



Appellee Spartan Stores Associates LLC (formerly known as Seaway Food Town, Inc.), hereby notifies this Court that Appellant Gregory T. Howard has again failed to make payments as ordered by this Court. Specifically, in a December 14, 2005 Entry, this Court ordered Howard to first pay Appellee Industrial Commission of Ohio the amounts he owed to it and then to commence payment to Seaway Food Town at a rate of \$50.00 per month until the entire amount of \$938.00 is paid. This Court further held that Howard remains in contempt until all attorney fees are paid and that failure to comply with the payment schedule will result in further sanctions.

Upon information and belief, Howard paid the amounts owed to the Industrial Commission of Ohio. He then began monthly payments to Spartan. He made payments of \$50.00 in mid-February, mid-March of 2006, and mid-May 2006. He failed to make the following payments:

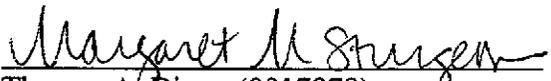
<u>Due Date</u>	<u>Amount</u>
April 2006	\$ 50.00
June 2006	50.00
July 2006	50.00
August 2006	50.00
September 2006	50.00
October 2006	50.00
November 2006	50.00

Spartan notified Howard of his failure to make the above-listed payments, but received no payment. Spartan then filed several notices with this Court of Howard's failure to make the various payments. With respect to the October payment, by letter sent by certified and regular mail dated November 13, 2006, Spartan notified Howard of his failure to make the required monthly payment. To date, Spartan has received none of the monthly payments listed above.

Based upon this failure by Howard, Spartan respectfully requests that this Court take appropriate action consistent with its December 14, 2005 Entry.

Respectfully submitted,

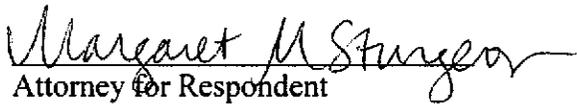
EASTMAN & SMITH LTD.

  
Thomas A. Dixon (0017879)  
Margaret Mattimoe Sturgeon (0046527)  
Heidi N. Eischen (0074293)  
One SeaGate, 24th Floor  
P.O. Box 10032  
Toledo, OH 43699-0032  
Telephone: (419) 241-6000  
Fax: (419) 247-1777

Attorneys for Respondent  
Seaway Food Town, Inc.

**PROOF OF SERVICE**

A copy of the foregoing Notice of Failure of Appellant Gregory T. Howard To Pay Sanctions was mailed on November 20<sup>th</sup>, 2006, to Relator Pro Se Gregory T. Howard, P. O. Box 3096, Toledo, OH 43607-0096; and to Thomas L. Reitz, Esq., Assistant Attorney General, Workers' Compensation Section, 140 E. Town Street, 9<sup>th</sup> Floor, Columbus, OH 43215-6001, attorney for Respondents Ohio Bureau of Workers' Compensation and Industrial Commission of Ohio.

  
Attorney for Respondent  
Seaway Food Town, Inc.