, R.C. 2323.51 does not require a showing that the individual willfully engaged in frivolous conduct. *Grove v. Gamma Ctr.*, 3d Dist. Marion No. 9-14-29, 2015-Ohio-1180, 2015 WL 1510812, ¶ 115. R.C. 2323.51 uses an objective standard in determining whether sanctions may be imposed for frivolous conduct. *Kester v. Rodgers*, 11th Dist. Lake Nos. 93-L-056 and 93-L-072, 1994 WL 188918, at *4 (May 6, 1994). Thus, a finding of frivolous conduct under R.C. 2323.51 is decided without inquiry as to what the individual knew or believed, and instead asks whether a reasonable lawyer would have filed the action or continued to pursue the claims in light of existing law or facts in a particular case. *Omerza v. Bryant & Stratton*, 11th Dist. Lake No. 2006-L-147, 2007-Ohio-5216, 2007 WL 2821996, ¶ 15, citing *City of Wauseon v. Plassman* (Nov. 22, 1996), 6th Dist. No. F-96-003, 1996 WL 673521, at *3; *Pingue v. Pingue*, 5th Dist. Delaware No. 06-CAE-10-0077, 2007-Ohio-4818, 2007 WL 2713763, ¶ 20. Keith-Harper v. Lake Hosp. Sys., Inc., 11th Dist. No. 2015-L-137, 2017-Ohio-7361, 96 N.E.3d 823, ¶ 16**

Pro Se litigants are not exempt from filing requirements.

Case law is clear that courts may afford pro se litigants reasonable leeway in the construction of their pleadings in order to reach the merits of the action. IndyMac Fed. Bank, FSB v. OTM Invests., Inc., 9th Dist. No. 10CA0056-M, 2011-Ohio-3742, 2011 WL 3274075, ¶ 21, and Martin v. Wayne Cty. Natl. Bank, 9th Dist. No. 03CA0079, 2004-Ohio-4194, 2004 WL 1778822, ¶ 14. Pro se litigants are, however, required to follow the same rules and procedures as attorneys. IndyMac; First Resolution Invest. Corp. v. Salem, 9th Dist. No. 24049, 2008-Ohio-2527, 2008 WL 2192814, ¶ 7, and Meyers v. First Natl. Bank (1981), 3 Ohio App.3d 209, 210, 444 N.E.2d 412. Creating exceptions to the rules for pro se litigants would lead to the demise of the civil rules altogether. Miller v. Lint (1980), 62 Ohio St.2d 209, 214, 404 N.E.2d 752

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The false affidavit issues addressed earlier recur in the analysis. The Court will not repeat them at length. These go to the tests in R.C. 2323.51(A)(1)(ii) as a legally groundless and incomplete filing, (iii) as factually baseless and deficient without an accurate filing, (iv) factual contentions not warranted by the evidence, and at least (b)(ii) that the inmate cannot prove material facts in support of the claim with the deficiencies. Each of these independently meets the test.

Again, factual admissions also provide an independent basis for the Court to find in favor of the Defendants on the admitted pleadings alone.

For brevity, the Court will only restate paragraphs 33, 35, and 36, but has considered the other admissions.

> *"33. It is clear, as evidenced by Plaintiff's conduct, that he will not stop filing frivolous and meritless claims against the institutions that incarcerate him, with the intention to cause annoyance and force the institutions to spend additional resources and money defending against these meritless claims."*
>
> *"35. Plaintiff's conduct serves merely to cause delay."*
>
> *"36. Plaintiff's 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."*

Each of these three (3) admissions meet the definition of frivolous conduct under the statute independently.

The Court grants judgment on the pleadings and summary judgment as to the frivolous conduct Counterclaim. Damages are the only other matter to be addressed.

