

ENTERED  
MAR 02 2023

COURT OF COMMON PLEAS  
HAMILTON COUNTY, OHIO

FOR COURT USE ONLY	
S.C. Line # :	18

UH OH OHIO, LLC,  
Plaintiff,

-v-

MICHAEL BUCHANAN,  
Defendant,



Case No. A2203396

JUDGE ROBERT GOERING

ORDER GRANTING PLAINTIFF'S  
MOTION FOR SUMMARY  
JUDGMENT AND FINDING  
MICHAEL BUCHANAN A  
VEXATIOUS LITIGATOR

This matter came before the Court on February 27, 2023 for oral arguments on the parties' cross motions for summary judgment. After reviewing the memoranda and arguments of the parties, the record, and the law of Ohio, the Court decides as follows:

Under Ohio Rule of Civil Procedure 56:

[S]ummary judgment is proper when "(1) [n]o genuine issue as to any material fact remains to be litigated; (2) the moving party is entitled to judgment as a matter of law; and (3) it appears from the evidence that reasonable minds can come to but one conclusion, and viewing such evidence most strongly in favor of the party against whom the motion for summary judgment is made, that conclusion is adverse to that party."

Welco Indus., Inc. v. Applied Cos., 67 Ohio St. 3d 344, 346, 617 N.E.2d 1129, 1132 (1993) (quoting Temple v. Wean United, Inc., 50 Ohio St.2d 317, 327, 364 N.E.2d 267, 274 (1977)). Trial courts should hesitatingly grant summary judgment, giving the non-moving party all benefits of doubt. Id. (citing Murphy v. Reynoldsburg, 65 Ohio St.3d 356, 604 N.E.2d 138 (1992)).

Mere assertion by the moving party that the non-moving party has no evidence to prove their case is not sufficient ground for the trial court to grant summary judgment. Dresher v. Burt, 75 Ohio St.3d 280, 1996-Ohio-107, 662 N.E.2d 264 (1996). However, if the moving party fulfills their burden and the non-moving party presents no evidence to support the merits of their case, summary judgment is proper. Welco Indus., 67 Ohio St.

3d at 346, 617 N.E.2d at 1132 (citing Wing v. Anchor Media, Ltd. of Texas, 59 Ohio St.3d 108, 570 N.E.2d 1095, paragraph three of the syllabus (1991)).

Under Ohio Revised Code Section 2323.52(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.

(3) "Vexatious litigator" means any person who has habitually, persistently, and without reasonable grounds engaged in vexatious conduct . . .

The statute "allows a party that has repeatedly encountered vexatious conduct to have the offending person declared a 'vexatious litigator.'" Blassingame v. Pureval, 2022 Ohio App. LEXIS 2821, at \*4 (1st Dist.) (quoting City of Madeira v. Oppenheimer, 2021-Ohio-2958, ¶ 5 (1st Dist.)). The Supreme Court of Ohio has held:

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. Such conduct clogs the court dockets, results in increased costs, and oftentimes is a waste of judicial resources -- resources that are supported by the taxpayers of this state. The unreasonable burden placed upon courts by such baseless litigation prevents the speedy consideration of proper litigation.

Mayer v. Bristow, 91 Ohio St.3d 3, 13, 740 N.E.2d 656 (2000) (quoting Cent. State Transit Auth. v. Timson, 132 Ohio App.3d 41, 50, 724 N.E.2d 458 (10th Dist.1998)). "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." Id. (quoting Davie v. Nationwide Ins. Co. of Am., 2017-Ohio-7721, ¶ 41 (8<sup>th</sup> Dist.)). Importantly, "It is the nature of the conduct, not

the number of actions, that determines whether a person is a ‘vexatious litigator.’” Borger v. McErlane, 2001-Ohio-4030, at \*11.

The legal dispute between these parties began in Municipal Court case 22CV01342. Mr. Buchanan sued UH OH Ohio, LLC and others alleging various causes of action regarding his employment and subsequent termination from UH OH. In that case, Mr. Buchanan filed a motion to hold UH OH’s counsel in contempt for not serving him via email, but that motion was, after briefing by the parties, subsequently withdrawn by Mr. Buchanan. The case was stayed on October 24, 2022 pending the outcome of this case.

