

IN THE SUPREME COURT OF OHIO

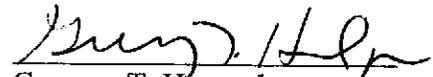
STATE OF OHIO, ex rel.,	:	Case No. 03-1572
GREGORY T. HOWARD	:	Trial Court Case No. 97AP-860
	:	
Appellant,	:	
	:	
-vs-	:	
	:	
SEAWAY FOOD TOWN, INC., et al.,	:	
	:	
Appellees.		

APPLICATION FOR LEAVE TO FILE A S.CT. PRAC. RULE XI, SECTION 2
MOTION FOR RECONSIDERATION *INSTANTER*

Appellant herein, Gregory T. Howard, pro-se asks for leave to file a S. Ct. Prac.

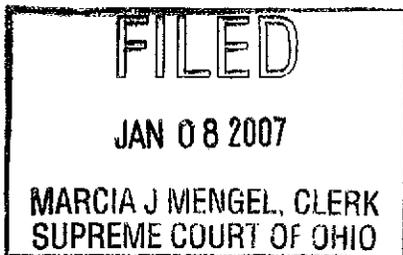
R. XI, Section 2 Motion for Reconsideration, *instanter*.

Respectfully submitted,



Gregory T. Howard
P.O. Box 3096
Toledo, Ohio 43607-0096
Telephone: (419) 450-3408

Relator-Appellant, Pro-se



PROOF OF SERVICE

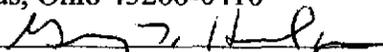
This is to certify that a copy of the foregoing of Gregory T. Howard was sent via ordinary U.S. Mail this 8th day of January, 2007 to:

Eastman & Smith, Ltd.
C/O Thomas A. Dixon, Esq.
One Seagate, 24th Floor
Toledo, Ohio 43699-0032

Ohio Attorney General Office
Shawn M. Wollam, Esq.
150 East Gay Street, 22nd Floor
Columbus, Ohio 43215

Governor Bob Taft
77 High Street, 30th Floor
Columbus, Ohio 43215-6117

The Ohio Attorney General Chief of
Chief Counsel Staff-Atty Carney
State Office Tower
30 East Broad Street, 17th Floor
Columbus, Ohio 43266-0410


Gregory T. Howard
Appellant-Claimant, pro-se

IN THE SUPREME COURT OF OHIO

STATE OF OHIO, ex rel.,	:	Case No. 03-1572
GREGORY T. HOWARD	:	Trial Court Case No. 97AP-860
	:	
Appellant,	:	
	:	
-vs-	:	
	:	
SEAWAY FOOD TOWN, INC., et al.,	:	
	:	
Appellees.		

S. CT. PRAC. RULE XI, SECTION 2 MOTION FOR RECONSIDERATION
INSTANTER

Appellant herein, Gregory T. Howard, pro-se asked for leave to file a S. Ct. Prac. R. XI, Section 2 Motion for Reconsideration, *instanter*. By way of background, this Court denied the Appellant's motions for leave to file responses to the notices of failure of payment, a complaint for conversion and bad faith, a motion to dismiss notices of failure to pay sanctions, and to initiate contempt proceedings, and found the Appellant to be in contempt of court, and ordered Appellee Seaway Food Town, Inc., to pursue collection of the attorney fee award. Further, ordered the Clerk of this Court to issue a certificate of judgment.

First of all, Seaway Food Town, Inc., legal counsel should be found in contempt of DR 2-106 of the Code of Professional Responsibility or this Court's rules for collecting an illegal or clearly excessive fee because Seaway Food Town, Inc., did not exist at the time this action was commenced in this Court. The fact of the matter is that

Seaway Food Town, Inc., simply did not exist at the commencement of this appeal and are not legally entitled to the excessive attorney fees. (Evidence in support of this assertion is attached hereto). With respect to this issue this Court did not address or consider it in its 01-05-2007 decision as authorized by controlling law. To the extent, the Court's 01-05-2007 decision is arbitrary and unfair to the Appellant. Moreover, this instant S. Ct. Prac. R. XI, Section 2 Motion for reconsideration is therefore, appropriate and thus, must be granted as a matter of law. Thus, this Court must re-think this matter and change its previous decision to read that it overrides it's own, and the Common Pleas Court's entries or it otherwise vacate all of its entries including the Court of Common Pleas and hereby issues a certificate of judgment vacating all of their entries and hereby reinstate the respective cases back to day one.

Likewise, this Court failed to address or to consider or rule on the Appellant's long-standing, in the face of clearly valid case laws, motion to disqualify, to reinstate, and request for sanctions against the Appellee filed with this Court on November 8, 2005, the Appellant's August 1, 2006 Response to Appellee's notice of Appellant's failure to pay sanctions, and the January 2, 2007, Application for leave to file a complaint for a writ of mandamus. According to the January 2, 2007 application, among other things "Judge Klatt" a judge of the Court of Appeals signed Judge Bender's Office of Oath. (Evidence in support of this assertion is attached hereto). This Honorable Court has failed to rule on the Appellant's said motions and applications for leave to proceed, notwithstanding the Appellant's vexatious status. Therefore, the Appellant respectfully asks this Court to override it's own, and the Common Pleas Court's entries or to otherwise vacate all of its entries and to issue a certificate of judgment vacating all of their entries and to reinstate

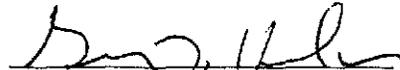
the respective cases back to day one. (Evidence in support that the Appellant has asked ^{the} ~~to~~ Governor to consider a pardon because of these assertions is attached). Thus, this Court must re-think this matter and change its previous decision to read that it overrides it's own, and the Common Pleas Court's entries or it otherwise vacate all of its entries including the Court of Common Pleas and hereby issues a certificate of judgment vacating all of their entries and hereby reinstate the respective cases back to day one.

S. Ct. Prac. R. XI, Section 2 provides a motion for reconsideration may be filed within 10 days after the Supreme Court Judgment entry or order is filed with the Clerk; a motion for reconsideration shall be confined strictly to the grounds urged for reconsideration, shall not constitute a reargument of the case, and may be filed only with respect to a sua sponte dismissal of a case, or a decision on the merits of a case.