Conclusion

The Court, having considered the competing motions, grants judgment in favor of the Defendants on all issues. Damages and attorney fees will be determined by a separate hearing. Therefore:

1. Jeffrey L. Howard's Motion to Dismiss or for Summary Judgment is **DENIED**.
2. Jeffrey L. Howard's Complaint is **DISMISSED** for failure to comply with Revised Code 2969.25.
3. Jeffrey L. Howard's Complaint is **DISMISSED** under Civil Rule 11 for willfully filing a materially false affidavit per Revised Code 2969.25.
4. The Court **GRANTS** Judgment to the Defendants on the Pleadings as to Count II - Frivolous Conduct under R.C. 2323.51. Damages and attorney fees will be determined later.
5. The Court **GRANTS** Summary Judgment to the Defendants as to Count II - Frivolous Conduct under R.C. 2323.51. Damages and attorney fees will be determined later.
6. The Court **GRANTS** Judgment to the Defendants on the Pleadings as to Count I – Declaration of vexatious litigator under R.C. 2323.52.
7. The Court **GRANTS** Summary Judgment to the Defendants as to Count I – Declaration of vexatious litigator under R.C. 2323.52.
8. Pursuant to Revised Code 2323.52(D)(1)(a)-(c), the Court enters an order prohibiting Jeffrey L. Howard from doing any of the following without first obtaining the 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 division (D)(1)(a) of Revised Code 2323.52 prior to the entry of the order;

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

9. All court costs are assessed against Jeffrey L. Howard.

10. A damages hearing will be set by separate entry.

11. The Clerk of this Court is ordered send a certified copy of this order to the supreme court 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 persons who have been found to be a vexatious litigator under this section and who have failed to obtain leave to proceed under this section.

So Ordered,

Judge Matthew P. Fericks

The Clerk is instructed to serve all parties in this matter
Edward O. Patton – Counsel for Defendants
1001 Lakeside Avenue, Suite 1400
Cleveland, OH 44114

Jeffery L. Howard, A301-279
Mansfield Correctional Institution
P.O. Box 788
Mansfield, OH 44901

Supreme Court of Ohio
65 S. Front Street
Columbus, OH 43215-343

App 11

COMMON PLEAS COURT
MARION CO. OHIO

2024 FEB 22 PM 3:10

JESSICA WALLACE
CLERK OF COURTS

Ex. "D"
Ex. "D"

Returned Rec'd 3-14-2024 non-prisoner mail procedure

App "B"
App "B"

IN THE COMMON PLEAS COURT OF MARION COUNTY, OHIO
GENERAL DIVISION

Jeffrey L. Howard Plaintiff	:	Case Number: 23 CV 339
	:	Judge Frericks
vs	:	
	:	**JUDGMENT ENTRY**
Captain Brian Elliot, et. al. Defendant	:	

This comes before the Court on the motion of Jeffery L. Howard for leave to institute or continue legal proceedings. The Court shall not grant leave *"...unless the court of common pleas that entered that order is satisfied that the proceedings or application are not an abuse of process of the court in question and that there are reasonable grounds for the proceedings or application." Ohio Rev. Code Ann. § 2323.52(F)(1) (West).*

The request is for leave to continue on case 20 CV 2847 in Franklin County Ohio. ¶ 1 of motion. He makes a threadbare statement of reasonable grounds in ¶2.

He asserts that he is in the correct venue in Franklin County in ¶¶ 3-5. He

asserts that he is not subject to certain inmate filing requirements based on a 10th District interpretation of those statutes in ¶6. He asserts that dispositive motions are pending in ¶¶7-9 with a restatement of the R.C. 2969.25 issue.

Based upon the motion, the motion presents nothing to show that there are reasonable grounds for the proceedings or application. His two main points only go to a partial argument that this is not an abuse of process. Namely that:

(1) The venue is proper in Franklin County, and

(2) He does not have to include certain inmate filings.

These are merely arguments that he is not abusing process on these two points (without considering any other procedural issues).

The Court has not even been presented with what the claims are being argued or have been filed. Assuming both arguments to be true, the mere fact that one has filed in the correct county and not made a particular fatal flaw in the filing of the Complaint does not provide any evidence that the claim has merit.[1]

As no reasonable grounds have been presented for the claims in 20 CV 2847 in Franklin County, the Court must deny the request for leave to proceed.

The Request for Leave is **DENIED**. Costs assessed to Jeffery L. Howard.

So Ordered,

Judge Matthew F. Frericks

[1] The Court is not obligated to find every assertion of the Plaintiff to be true in future motions for leave.

Ex "02" Howard Reid. Ex "07" 3-14-2024

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Additional material from this filing is available in the Clerk's Office.