

ASSIGNMENTS OF ERROR
INCLUDING ISSUES PRESENTED FOR REVIEW
& PAGE REFERENCES TO THE RECORD WHERE
THE ERROR OCCURRED

ASSIGNMENT OF ERROR I:

The Trial Court Erred Denying Appellant's Properly Endorsed Jury Demand Where:

- A. Appellant Took Affirmative Action Endorsing a General Jury Demand on the Face of the Amended Complaint Pursuant to the Express Language in Civil Rule 38(B).**
- B. The Court Set the Matter for Jury Trial at the November 19, 2008 Pre-Trial Conference and stated in its December 8, 2008 Decision And Entry, "This case is set for trial on December 10, 2008."**
- C. Opposing Counsel Recognized Appellant's Intent for a Jury Trial.**
- D. Appellant Was Denied A General Jury Demand Due to Appellant's Inability to Pay a Jury Deposit Where Appellant Properly Filed an Indigency Affidavit in the Record.**
- E. Appellant's General Jury Demand Applies to Issues Raised in a Counterclaim.**

PAGE REFERENCE TO THE RECORD WHERE THE ERROR OCCURRED:
DECEMBER 8, 2008 DECISION AND ENTRY
DECEMBER 11, 2008 DECISION & JUDGMENT ENTRY DISMISSING AMENDED COMPLAINT
DECEMBER 10, 2008 TRANSCRIPT of the PROCEEDINGS 303 @ Page 0, Line 3.
MAY 8, 2009 DECISION & ENTRY

ASSIGNMENT OF ERROR II:

The Trial Court Erred in Failing to Liberally Construe Appellant's Amended Complaint Where:

- A. Appellant pled the elements of malicious civil prosecution.**
- B. The case authority cited by the Court, *Schmidt v. State Aerial Farm Statistics, Inc.* (1978) 62 Ohio App. 2d 48, does not preclude a claim for damages for malicious civil prosecution.**

PAGE REFERENCE TO THE RECORD WHERE THE ERROR OCCURRED:
DECEMBER 11, 2008 DECISION & JUDGMENT ENTRY DISMISSING AMENDED COMPLAINT

ASSIGNMENT OF ERROR III:

The Trial Court Erred By Summarily Dismissing the Case Denying Appellant an Opportunity to Respond to a “Phantom” Motion for Summary Judgment.

PAGE REFERENCE TO THE RECORD WHERE THE ERROR OCCURRED:

DECEMBER 11, 2008 DECISION & JUDGMENT ENTRY DISMISSING AMENDED COMPLAINT

DECEMBER 10, 2008 TRANSCRIPT of the PROCEEDINGS @ Pages 4,6,14.

ASSIGNMENT OF ERROR IV:

The Trial Court Erred Denying Appellant’s Second Cause of Action for Abuse of Process:

The Trial Court Erred Denying Appellant’s Second Cause of Action for Abuse of Process Where Appellee-Defendant’s Petition Set a Substantive *ex parte* Legal Proceeding in Motion to Accomplish an Utterior Purpose for Which a Civil Protection Order is Not Intended and Where Appellant was Substantively Damaged from Abuse of the Legal Process.

PAGE REFERENCE TO THE RECORD WHERE THE ERROR OCCURRED:

DECEMBER 11, 2008 DECISION & JUDGMENT ENTRY DISMISSING AMENDED COMPLAINT

DECEMBER 10, 2008 TRANSCRIPT of the PROCEEDINGS @ Pages 14, 16-17.

ASSIGNMENT OF ERROR V:

Judicial Misconduct Occurred Where Judge Sheward Engaged in *Ex Parte* Communications.

PAGE REFERENCE TO THE RECORD WHERE THE ERROR OCCURRED:

DECEMBER 11, 2008 DECISION & JUDGMENT ENTRY DISMISSING AMENDED COMPLAINT

MAY 8, 2009 DECISION & ENTRY

ASSIGNMENT OF ERROR VI:

The Trial Court Erred Where Judge Sheward Refused to Address Appellant’s Motion for Recusal Where the December 10, 2008 Transcript of the Proceedings Evinces Judge Sheward’s Demeaning and Derogatory Comments and Bias Towards Appellant.