This Court issued its 01-05-2007 decision sua sponte on the merits of this case finding the Appellant in Contempt of its previous decision, therefore, the filing of the instant motion is timely filed herein. This motion for reconsideration is also confined strictly to reasonable grounds for the motion, is not an abuse of process of this Court and demonstrates that it is not a reargument of the case. Thus, this Court must re-think this matter and change its previous decision to read that it overrides it's own, and the Common Pleas Court's entries or it otherwise vacate all of its entries including the Court of Common Pleas and hereby issues a certificate of judgment vacating all of their entries and hereby reinstate the respective cases back to day one.

Accordingly, Appellant's application for leave and motion for reconsideration must be granted pursuant S. Ct. Prac. R. XI, Section 2 and other applicable legal provisions.

Respectfully submitted,



Gregory T. Howard
P.O. Box 3096
Toledo, Ohio 43607-0096
Telephone: (419) 450-3408

Relator-Appellant, Pro-se

PROOF OF SERVICE

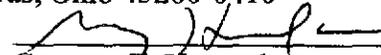
This is to certify that a copy of the foregoing of Gregory T. Howard was sent via ordinary U.S. Mail this 8th day of January, 2007 to:

Eastman & Smith, Ltd.
C/O Thomas A. Dixon, Esq.
One Seagate, 24th Floor
Toledo, Ohio 43699-0032

Governor Bob Taft
77 High Street, 30th Floor
Columbus, Ohio 43215-6117

Ohio Attorney General Office
Shawn M. Wollam, Esq.
150 East Gay Street, 22nd Floor
Columbus, Ohio 43215

The Ohio Attorney General Chief of
Chief Counsel Staff-Atty Carney
State Office Tower
30 East Broad Street, 17th Floor
Columbus, Ohio 43266-0410



Gregory T. Howard
Appellant-Claimant, pro-se



SPARTAN STORES, INC.

THE FOOD PEOPLE

November 25, 2003

Mr. Michael Kwiatkowski
Ohio Civil Rights Commission
One Government Center
Jackson & Erie Streets, Room 936
Toledo, OH 43604

RECEIVED
OCHR-TOLEDO
NOV 26 2003
700010112/10/03

Dear Mr. Kwiatkowski:

I am in receipt of the Charge of Discrimination involving Gregory T. Howard (TOL) 72032599 (27931) 100903. After reviewing the charge and noting the termination date of Mr. Howard, I have determined that he was not an employee of Spartan Stores and his charge is more than three years old.

Spartan Stores purchased Food Town in August of 2000. Mr. Gregory was terminated on March 25, 1999. I do not have any personnel records on this individual. I will consider this charge closed against Spartan Stores unless I hear otherwise. Please feel free to contact me at 419-891-4243.

Sincerely,

Cynthia M. Kozak
Human Resource Manager
Spartan Stores - Pharm Division

Appendix D

9

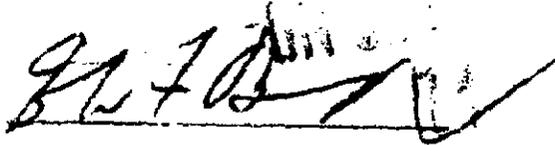
PLAINTIFF'S EXHIBIT
2

74647A02

OOMS 03 91.

OATH OF OFFICE

I, **John F. Bender**, do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Ohio, and that I will administer justice without respect to persons, and faithfully and impartially discharge and perform all duties incumbent upon me as Judge, Franklin County Court of Common Pleas, to which I have been appointed, according to the best of my ability and understanding



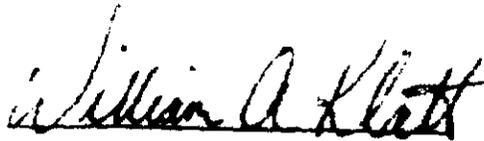
John F. Bender

STATE OF OHIO

COUNTY OF Franklin SS:

Sworn to before me and subscribed in my presence this 19th day of April, 2000.

FILED
FRANKLIN COUNTY
OHIO
03 APR 21 PM 2:02
CLERK OF COURTS-CV



WILLIAM A. KLATT
ATTORNEY-AT-LAW
NOTARY PUBLIC - STATE OF OHIO
LIFETIME COMMISSION

EX. 13

Friday, January 05, 2007

Governor Bob Taft
30th Floor
77 South High Street
Columbus, Ohio 43215-6117

Re: Gregory T. Howard v. Seaway Food Town, Inc.
BWC Claim Nos. L-246280-22, 882992-22
O.S.C. Case No. 2003-1572
F.C.C.P. Case No. CI 2005-0398

Dear Sir:

On September 24, 2004, the Ohio State Supreme Court pursuant to S. Ct. Prac. R. XIV, Section 5(A), declared the undersigned a vexatious litigator. The Honorable Thomas J. Moyer ("Chief Justice Moyer"), a justice of that court, issued the vexatious litigator judgment entry. (See attached 09-24-2004 Entry, also see attached Docket for Case No. 2003-1572). On January 11, 2006, the Franklin County Court of Common Pleas, pursuant to R.C. 2323.52, declared the undersigned a vexatious litigator. The Honorable John F. Bender ("Judge Bender"), a judge of that court, issued the vexatious litigator judgment entry.

On January 4, 2007, the undersigned sent to you a letter asking you to require information, in writing, from the Ohio Attorney General's Office upon the subject articulated in that letter as to the duties of the respective offices, and to see that the laws are faithfully executed.

