

IN THE COURT OF APPEALS
ELEVENTH APPELLATE DISTRICT
PORTAGE COUNTY, OHIO

MISCHA HILL ASSOCIATES, LLC,	:	MEMORANDUM OPINION
Plaintiff-Appellee,	:	CASE NO. 2018-P-0039
- VS -	:	
PARKER JAX LEGACY, LLP, et al.,	:	
Defendants,	:	
SHAIN E. WARD, et al.,	:	
Defendant-Appellant.	:	

Civil Appeal from the Portage County Court of Common Pleas, Case No. 2017 CV 00765.

Judgment: Appeal dismissed.

Christopher P. Schueller, Buchanan Ingersoll & Rooney, PC, 301 Grant Street, 20th Floor, One Oxford Centre, Pittsburgh, PA 15219 (For Plaintiff-Appellee).

Shaine E. Ward, pro se, P.O. Box 670801, Northfield, OH 44067 (For Defendant-Appellant).

THOMAS R. WRIGHT, P.J.

{¶1} Appellant, Shaine E. Ward, appeals the trial court's April 24, 2018 judgment granting appellee, Mischa Hill Associates, LLC (Mischa), default judgment and entering judgment in foreclosure. We dismiss.

{¶2} On July 18, 2018, we remanded the case for the trial court to address Ward’s motion for relief from judgment under Civ.R. 60(B), which it overruled. We directed Ward to file his appellate brief within 20 days from the refiling of the record, and he subsequently sought additional time to do so, which we granted August 15, 2018.

{¶3} In the meantime, on July 20, 2018, the Summit County Court of Common Pleas, Domestic Relations Division, declared Shaine Ward a vexatious litigator under R.C. 2323.52(D)(1). It certified its vexatious litigator determination to the Ohio Supreme Court consistent with R.C. 2323.52(H). Ward has not sought leave to continue the instant appeal.

{¶4} On August 16, 2018, one day after we granted Ward additional time to file his brief, Mischa moved to dismiss in light of his vexatious litigator status. R.C. 2323.52(l) prohibits a vexatious litigator from instituting or continuing any legal proceedings that he instituted without seeking leave of court, and absent the requisite leave, dismissal is mandatory. *State ex rel. Sapp v. Franklin Cty. Court of Appeals*, 118 Ohio St.3d 368, 2008-Ohio-2637, 889 N.E.2d 500, ¶24.

{¶5} Accordingly, this appeal is dismissed.

CYNTHIA WESTCOTT RICE, J.,

TIMOTHY P. CANNON, J.,

concur.