

**IN THE COURT OF APPEALS
FIRST APPELLATE DISTRICT OF OHIO
HAMILTON COUNTY, OHIO**

HAMILTON COUNTY LAND REUTILIZATION CORPORATION,	:	APPEAL NO. C-230569 TRIAL NO. A-2300473
Plaintiff-Appellee,	:	
vs.	:	<i>JUDGMENT ENTRY.</i>
JOHN KLOSTERMAN,	:	
Defendant-Appellant.	:	

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court. *See* Rep.Op.R. 3.1; App.R. 11.1(E); Loc.R. 11.1.

Defendant-appellant John Klosterman appeals the decision of the trial court granting summary judgment in favor of Hamilton County Land Reutilization Corporation (“HCLRC”) and declaring Klosterman a vexatious litigator.

In Klosterman’s first assignment of error, he argues that the trial court erred in declaring him a vexatious litigator. When a trial court grants summary judgment declaring a person a vexatious litigator, this court reviews the trial court’s decision de novo. *Stephens v. Downtown Property Mgt.*, 1st Dist. Hamilton No. C-220332, 2023-Ohio-1988, ¶ 11.

R.C. 2323.52 permits the filing of a civil action to declare a person a vexatious litigator. A vexatious litigator is “any person who has habitually, persistently, and without reasonable grounds engaged in vexatious conduct in a civil action * * *.” R.C. 2323.52(A)(3). “Vexatious conduct” means conduct that “obviously serves merely to harass or maliciously injure another[;]” or “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 “imposed solely for delay.” R.C. 2323.52(A)(2).

This court has held that vexatious conduct includes raising arguments that have been rejected by the court numerous times. *Stephens* at ¶ 19.

HCLRC put forth evidence that Klosterman had made more than 40 filings in a foreclosure case, some of which had been made after the final foreclosure judgment. A review of Klosterman's filings in the foreclosure case submitted with HCLRC's summary-judgment motion reveal the repetitive nature of the arguments with respect to the alleged fraud and conspiracies committed by the property-management company and the city during the foreclosure and receivership of Klosterman's properties. Klosterman responded to the summary-judgment motion, arguing that his numerous filings were necessary because of the fraudulent and conspiratorial actions of the property manager and the city in the foreclosure action. According to HCLRC, Klosterman's repeated filings actually stalled the closing on the sale of the properties. We conclude that this amounts to vexatious conduct under R.C. 2323.52. Therefore, the trial court did not err in declaring Klosterman a vexatious litigator, and we overrule his first assignment of error.

In Klosterman's second assignment of error, he argues that the trial court erred in denying him discovery. Klosterman did not seek discovery in the underlying case, and Klosterman's discovery arguments relate to bank records from the foreclosure action. Therefore, the record does not support his argument. We overrule Klosterman's second assignment of error.

We affirm the judgment of the trial court.

The court further orders that 1) a copy of this Judgment constitutes the mandate, and 2) the mandate be sent to the trial court for execution under App.R. 27. Costs shall be taxed under App.R. 24.

ZAYAS, P.J., BERGERON and WINKLER, JJ.

To the clerk:

Enter upon the Journal of the Court on 7/24/2024 per Order of the Court.

By: _____
Administrative Judge