According to the undersigned's January 4, 2007 letter, the Industrial Commission of Ohio "...declared the undersigned claims legally dead but never adjudicated by the Commission and subsequently asked the Commission to enter a new order that adjudicates the unpaid medical expenses..." (See attached letter dated 01-04-2007). In addition, the undersigned says that Judge Bender has acted in bad faith within the meaning of R.C. 9.86, without jurisdiction and has failed to rule on his motions and applications for leave to proceed, notwithstanding his vexatious litigator status. Furthermore, that Chief Justice Moyer has failed to rule on his motions to disqualify, to reinstate, for sanctions filed 11-08-2005 and application for leave to proceed for a writ of mandamus to compel the Court of Appeals to vacate its 12-29-2006 entries, notwithstanding his vexatious litigator status. (See attached 01-05-2007 Entry; also see attached application for leave to proceed filed with the Supreme Court on 01-02-2007). The undersigned has been continuously disabled (unable to work) from 03-23-1994 through 12-28-2006 and is unable to return to work until 12-1-9999 as a result of his injuries sustained in the course of and arising out of his employment with Food Town. (See attached Physician Supplemental Statement and Employee's Statement dated 01-05-2007). Therefore, the undersigned asks that the Governor to override the Ohio State Supreme Court and the Common Pleas Court entries, to vacate all of the Supreme Court

of Ohio and the Common Pleas Court entries and to require the respective courts to issue a certificate of judgment vacating all of their entries on the authority of the Ohio Constitution Article III, Section 11.

Accordingly, the undersigned respectfully asks the Governor of the State of Ohio to grant him a pardon from the respective courts vexatious litigator entries pursuant to Ohio Constitution Article III, Section 11.

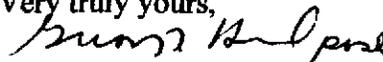
Ohio Constitution Article III, Section 11, provides that a governor shall "****have power, after conviction, to grant reprieves, commutations, and pardons, for all crimes and offenses, except treason and cases of impeachment, upon conditions as he may think proper; subject, however, to such regulations, as to the manner of applying pardons, as may be prescribed by law****."

It is proper for Governor to grant a pardon or pardon the undersigned from the respective courts vexatious litigator entries, or otherwise vacate all of the Supreme Court of Ohio and the Common Pleas Court entries and to require the respective courts to issue a certificate of judgment vacating all of their entries for the reasons set forth herein. As this case is not a case of treason or for impeachment and the undersigned has stated reasonable grounds for the pardon.

Therefore, the undersigned respectfully asks that the Governor to override the Ohio State Supreme Court and the Common Pleas Court entries, to vacate all of the Supreme Court of Ohio and the Common Pleas Court entries and to require the respective courts to issue a certificate of judgment vacating all of their entries and to reinstate the respective cases back to day one. Accordingly, the undersigned respectfully asks the Governor of the State of Ohio to grant him a pardon from the respective courts vexatious litigator entries pursuant to Ohio Constitution Article III, Section 11. Since the term "pardon" as well as "reprieve" and "commutation," as used in Ohio Constitution Article III, Section 11, were adopted into our constitution without definition, such terms must be construed to have the meaning given by the English common law at the time of the adoption of the constitution, and this being true the legislature is without power to abridge the constitutional pardoning power of the governor, as granted in said section. See 1940 OAG 1987

Thank-you in advance for your consideration on this issue.

Very truly yours,


Gregory T. Howard
P.O. Box 3096
Toledo, Ohio 43607-0096
Telephone: (419) 450-3408

Enclosure

cc: Thomas A. Dixon, Esq. (w/o/enc.) Facsimile: 419.247.1777 ✓
Bureau of Workers' Compensation (w/o/enc.):866.457.0594 ✓
IC/BWC REPRESENTATIVE (w/o/enc.) 614.728.9535-Article III, Section 1 ✓
Chief Justice Thomas J. Moyer (w/o/enc.) 614.387.9019 ✓
Barbara Beasy (w/o/enc.) 614.644.5209 ✓
Ombudsperson (w/o/enc.) 614.644.1998 ✓
Scott Hines, Esq., (w/o/enc.) 419.245.2652 ✓
Mackinaw Administrator (w/o/enc.) 734-856-6226 ✓
Administrator/CEO William E. Mabe (w/enc.) 1-614-621-1024 ✓
JUDGE JOHN F. BENDER-(Fax #) 614.462.2462 ✓
Court of Appeals Administrator-(Fax) 614-462-7249 ✓

ON COMPUTER-RV

100-237

The Supreme Court of Ohio

FILED

SEP 24 2004

State of Ohio ex rel. Gregory T. Howard,
Appellant,
v.
Industrial Commission of Ohio et al.,
Appellees.

Case No. 03-1572

MARION J. MENDEL, CLERK
SUPREME COURT OF OHIO

ENTRY

This cause came on for further consideration of appellant's response to this Court's July 27, 2004, show cause order. Upon consideration thereof, the Court finds the following:

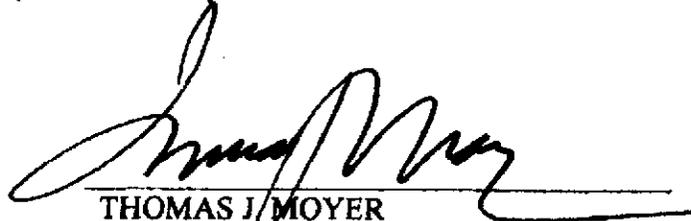
On September 9, 2003, in Case No. 03-1061, this Court placed filing restrictions on appellant for engaging in frivolous litigation. In addition, the Court ordered that the continued filing of frivolous actions or documents by respondent would result in additional sanctions. Appellant has continued to habitually, persistently, and without reasonable cause, engage in frivolous conduct, as defined by S. Ct. Prac. R. XIV, Section 5(A). Accordingly,

IT IS ORDERED by the Court, *sua sponte*, that appellant Gregory T. Howard is found to be a vexatious litigator under S. Ct. Prac. R. XIV, Section 5(B).

IT IS FURTHER ORDERED by the Court, *sua sponte*, that Gregory T. Howard is prohibited from continuing or instituting legal proceedings in this Court without first obtaining leave. Any request for leave shall be submitted to the Clerk of this Court for the Court's review.

