

**IN THE SUPREME COURT OF OHIO**

A.J. BORKOWSKI, JR., : On Appeal from the Lucas County  
Plaintiff / Appellee, : Court of Appeals, Sixth Appellate  
District  
-vs- : Supreme Court Case No. 2006-1913  
Court of Appeals Case No. L-05-1425  
CHARLES D. ABOOD (JUDGE), : Trial Court Case No. CI0200504894  
( Lucas County )  
Defendant / Appellant. :

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**APPELLEE'S MOTION TO STRIKE THE APPELLANT'S APPEAL**

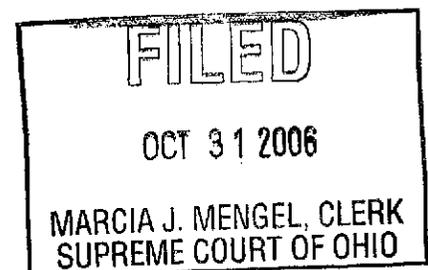
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### **MOTION TO STRIKE**

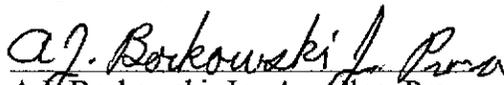
Appellee A.J. Borkowski, Jr., hereby moves this Honorable Court pursuant to S. Ct. Prac. R. XIV, Sec. 4(A) to Strike the Appellant's Judge Abood appeal since Appellant Judge Abood is not absolutely immune from Appellee's claims for monetary damages, Appellee's valid lawsuit because the issue(s) he attempting to raise on appeal is res judicata. Court of Appeals No. F-04-020 (Sixth Appellate District, Lucas County).

This Court was definitely correct in denying Appellant's Motion for Stay-without opinion-on October 20, 2006. Likewise, this Court must deny the Appellant's discretionary appeal as the entire matter is res judicata as well because Appellant Judge Abood is not absolutely immune from Appellee's claims for monetary damages, or Appellee's valid lawsuit. Court of Appeals No. F-04-020 (Sixth Appellate District, Lucas County). The Court of Appeals found in essence that Appellant Judge Abood was not absolutely immune from Appellee's claims for monetary damages, or his lawsuit as it did before in Court of Appeals No. F-04-020 (Sixth Appellate District, Lucas County). See, Court of Appeals No. F-04-020 (Sixth Appellate District, Lucas County); Court of Appeals No. L-05-1425 (Sixth Appellate District, Lucas County). Therefore, this Court must find that the assertions of Appellee's underlying valid Complaint are well-taken and issue a substantive judgment in Appellee's favor finding that Appellant Judge Abood is not absolutely immune from Appellee's claims for monetary damages, Appellee's valid lawsuit because the issues that he is attempting to raise on appeal are res judicata. Id.

For the foregoing reasons, this Court must strike Appellant's appeal in its entirety and deny review of the discretionary appeal pursuant to S. Ct. Prac. R. III, Sec. 6(C)(1) and other

applicable legal provisions as res judicata is a complete defense to the issues that Appellant is attempting to raise on the instant appeal.

Respectfully submitted,

  
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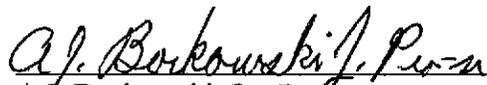
**CERTIFICATE OF SERVICE**

I certify that a copy of this Motion to Strike was sent by ordinary U.S. Mail on or about this 30th day of October, 2006, upon the following:

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