

IN THE COURT OF COMMON PLEAS  
STARK COUNTY, OHIO

LYNN M. TODARO  
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STARK COUNTY, OHIO

2022 MAY 18 AM 11:51

JULIE C. SOLON, : CASE NO. 2021 CV 00101  
Plaintiff : JUDGE H. F. INDERLIED, JR. (Ret.)  
-vs- : (By Assignment #21 JA 2814 of  
SEAN M. SOLON, : the Chief Justice of the Ohio  
Defendant : Supreme Court)  
: JUDGMENT ENTRY  
(Summary Judgment)

This matter comes on for consideration on May 16, 2022, upon plaintiff Julie C. Solon's October 1, 2021, motion for summary judgment. Briefs have been filed in support and in opposition.

The Court finds plaintiff's motion for summary judgment well taken; and that defendant Sean M. Solon is a vexatious litigator as defined by R.C. 2323.52(A)(3) and should be sanctioned as provided at R.C. 2323.52(D), based upon the following Findings of Fact and Conclusions of Law.

**A. FINDINGS OF FACT**

1. Plaintiff and defendant married on August 7, 1999. Plaintiff subsequently filed for divorce in the Stark County Domestic Relations Court on October 14, 2016. See Affidavit of Julie Solon at paragraph 11. The divorce proceedings were conducted under Case Number 2016-D-00975 ("Divorce Proceedings").

2. During the divorce proceedings, defendant was represented by several attorneys, all of whom withdrew as counsel. See Affidavit of

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Date 5/18/2022

Julie Solon at paragraph 2. Defendant has not hired an attorney or otherwise been represented by counsel for several years in the divorce proceedings, the instant case, or any other judicial proceedings between the parties. Instead, defendant chose to represent himself in these matters.

3. While appearing *pro se*, defendant has filed numerous, unrecognized, and unwarranted motions that are not supported by existing law or a good faith belief for a change in the law. Of note, in a single day, defendant filed motions accusing plaintiff's counsel of performing, among other things, "Fraud Upon the Court", "Perjury", "Tampering With Evidence", "Using Sham Legal Process", and "Filing Frivolous Lawsuits and Excess Fees". See Affidavit of Julie Solon at paragraph 9. Such claims were meritless and subsequently denied by the Stark County Domestic Relations Court. See docket for 2016-DR-00975.

4. In addition to filing baseless motions, defendant has filed numerous, frivolous appeals to the Fifth District Court of Appeals and the Ohio Supreme Court that were dismissed or otherwise rejected for, among other reasons, a lack of prosecution. See docket for 2022-CA-00017, 2022-CA-00013, 20211-CV-00101, 2021-CA-00143, 2020-CA-00116, 2018-CA-00067, 2017-CA-00210, 2016-DR-00975, and Ohio Supreme Court Case No. 2021-1566.

5. The reason for defendant's persistent filings is clear. While commenting on defendant's behavior, the Stark County Domestic

Relations Court found that defendant "...embarked in a campaign to financially destroy plaintiff by filing multiple motions and appeals..." See Affidavit of Julie Solon at paragraph 2. The Stark County Domestic Relations Court also found that defendant's intention in so doing was to force plaintiff to "...seek additional legal services from [her] attorneys." See Affidavit of Julie Solon at paragraph 2. Defendant's response to these findings was to openly admit that he was "fighting the good fight."

6. Defendant has been sanctioned numerous times for this conduct by the Stark County Domestic Relations Court and owes plaintiff extensive attorneys' fees for his conduct. See docket for Case No. 2016-DR-00975. Defendant was recently sent to jail for his failure to obey the Stark County Domestic Relations Court's order to pay plaintiff's attorneys' fees. See docket for Case No. 2016-DR-00975. In relation to the instant proceedings, this Court has similarly sanctioned defendant for filing frivolous motions, answers, and counterclaims. See docket for Case No. 2021-CV-00101.

7. Despite being sanctioned by several courts on numerous occasions, including being sent to jail, defendant persists in filing frivolous motions and appeals. To date, defendant has filed over fifty (50) frivolous motions and appeals across several of this State's courts. See docket for 2022-CA-00017, 2022-CA-00013, 2021-CV-00101, 2021-CA-00143, 2020-CA-00116, 2018-CA-00067, 2017-CA-00210, 2016-DR-00975, and Ohio Supreme Court Case No. 2021-1566.

existence of a genuine triable issue." *State ex rel. Trafalgar Corp.* at paragraph 27, quoting *State ex rel Burnes v. Athens Cty. Clerk of Courts*, 83 Ohio St.3d 523, 524, 700 N.E.2d 1260 (1998); Civ.R. 56(E). If the non-moving party fails to so respond, summary judgment should be entered in favor of the movant. Civ.R. 56(E).