IT IS FURTHER ORDERED by the Court that all previous orders sanctioning appellant remain in effect, including the March 3, 2004, order in this case requiring appellant to pay appellees' attorney fees. In addition, appellant shall pay any additional attorney fees and expenses appellees' have incurred since the date of that order. Appellees shall file a revised statement of attorney fees and expenses within 10 days of the date of this order; appellant may file a response within 10 days of the filing of the statement; and appellees may file a reply within 5 days of the filing of the response.

(Franklin County Court of Appeals; No. 97AP860)


THOMAS J. MOYER
Chief Justice

The Supreme Court of Ohio

CASE INFORMATION

GENERAL INFORMATION

Case: **GEN-2003-1572** Direct Appeal (Case Originating in Court of Appeals)

Filed: 09/02/2003

Case is disposed

State of Ohio ex rel. Gregory T. Howard
 v. Industrial Commission of Ohio et al.

PRIOR JURISDICTION

Jurisdiction Information	Prior Decision Date / Case Number(s)	
Franklin County, 10th District	08/26/2003	97AP860

PARTIES and ATTORNEYS

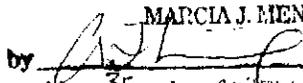
Gregory T. Howard; Appellant, Appearing Pro Se

Bureau of Workers' Compensation; Appellee
 Represented by: Shawn Wollam, Counsel of Record
 Represented by: James Petro
 Industrial Commission of Ohio; Appellee
 Represented by: Shawn Wollam, Counsel of Record
 Represented by: James Barnes
 Represented by: James Petro
 Seaway Food Town, Inc.; Appellee
 Represented by: Margaret Sturgeon, Counsel of Record
 Represented by: Thomas Dixon
 Represented by: Heidi Eischen

DOCKET ITEMS

- 09/02/03 Notice of appeal of Gregory T. Howard
Filed by: Gregory T. Howard
- 09/02/03 Affidavit of indigency
Filed by: Gregory T. Howard
- 09/02/03 Motion to vacate judgment of August 26, 2003
Filed by: Gregory T. Howard
 10/31/03 Denied
- 09/02/03 Affidavit to vacate court of appeals judgment of August 26, 2003
Filed by: Gregory T. Howard
- 09/02/03 Motion to consolidate case with case no. 03-636
Filed by: Gregory T. Howard
 10/31/03 Denied
- 09/03/03 Copy of notice of appeal sent to clerk of court of appeals

HEREBY CERTIFY this document to be a true and accurate copy of the docket of the Supreme Court of Ohio for case number 03-1572

MARCIA J. MENGEL, Clerk
 by , Deputy
 on this 30 day of Nov 2006

09/03/03 Order to clerk of court/custodian to certify record

09/08/03 Motion for order to show cause for contempt
Filed by: Gregory T. Howard
 10/31/03 Denied

09/15/03 Memo opposing motion for order to show cause for contempt of Industrial Comm. of Ohio & Admr. Bureau of Workers Comp.

09/15/03 Motion to dismiss of Industrial Commission of Ohio and Administrator, Bureau of Workers Compensation
10/31/03 Granted

09/19/03 Record

09/19/03 Clerk's notice of filing of record

09/23/03 Memo opposing motion to dismiss
Filed by: Gregory T. Howard

09/29/03 Motion to dismiss of Seaway Foodtown, Inc.
 10/31/03 Granted

09/30/03 Motion for summary judgment
Filed by: Gregory T. Howard
 10/31/03 Denied

09/30/03 Motion to reverse and remand the cause to the court of appeals
Filed by: Gregory T. Howard
 10/31/03 Denied

10/17/03 Motion of Industrial Commission of Ohio to strike appellant's motion for summary judgment

10/20/03 Appellant's merit brief
Filed by: Gregory T. Howard

10/21/03 Motion to strike the appellee's motion to strike the appellant's motion for summary judgment
Filed by: Gregory T. Howard

10/21/03 And memo opposing the appellee's motion to strike the appellant's motion for summary judgment
Filed by: Gregory T. Howard

10/31/03 Entry: It is ordered by the Court, sua sponte, that appellant show cause within 10 days of the date of this entry why sanctions should not be ordered against him

11/04/03 Response to show cause order
Filed by: Gregory T. Howard

11/04/03 Motion for reconsideration and motion for stay of Court's October 31, 2003 entry
Filed by: Gregory T. Howard
 12/10/03 Denied

11/06/03 Memo opposing motion for reconsideration of Seaway Food Town, Inc.

11/07/03 Motion for leave to file a memorandum in support of sanctions of Industrial Commission and Administrator, BWC
 11/18/03 Granted; memorandum in support of sanctions due 10 days from the date of this entry

11/13/03 Memo opposing motion for leave to file a memorandum in support of sanctions of Industrial Commission & Adm., BWC
Filed by: Gregory T. Howard

11/26/03 Memorandum in support of sanctions by Industrial Commission of Ohio in response to November 18, 2003 entry

12/10/03 Certified copy of judgment entry sent to clerk

12/10/03 Issuance of mandate

12/10/03 Copy of rehearing entry sent to clerk

12/29/03 Entry: It is ordered by the Court that appellant shall pay attorney fees; sua sponte, bill & documentation due 20 days; objections due 10 days; reply due 5 days

12/30/03 Bill and documentation filed by Industrial Commission of Ohio in response to Court's 12/29/03 entry

12/31/03 Return of record to clerk of court/custodian

01/07/04 Objections to the Industrial Commission's bill and documentation in support of an award for attorney fees
Filed by: Gregory T. Howard

01/09/04 Amended objections to Industrial Commission's bill and documentation in support of an award of attorney fees
Filed by: Gregory T. Howard

01/16/04 Bill and documentation in support of attorney fees of Seaway Food Town

01/20/04 Memorandum opposing Seaway Food Town's bill and documentation in support of an award for attorney fees
Filed by: Gregory T. Howard

03/03/04 DECISION: It is ordered by the Court that appellant pay attorney fees to Seaway Food Town in the amount of \$938 and to the Industrial Commission in the amount of \$285

05/26/04 Motion of Industrial Commission of Ohio for order to show cause why appellant should not be found in contempt
Filed by: Industrial Commission of Ohio