Turning to the instant case, even a cursory review of Mr. Buchanan’s filings demonstrate he has habitually, persistently, and without reasonable grounds engaged in vexatious conduct. At the beginning of this suit, Mr. Buchanan asserted counterclaims (defamation and false light) that were wholly unsupported by Ohio law and quickly dismissed. Since then, he has, without leave of court, attempted to file two amended counterclaims alleging, among other things, malicious prosecution by Plaintiff’s counsel. In his first motion to amend, Mr. Buchanan claimed \$170,000 in damages, and in the second, he claimed \$10,000,000 in damages. Mr. Buchanan further filed a motion for sanctions against Plaintiff’s counsel and has made various, meritless allegations regarding the propriety of Plaintiff counsel’s conduct in this case. All the while, Mr. Buchanan submitted to the Court a litany of other motions, dispositive motions, briefs, filings, and exhibits with little or hard to follow context.<sup>1</sup>

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<sup>1</sup> Mr. Buchanan often asserted in his filings that he is *pro se* and his legal knowledge limited. However, Ohio courts have consistently held “*pro se* litigants must follow the same procedures as litigants represented by counsel. It is well established that *pro se* litigants are presumed to have knowledge of the law and legal procedures and that they are held to the same standard as litigants who are represented by

Further, over the last decade and more, Mr. Buchanan has personally filed a striking amount of cases in Common Pleas and Municipal Court. Many of these were dismissed by the court for failure to prosecute,<sup>2</sup> but Mr. Buchanan did settle or work some of them out.<sup>3</sup> Ultimately, however, the record clearly establishes the courts have been weaponized by Mr. Buchanan to solve every perceived dispute or slight he encounters, perhaps in the hopes of obtaining a quick settlement. When that did not happen, it was often incumbent upon the courts to dismiss his cases. This cannot and will not continue.

A lawsuit to determine whether an individual is a vexatious litigator can undoubtedly be perceived as a personal attack worthy of a robust defense, but at every turn, Mr. Buchanan has sought to make this case about everyone's conduct but his own. Mr. Buchanan's litigation tactics in this case indisputably served to harass or maliciously injure not only Plaintiff, but Plaintiff's counsel as well. Mr. Buchanan's allegations were clearly unwarranted under Ohio law, wasted this Court's judicial resources, and prevented the speedy consideration of proper litigation and issues in this case. The same can be said for many of Mr. Buchanan's other cases.

As a result of the foregoing, the Court **GRANTS** Plaintiff's motion for summary judgment. The Court finds that Mr. Buchanan is a vexatious litigator as defined within ORC 2323.52. It is the order of this Court, that Michael Buchanan as outlined by ORC 2323.52(D) shall be prohibited from doing the following without first obtaining the leave of the Hamilton County Court of Common Pleas to proceed: (a) Instituting legal proceedings in the court of claims or in a court of common pleas, municipal court, or

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<sup>2</sup> 08cv31091, 09cv18374, 15cv06539, A1003377, A1603141, A1800577, and A1802216.

<sup>3</sup> Mr. Buchanan's settled cases include 18cv00802, 18cv10452, A0905444, A1701237, and A1800397. It appears some of these settled cases were refiled cases that had previously been dismissed by the Court or Mr. Buchanan.

leave of the Hamilton County Court of Common Pleas 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 herein prior to the entry of this order; (c) Making any application, other than an application for leave to proceed under ORC 2323.52(F)(1), in any legal proceedings instituted by the vexatious litigator or another person in any of the courts specified herein.

Mr. Buchanan's motion for summary judgment, motion for summary judgment - "Plaintiff has failed to plea," motion to strike Plaintiff's untimely filings, motion for leave to amend to add a malicious prosecution claim in the amount of \$170,000, motion to deny Plaintiff's (untimely) memorandum, motion to strike Plaintiff's motion for summary judgment, motion to dismiss, motions for protective orders/sealing of record, motion to compel, motion for sanctions pursuant to Civil Rule 11 against attorney Angela Wallace, (second) motion for leave to file amended counterclaims, including claims of gross negligence, vexatious litigation, fraudulent misrepresentation, negligent misrepresentation, abuse of process, and fraud, in the amount of \$10,000,000, motion to hold attorney Angela Wallace in contempt, and request for a bench trial are **DENIED** or are **MOOT**.

Plaintiff's motion to strike Defendant's counterclaim and motion for a protective order are similarly **DENIED / MOOT**.

This is a final and appealable order as there is no just cause for delay.

**IT IS SO ORDERED.**

COURT OF COMMON PLEAS  
ENTER  
*[Signature]*  
Judge ~~Robert Goering~~ ROBERT GOERING  
THE CLERK SHALL SERVE NOTICE  
TO PARTIES PURSUANT TO CIVIL  
RULE 58 WHICH SHALL BE TAXED  
AS COSTS HEREIN.

Date 3/2/23