3. R.C. section 2323.52(A)(3) provides that a vexatious litigator is a person "...who has habitually, persistently and without reasonable grounds, engaged in vexatious conduct in a civil action or actions." See also *Catudal v Catudal*, 10th Dist. Franklin No. 15AP-1092, 2016-Ohio-8498, paragraph 29. The statute defines vexatious conduct which:

- (a) obviously serves merely to harass or maliciously injure another party to the civil action;
- (b) is not warranted under existing law and cannot be supported by a good faith argument for an extension, modification, or reversal of existing law; and/or
- (c) is imposed solely for delay.

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

4. This statute "seeks to prevent abuse of the system by those 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." *Catudal* at paragraph 40 [citing *Mayer v. Bristow*, 91 Ohio St.3d 3, 13, 740 N.E.2d 656 (2000)].

5. Where a party files numerous, frivolous motions, appeals, and lawsuits for the sole purpose of harassing and causing the other party financial harm, their conduct meets the requirements of R.C. section 2323.52(A)(2)(a). *Ortiz v. Frye*, 7th Dist. Jefferson No. 06 JE 41, 2008-Ohio-2750, paragraph 41 (holding a party that filed numerous lawsuits for the sole purpose of harassing and causing his ex-wife financial harm supported the application of R.C. section 2323.52).

6. Here, the Stark County Domestic Relations Court found defendant's frivolous conduct was designed solely to cause plaintiff financial harm by requiring her to respond to frivolous motions. The vast majority of the motions, answers, third-party complaints, and appeals that defendant has filed in numerous cases have been without merit. This conduct is not only unwarranted, but also serves solely to harass plaintiff and meets the requirements of R.C. 2323.52.

7. In addition, defendant's conduct was imposed for the purpose of delay. Ohio appellate courts have held that conduct which consists of (1) filing unwarranted motions, (2) unnecessarily appealing matters, and (3) re-litigating issues that have been previously decided, are proper grounds to find a party intended to delay judicial proceedings. *Howdysshell* at paragraph 17-18; *Ortiz*, 7th Dist. Jefferson No. 06 JE 41, 008-Ohio-2750, paragraph 41; and *Catudal*, 10th Dist. Franklin No. 15AP-1092, 2016-Ohio-8498, paragraph 29.

8. In the matter at bar, defendant has significantly delayed his divorce proceedings, which have lasted for over five years, and the instant proceedings by filing baseless and unprosecuted appeals to the Fifth District, untimely appeals to the Ohio Supreme Court, unwarranted motions for stay, and by repeatedly filing motions on matters which have been previously decided by the courts of this State. These behaviors demonstrate that defendant intended to delay judicial proceeding on numerous occasions and, as such, meets the definition of vexatious conduct under R.C. section 2323.52(A)(2)(c).

9. This Court afforded defendant ample opportunity to defend plaintiff's claims and to present evidence in response to her motion for summary judgment to justify his conduct. Defendant failed to offer any competent evidence to demonstrate his conduct was justified.

10. Pursuant to Civ.R. 56(C), there is no genuine issue as to any material fact and the plaintiff Julie C. Solon is entitled to judgment as a matter of law. Reasonable minds can come to but one conclusion, and that conclusion is adverse to defendant Sean M. Solon when having the evidence construed most strongly in his favor.

**IT IS THEREFORE ORDERED** that defendant Sean M. Solon be and he is declared a vexatious litigator as defined in R.C. 2323.52(A)(3).

**IT IS FURTHER ORDERED** that defendant Sean M. Solon is prohibited, pursuant to R.C. 2323.52(D)(1), from doing any of the following without first obtaining leave of the appropriate Court to proceed:

1. Instituting legal proceedings in the Court of Claims or in a Court of Common Pleas, Municipal Court, or County Court;
2. Continuing any proceedings that he has instituted in any of the Courts listed in item #1 prior to the entry of this Order;
3. Making any application, other than an application for leave to proceed under Division F(1) of R.C. 2323.52, in any legal proceedings instituted by Sean M. Solon or another person in any of the Courts listed in item #1 of this Order.

**IT IS FURTHER ORDERED** that plaintiff may file a motion for attorney fees based upon frivolous conduct that is independent of the within motion for summary judgment.

**IT IS FURTHER ORDERED** that defendant Sean M. Solon shall pay the costs of this case, for which judgment is rendered and execution may issue.

**IT IS FURTHER ORDERED** that the Clerk shall send a certified copy of this judgment entry to the Ohio Supreme Court, pursuant to R.C. 2323.52(H).

**IT IS FURTHER ORDERED** that the Clerk of Courts serve upon all parties not in default for failure to appear notice of the within judgment and its date of entry upon the journal pursuant to Civ.R. 58(B).

  
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H. F. INDERLIED, JR., JUDGE (Ret.)

cc: David E. Butz, Esq.  
Sean M. Solon, pro se