07/14/04 Granted; appellant to show cause 20 days of the date of this entry; appellees response due 10 days; reply due 5 days

07/27/04 Response to show cause order
Filed by: Gregory T. Howard

09/24/04 Sua sponte, Gregory T. Howard is found to be a vexatious litigator under S.Ct.Prac.R. XIV, Sec. 5; appellees awarded additional fees and expenses; appellees shall file a revised fee bill within 10 days; response 10 days; reply 5 days

08/04/04 Notice of substitution of counsel Thomas L. Reitz by Stephen D. Plymale for Industrial Commission of Ohio and Administrator, Bureau of Workers' Compensation
Filed by: Bureau of Workers' Compensation
Filed by: Industrial Commission of Ohio

08/04/04 And designation of counsel of record Stephen D. Plymale for Industrial Commission of Ohio and Administrator, Bureau of Workers' Compensation
Filed by: Bureau of Workers' Compensation
Filed by: Industrial Commission of Ohio

08/04/04 Response of Industrial Commission and Bureau of Worker's Compensation to appellant's response to show cause order, pursuant to Court's 7/14/04 entry
Filed by: Bureau of Workers' Compensation
Filed by: Industrial Commission of Ohio

09/29/04 Statement of attorney fees of Industrial Commission of Ohio pursuant to 9/24/04 entry
Filed by: Industrial Commission of Ohio

10/04/04 Response to Statement of attorney fees of Industrial Commission of Ohio pursuant to 9/24/04 entry
Filed by: Gregory T. Howard

10/21/04 DECISION: Entry: The document tendered for filing by appellant on 9/29/04 is found to be without merit and the motion for leave is denied

03/14/05 Notice of substitution of counsel Shawn M. Wollam as counsel for record for Industrial Commission of Ohio and Bureau of Workers' Compensation
Filed by: Bureau of Workers' Compensation

Filed by: Industrial Commission of Ohio

03/28/05 DECISION: Entry: the Industrial Commission of Ohio is awarded additional attorney fees in the amount of \$99.00

03/29/05 Motion for leave to file a motion for nunc pro tunc correction of the 3/28/05 order of the Court
Filed by: Gregory T. Howard

04/07/05 Granted; appellant shall file the motion for correction within 10 days of this entry

04/08/05 Motion for nunc pro tunc correction of the March 28, 2005 entry (The Court granted leave to file the motion for nunc pro tunc correction on April 7, 2005)
Filed by: Gregory T. Howard

05/25/05 Denied

04/28/05 Motion of Industrial Commission of Ohio to strike appellant's motion for nunc pro tunc correction of entry
Filed by: Industrial Commission of Ohio

05/25/05 Denied as moot

06/03/05 Motion of Industrial Commission of Ohio to initiate contempt proceedings against Gregory T. Howard
Filed by: Industrial Commission of Ohio

08/10/05 Granted; sua sponte, appellant must show cause within 20 days from the date of this order why he should not be held in contempt for failure to comply with this Court's March 3, 2004, and March 28, 2005, entries

06/06/05 Memo opposing motion of Industrial Commission of Ohio to initiate contempt proceedings against Gregory T. Howard

08/16/05 Motion for leave to file motion for extension of time
Filed by: Gregory T. Howard

08/17/05 Response to show cause order issued 8/10/05
Filed by: Gregory T. Howard

10/20/05 Entry: appellant Gregory T. Howard found to be in contempt; sua sponte, appellant ordered to appear in person before this Court on 11/29/05 at 9:00 a.m.

08/29/05 Motion for leave to respond to Gregory T. Howard's attempt to show cause why he should not be held in contempt
Filed by: Industrial Commission of Ohio

09/06/05 Granted; response due 10 days from the date of this entry

09/06/05 Response of Industrial Commission filed per Court's 9/6/05 entry
Filed by: Industrial Commission of Ohio

10/24/05 Motion for leave to file request to bring court reporter to hearing scheduled for 11/29/05 at 9:00 a.m.
Filed by: Gregory T. Howard

10/27/05 Granted; appellant shall file request within ten days of the date of this entry

10/25/05 Motion for leave to file a motion to strike appellee's memorandum in response to show cause order
Filed by: Gregory T. Howard

11/03/05 Denied

10/27/05 Request to bring a court reporter to hearing scheduled for November 29, 2005
Filed by: Gregory T. Howard

11/03/05 Granted

11/01/05 Motion for leave to file a motion to recuse the Ohio Supreme Court, to file motion to reinstate the case, and request for sanctions
Filed by: Gregory T. Howard

11/07/05 Granted; appellant shall file the motions within 10 days from the date of this entry

- 11/08/05 Motion for leave to read and/or submit argument in written form for the November 29, 2005, contempt hearing
Filed by: Gregory T. Howard
- 11/17/05 Granted; appellant shall file any written argument he intends to present by Nov. 22, 2005, and shall serve a copy of the written argument on the appellees. Appellant still required to appear before this Court on Nov. 29, 2005, at 9 a.m.
- 11/08/05 Motion to recuse the Ohio Supreme Court
Filed by: Gregory T. Howard
- 11/08/05 Motion to reinstate appeal and request for sanctions
Filed by: Gregory T. Howard
- 11/10/05 Motion for leave to subpoena documents and/or the appearance of the Bureau of Workers' Compensation administrator to the hearing scheduled for November 29, 2005
Filed by: Gregory T. Howard
- 11/17/05 Denied
- 11/17/05 Memo of Industrial Commission of Ohio opposing motion to recuse the Ohio Supreme Court
Filed by: Industrial Commission of Ohio
- 11/17/05 Memo of Industrial Commission of Ohio opposing motion to reinstate appeal and request for sanctions
Filed by: Industrial Commission of Ohio
- 11/17/05 Memo of Industrial Commission of Ohio opposing motion for leave to subpoena documents and/or the appearance of the Bureau of Workers' Compensation administrator to the hearing scheduled for November 29, 2005
Filed by: Industrial Commission of Ohio
- 11/17/05 Opening statement and legal argument to be read by appellant and/or otherwise submitted in written form for the November 29, 2005, contempt hearing
Filed by: Gregory T. Howard
- 11/21/05 Additional argument to be read by appellant and/or otherwise submitted in written form for the November 29, 2005, contempt hearing
Filed by: Gregory T. Howard
- 11/22/05 Additional argument to be read by appellant and/or otherwise submitted in written form for the November 29, 2005, contempt hearing
Filed by: Gregory T. Howard
- 11/28/05 Motion for leave to file three additional written legal arguments to be read by appellant and/or otherwise submitted in written form for the November 29, 2005 contempt hearing
Filed by: Gregory T. Howard
- 12/02/05 Denied
- 11/29/05 Notice of appearance of James A. Barnes for the Industrial Commission of Ohio
Filed by: Industrial Commission of Ohio
- 11/29/05 Appellant appeared as ordered
- 11/30/05 Motion for leave to file accompanying documents pursuant to this Court's 9/24/04 entry
Filed by: Gregory T. Howard
- 12/09/05 Denied
- 11/30/05 Motion for leave to file motion for order to show cause why the Bureau of Workers' Compensation has not paid appellant's above-entitled Workers' Compensation benefits
Filed by: Gregory T. Howard
- 12/09/05 Denied
- 12/14/05 DECISION: Order; appellant shall make payments towards the March 3, 2004, and March 28, 2005, awards of attorney fees to the appellees (see entry)