PAGE REFERENCE TO THE RECORD WHERE THE ERROR OCCURRED:

DECEMBER 10, 2008 TRANSCRIPT of the PROCEEDINGS @ Pages 11-13.

ASSIGNMENT OF ERROR VII:

The Trial Court Erred by Failing to Dismiss Plaintiff-Appellant's Challenge to the Sufficiency of the Counterclaim *and in the alternative* By Failing to Grant Summary Judgment.

PAGE REFERENCE TO THE RECORD WHERE THE ERROR OCCURRED:

March 4, 2009 DECISION AND ENTRY DENYING PLAINTIFF'S MOTION TO DISMISS DEFENDANT'S COUNTERCLAIM AND IN THE ALTERNATIVE, PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT FILED JANUARY 7, 2009 MAY 8, 2009 DECISION & ENTRY

ASSIGNMENT OF ERROR VIII:

As a Matter of Law The Trial Court Erred Where Appellee-Defendant Failed to Attach Certified Copies of the 3 Complaints as Evidence and Where the Evidence Is Not Admissible Pursuant to Civil Rule 56(E).

PAGE REFERENCE TO THE RECORD WHERE THE ERROR OCCURRED:

MAY 8, 2009 DECISION & ENTRY

ASSIGNMENT OF ERROR IX:

The Trial Court Erred Granting Summary Judgment Where a Genuine Issue of Material Fact Exists Concluding Appellant Was Harassing and Intimidating Defendant Witnesses Pursuant to R.C. 2323.52(A)(2)(a) Where Defendant Witnesses Were Disclosed In Camera After the 3 Complaints Were Already Filed.

PAGE REFERENCE TO THE RECORD WHERE THE ERROR OCCURRED:

MAY 8, 2009 DECISION & ENTRY

ASSIGNMENT OF ERROR X:

Where a Genuine Issue of Material Fact Exists the Trial Court Erred Granting Summary Judgment for Vexatious Conduct Under R.C. 2323.52(A)(2)(a)&(c) Alleging a Fourth Complaint Against Judge Thomas Loudon Was Filed Merely to Harass And Injure Him In His Capacity as Presiding Judge And to Delay Resolution.

PAGE REFERENCE TO THE RECORD WHERE THE ERROR OCCURRED:

May 8, 2009 DECISION & ENTRY

ASSIGNMENT OF ERROR XI:

The Trial Court Erred That Vexatious Conduct Exists By Asserting That None of 3 Cases Have Proved Meritorious to Date.

PAGE REFERENCE TO THE RECORD WHERE THE ERROR OCCURRED:

May 8, 2009 DECISION & ENTRY

ASSIGNMENT OF ERROR XII:

The Trial Court Erred Where a Genuine Issue of Material Fact Exists for Granting Summary Judgment Where the Trial Court Admits in the May 8, 2009 Decision & Entry @ page 7 that “Defendant [Davis] Has Not Come Forward With Any Arguments or Explanations to Refute Plaintiff [Evans’] Evidence, And There is an Abundance of It”.

PAGE REFERENCE TO THE RECORD WHERE THE ERROR OCCURRED:

May 8, 2009 DECISION & ENTRY

ASSIGNMENT OF ERROR XIII:

The Trial Court Erred Granting Intervenor-Appellee Sandy Sullivan’s Motion for Summary Judgment Where Good Faith Claims Warranted Under Existing Law Cannot be Construed to be Harassing to Sandy Sullivan as a Witness for Defendant-Appellee in the Instant Complaint Where a Legal Proceeding Was Pending Prior To the *In Camera* Disclosure of Sandy Sullivan as a Witness.

PAGE REFERENCE TO THE RECORD WHERE THE ERROR OCCURRED:

May 8, 2009 DECISION & ENTRY