

**IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO**

KAREN PRASSER,)	Case No. CV 13-802183
)	
)	
PLAINTIFF/COUNTERCLAIM)	JUDGE MICHAEL E. JACKSON
DEFENDANT,)	
)	JOURNAL ENTRY AND OPINION:
v.)	SANCTIONING ATTORNEY CARYN M.
)	GROEDEL AND CARYN GROEDEL &
CITY OF SOLON, ET AL)	ASSOCIATES, L.P.A. FOR POST JULY 17,
)	2017 HEARING FILINGS.
DEFENDANTS/COUNTERCLAIM)	
PLAINTIFFS.)	
)	

The Court grants Defendant/Counter-Claim Plaintiff City of Solon and Mayor Susan Drucker (collectively, Solon) July 24, 2017 motion for additional sanctions against Plaintiff/Counter-Claim Defendant Karen Prasser’s counsel Caryn M. Groedel and her law firm Caryn Groedel & Associates, L.P.A. (collectively, Groedel). This sanction is for continued violation of court orders by the filing of unnecessary documents causing delay in the course of litigation. Solon is awarded the reasonable attorney fees and costs as sanctions for the costs incurred to respond to Groedel’s Filings¹ comprised of Affidavits, Hearing Transcripts, and her Statement Regarding Solon’s Bills Submitted in Connection with the July 17, 2017 Hearing (Statement).

¹The “Groedel Filings” are as follows: On July 17, 2017, Groedel filed notice of the following transcripts: July 10, 2015, April 27, 2016, and December 19, 2016 Hearings; and she filed a Notice of Affidavits Pertaining to Occurrence Not on the Record. On July 21, 2017, Groedel filed a Notice of Affidavit of Attorney Fischbach. On July 22, 2017, she filed a Statement Regarding Solon’s Bills Submitted in Connection with the July 17, 2017 Hearing (Statement). Within this Statement is Section V Case Law pages 4-5 that address three cases Solon referenced during the July 17, 2017 hearing. On July 24, 2017, Groedel filed two Notices of Revised Affidavits and a Request to Withdraw the July 17, 2017 Affidavits.

By separate Journal Entry and Opinion dated August 21, 2017 the Court granted Solon's motion to strike parts of Groedel's Statement, and sua sponte struck other documents Groedel filed after the July 17, 2017 hearing without leave of Court. The Court incorporates that Journal Entry and Opinion by reference.

Groedel's Filings demonstrate that she cannot or chooses not to follow Court orders when the pending issue before this Court was an amount of attorney fees she must pay for her misconduct, as set forth in the Court's June 9, 2017 Journal Entry and opinion, and when this Court just sanctioned her \$2,000.00 for her previous conduct. Groedel did not stay within the confines of the Court's order when given the opportunity to supplement the record by simply filing "the entries" and responding to Solon's assertion that proof of payment was proof of reasonableness and its reliance on the three cases it cited during the July 17, 2017 hearing². Instead, she filed other documents and arguments without leave of court, and the information that she was granted leave to file, was filed after the deadline without first obtaining leave of Court by demonstrating excusable neglect. Civ.R. 6(B).

All of the arguments in her Statement except for Section V Case Law on pages 4 and 5, was precluded as untimely and unfairly prejudicial to Solon. The Court accepted the late filing of Section V Case Law on pages 4 and 5. If during the July 17, 2017 hearing, Groedel raised the other matters contained in the Affidavits and Revised Affidavits, and past hearings, the Court would have precluded the information because it was not relevant to the issue of determining the reasonable attorney fees and costs Solon incurred as a result of Groedel's frivolous conduct.

² The Court's order striking parts of Groedel's Statement is included in its separate opinion awarding Solon \$21,387.50 in sanctions against Groedel filed August 21, 2017.

Groedel appears to be attempting to reargue matters already fully litigated and decided by this Court, causing undue delay in resolving collateral matters in this Court while an appeal of this case is pending in the Eighth Appellate District Court, and causing Solon to incur additional attorney fees and costs.

The first sanction for monetary fines and payment of attorney's fees for misconduct did not cause Groedel to change her pattern of misconduct, as the Court discussed in its June 9, 2017 Journal Entry and Opinion. Therefore, the Court will set another hearing to determine the reasonable attorney fees and costs Solon incurred because of Groedel's conduct related to her post July 17, 2017 hearing filings.

IT IS SO ORDERED.

DATED: _____

JUDGE MICHAEL E. JACKSON

THE CLERK OF COURT SHALL SERVE A COPY OF THE FOREGOING JOURNAL ENTRY AND OPINION ON ALL COUNSEL OF RECORD AT THE ADDRESS LISTED ON THE COURT DOCKET.