- 12/19/05 Motion for leave to file an application for stay of the Court's entry filed 12/14/05, pending petition for writ of mandamus and motion to certify record to U.S. Supreme Court
Filed by: Gregory T. Howard
12/23/05 Denied
- 12/22/05 Motion for leave to file an amended motion to recuse the Ohio Supreme Court, to reinstate the case, and request for sanctions
Filed by: Gregory T. Howard
12/30/05 Denied
- 01/13/06 Copy of purchaser's receipt in the amount of \$384.00 tendered to The Industrial Commission of Ohio in response to 12/14/05 order
Filed by: Gregory T. Howard
- 01/18/06 Motion for leave to file a motion to vacate and to reinstate the instant case brought by appellant
Filed by: Gregory T. Howard
01/26/06 Denied
- 02/13/06 Motion for leave to file motion for relief from this Court's prior judgments
Filed by: Gregory T. Howard
02/27/06 Denied
- 02/21/06 Motion for leave to file motion for sanctions
Filed by: Gregory T. Howard
02/27/06 Denied
- 03/01/06 Motion for leave to file motion for relief from the Court's December 30, 2005, January 26, 2006, and February 27, 2006 entries
Filed by: Gregory T. Howard
03/06/06 Denied
- 03/14/06 Copy of purchaser's receipt in the amount of \$50.00 tendered to Thomas A. Dixon, Esq., of Eastman & Smith, Ltd., in response to Court's 12/14/05 order
Filed by: Gregory T. Howard
- 03/29/06 Motion for leave to file attached motion to vacate the 12/14/05 order instanter
Filed by: Gregory T. Howard
04/03/06 Denied
- 04/14/06 Motion for leave to file the attached motion to invoke Section 38 of Article II of the Ohio Constitution against Chief Justice Moyer
Filed by: Gregory T. Howard
04/24/06 Denied
- 05/08/06 Notice of Seaway Food Town, Inc., of failure of appellant Gregory T. Howard to pay sanctions
Filed by: Seaway Food Town, Inc.
- 05/08/06 Motion for leave to file a response instanter to the notice of failure of payment filed by appellee Seaway Food Town, Inc.
Filed by: Gregory T. Howard
05/18/06 Granted
- 05/08/06 And response to the notice of failure of payment filed by appellee Seaway Food Town, Inc.
Filed by: Gregory T. Howard
- 06/15/06 Motion for leave to file a response to this Court's 12/14/05 order
Filed by: Gregory T. Howard
06/29/06 Denied
- 07/07/06 Second notice of Seaway Food Town, Inc., of failure of appellant Gregory T. Howard to pay sanctions
Filed by: Seaway Food Town, Inc.

08/24/06 Entry: Appellant shall continue to make payments toward the award of attorney fees as previously ordered by this Court; parties shall notify Court when paid in full

07/13/06 Motion for leave to file a response instanter to the second notice of failure of payment filed by appellee Seaway Food Town, Inc.
Filed by: Gregory T. Howard

08/24/06 Granted

07/13/06 And response to the second notice of failure of payment filed by appellee Seaway Food Town, Inc.
Filed by: Gregory T. Howard

07/27/06 Third notice of Seaway Food Town, Inc., of failure of appellant Gregory T. Howard to pay sanctions
Filed by: Seaway Food Town, Inc.

08/24/06 Entry: Appellant shall continue to make payments toward the award of attorney fees as previously ordered by this Court; parties shall notify Court when paid in full

08/01/06 Motion for leave to file a response instanter to the third notice of failure of payment filed by appellee Seaway Food Town, Inc.
Filed by: Gregory T. Howard

08/24/06 Granted

08/01/06 And response to the third notice of failure of payment filed by appellee Seaway Food Town, Inc.
Filed by: Gregory T. Howard

09/25/06 Fourth notice of Seaway Food Town, Inc., of failure of appellant Gregory T. Howard to pay sanctions
Filed by: Seaway Food Town, Inc.

10/02/06 Motion for leave to file a response instanter to the fourth notice of failure of payment filed by appellee Seaway Food Town, Inc.
Filed by: Gregory T. Howard

10/02/06 And response to the fourth notice of failure of payment filed by appellee Seaway Food Town, Inc.
Filed by: Gregory T. Howard

10/26/06 Fifth notice of Seaway Food Town, Inc., of failure of appellant Gregory T. Howard to pay sanctions
Filed by: Seaway Food Town, Inc.

10/30/06 Motion for leave to file a complaint for conversion & bad faith against attorney Thomas A. Dixon
Filed by: Gregory T. Howard

10/30/06 Motion for leave to file motion to dismiss notices of failure to pay sanctions and request for appropriate sanctions
Filed by: Gregory T. Howard

11/27/06 Sixth notice of Seaway Food Town, Inc., of failure of appellant Gregory T. Howard to pay sanctions
Filed by: Seaway Food Town, Inc.

***** End of case information *****

IN THE COURT OF APPEALS OF OHIO
TENTH APPELLATE DISTRICT

State ex rel. Gregory T. Howard, :
Relator, :
v. : No. 06AP-1222
Ohio State Supreme Court et al., : (REGULAR CALENDAR)
Respondents. :

JOURNAL ENTRY OF DISMISSAL

On January 11, 2006, the Franklin County Court of Common Pleas, pursuant to R.C. 2323.52, declared Gregory T. Howard ("Mr. Howard") a vexatious litigator. The Honorable John F. Bender ("Judge Bender"), a judge of that court, issued the vexatious litigator judgment entry.

On December 5, 2006, Mr. Howard filed in this court an application for leave to file a complaint for a writ of procedendo to compel Judge Bender to proceed to judgment with respect to an application that Mr. Howard allegedly filed in Judge Bender's court on November 16, 2006.

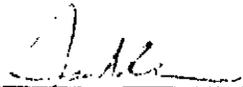
According to Mr. Howard's December 5, 2006 application, the November 16, 2006 application filed in Judge Bender's court requests leave to file a motion to vacate Judge Bender's January 11, 2006 entries. According to Mr. Howard's December 5, 2006 application, Judge Bender has failed to rule on Mr. Howard's motions and applications for leave to proceed, notwithstanding his vexatious litigator status.

This court notes that Mr. Howard named the "Ohio State Supreme Court" as respondent in his proposed complaint submitted with his application. The proposed complaint also seeks a writ of mandamus to compel Judge Bender to report to the Ohio State Bar Association alleged ethical misconduct by opposing counsel in the "underlying action."

R.C. 2323.52(F)(2) provides that a court of appeals shall not grant a person found to be a vexatious litigator leave for the institution of legal proceedings in the court of appeals unless the court of appeals is satisfied that the proceedings or application are not an abuse of process of the court and that there are reasonable grounds for the proceedings or application.

This court is not satisfied that Mr. Howard's December 5, 2006 application is not an abuse of process of this court and this court finds that relator has not demonstrated that there are reasonable grounds for the application.

Accordingly, the December 5, 2006 application is hereby denied and this matter is sua sponte dismissed.



Judge Lisa L. Sadler

Judge William A. Klatt, P.J.

Judge Alan C. Travis

The Supreme Court of Ohio

CASE ANNOUNCEMENTS AND ADMINISTRATIVE ACTIONS

January 5, 2007

[Cite as *01/05/2007 Case Announcements, 2007-Ohio-15.*]

MOTION AND PROCEDURAL RULINGS

2003-1572. State ex rel. Howard v. Indus. Comm.

Franklin App. No. 97AP-860. This cause came on for further consideration of appellee's fourth, fifth, and sixth notices of appellant's failure to pay sanctions, and appellant's motions for leave to file responses to the notices of failure of payment, a complaint for conversion and bad faith, a motion to dismiss notices of failure to pay sanctions, and to initiate contempt proceedings. Upon consideration thereof,

It is ordered by the court that appellant's motions are denied.

It is further ordered, sua sponte, that appellant is found to be in contempt of this court, and appellee Seaway Food Town, Inc., may pursue collection of the attorney fee award. The Clerk of this court shall issue a certificate of judgment.

2006-1686. Bedford Bd. of Edn. v. Cuyahoga Cty. Bd. of Revision.

Board of Tax Appeals, Nos. 2004-V-1310 and 2004-V-1311. This cause is pending before the court as an appeal from the Board of Tax Appeals. Upon consideration of appellant's motion to consolidate this case with 2005-2311, *Bedford Bd. of Edn. v. Cuyahoga Cty. Bd. of Revision*, Board of Tax Appeals, Nos. 2004-A-287 and 2004-A-288,

It is ordered by the court that the motion is granted for purposes of oral argument.

2006-2177. Coburn v. Thrush.

Morrow App. No. 2005CA0018, 2006-Ohio-5354. This cause is pending before the court as a discretionary appeal. Upon consideration of appellee's motion to strike the memorandum in support of jurisdiction for improper service,

It is ordered by the court that the motion is denied.

Thursday, January 04, 2007

Governor Bob Taft
30th Floor
77 South High Street
Columbus, Ohio 43215-6117

VIA FACSIMILE 614-621-1024 ONLY

Ohio Bureau of Workers' Compensation
Administrator/CEO William E. Mabe
30 West Spring Street
Columbus, Ohio 43215

Re: Gregory T. Howard v. Seaway Food Town, Inc.
BWC Claim Nos. L-246280-22, 882992-22

Dear Sirs:

On June 30, 1999, the Industrial Commission of Ohio, pursuant to R.C. 4123.52, declared Gregory T. Howard's claim(s) legally dead. The Honorable Carl E. Habekost ("SHO"), hearing officer of the Commission, issued the record of proceedings or entry finding among other things that no further issues may be considered in the claim(s) unless they were filed prior to 11-6-97 or because of any issue filed prior to 11-6-97 compensation or medical benefits are paid extending the statute and that his opinion was based on the reports of "Drs. Mahajan, Funke."

On December 26, 2006, the injured worker filed in the Industrial Commission of Ohio and the Bureau of Workers' Compensation an application for a Lump Sum Advancement with respect to the documented evidence/medical bills from "Dr. Mahajan" which were on file at the time the Commission orders declared the undersigned claim(s) legally dead but never adjudicated by the Commission and subsequently asked the Commission to enter a new order that adjudicates the unpaid medical expenses. (See C-86 Motion to Reinstate filed by injured worker 1-03-2007; *Howard v. Supreme Court of Ohio, et al.*, Case No. 07AP-0001; and also see hearing held 06/24/1999, which is a final order and remain undisturbed).

Ohio Constitution Article III, Section 6 provides that the governor may require information, in writing, from the officers in the executive department, upon any subject relating to the duties of their respective offices, and shall see that the laws are faithfully executed. The undersigned interprets this to include that the Governor's Office has a moderate or reasonable control of the Ohio Attorney General's Office or legislative portion of the government. The legislative affairs, Industrial Commission of Ohio and the Ohio Bureau of Workers' Compensation has wantonly failed to adjudicate or process

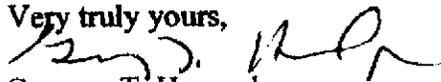
several motions/filings that were sent (07-27-2006 through 01-03-2007) to them for processing or adjudication in violation of its rules and guidelines.

It is my view or opinion that the Industrial Commission of Ohio, the Ohio Bureau of Workers' Compensation and legislative affairs blatantly and wantonly failed to impartially resolve my issues arising from my valid worker's compensation claims in violation of or as incumbent by its adjudication policy or guidelines. Based upon these reasonable grounds set forth herein I implore you to require information, in writing, from the respective officers (Ohio Attorney General Office), upon the subject set forth herein relating to the duties of their respective offices concerning "impartially" resolving matters which are before them and to see that the laws associated with the above-referenced claims are enforced as incumbent upon you to do pursuant to Ohio Constitution Article III, Section 6. I further request that you enforce or otherwise compel their obedience to Ohio Constitution Article 1, Section 16 as to my constitutional right to remedy for injury arising from my valid worker's compensation claims as well as explained herein, or to otherwise report to the Ohio Court of Claims or the Ohio Supreme Court (Case No. 2003-1572) the misconduct by Industrial Commission of Ohio, the Ohio Bureau of Workers' Compensation and legislative affairs arising from my valid worker's compensation claims in the "underlying action."

Accordingly, I would appreciate your prompt response or resolution or assistance in rectifying this issue via U.S. Mail Service as incumbent by the Ohio Constitution. Constitution Article III, Section 5.

Thank-you in advance for your consideration on this issue.

Very truly yours,


Gregory T. Howard
P.O. Box 3096
Toledo, Ohio 43607-0096
Telephone: (419) 450-3408

Enclosure

cc: Thomas A. Dixon, Esq. (w/o/enc.) Facsimile: 419.247.1777 ✓
Bureau of Workers' Compensation (w/o/enc.): 866.457.0594 ✓
IC/BWC REPRESENTATIVE (w/o/enc.) 614.728.9535-Article III, Section 1 ✓
Chief Justice Thomas J. Moyer (w/o/enc.) 614.387.9019 ✓
Barbara Beasy (w/o/enc.) 614.644.5209 ✓
Ombudsperson (w/o/enc.) 614.644.1998 ✓
Scott Hines, Esq., (w/o/enc.) 419.245.2652 ✓
Mackinaw Administrator (w/o/enc.) 734-856-6226 ✓

IN THE SUPREME COURT OF OHIO

State ex rel. Gregory T. Howard,

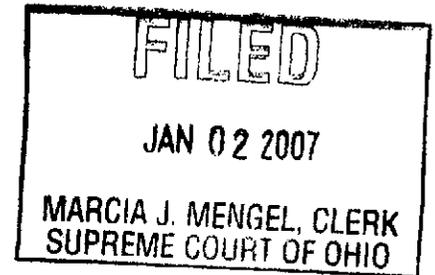
Case No. 2003-1572

Relator,

-vs-

Industrial Commission of Ohio,
et al.,

Respondents.



APPLICATION FOR LEAVE TO FILE A COMPLAINT FOR A WRIT OF
MANDAMUS

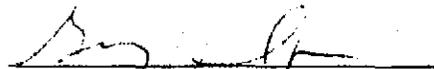
Now comes the Relator Gregory T. Howard, and hereby moves this Court for a Writ of Mandamus ordering, the Court of Appeals of Ohio Tenth Appellate District to vacate its order of December 29, 2006 denying his application and dismissing his complaint for a writ of procedendo to compel Judge Bender to proceed to judgment with respect to his applications filed in the Court of Judge Bender from 04-21-05 through 11-16-2006. (Exhibit 1).

Without subject matter jurisdiction on January 11, 2006, the Honorable John F. Bender, a judge of the Franklin County Court of Common Pleas acted in bad faith and issued an order declaring the undersigned a vexatious litigator. It should be noted that the Relator named "Judge Travis" a prior judge of that court who now sits a judge of the court of appeals as a respondent in his proposed complaint submitted with his application. It should also be noted that "Judge Klatt" a judge of the Court of Appeals signed Judge

Bender's Office of Oath. This application is not an abuse of process of this Court as the Relator has clearly demonstrated reasonable grounds for the application, Relator has a legal right to relief from the determination of the Court of Appeals and the Court of Appeals has a legal duty to provide such relief. *State ex rel. v. Indus. Comm.* (1967), 11 Ohio St 2d 141. Judge Sadler's Journal Entry of Dismissal of 12-29-2006 creates a strong appearance of impropriety. Relator has no plain and adequate remedy in the ordinary course of the law within the meaning of R.C. 2731.05.

Accordingly, for all the above documented reasons, the Relator asks that this Court issue a writ of mandamus ordering respondent Court of Appeals, to vacate its order of 12-29-2006 and in a manner consistent with R.C. 2731.11 and other applicable legal provisions and to enter a new order that adjudicates all the applications that the Relator has filed in Judge Bender's Court and to otherwise expunge his vexatious litigator status as being invalid.

Respectfully submitted,

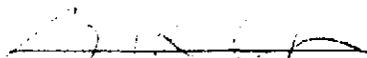


Gregory T. Howard
P.O. Box 3096
Toledo, Ohio 43607-0096
(419) 450-3408

Relator, pro-se

PROOF OF SERVICE

This is to certify that a copy of the foregoing Application of Gregory T. Howard was sent via U.S. Mail this 2nd day of January, 2007 to all Respondents of Record in this action.



Gregory T. Howard
Relator, pro-se

ATTENDING PHYSICIAN'S SUPPLEMENTAL STATEMENT

* This report will be forwarded to all interested parties once it is completed by the Doctor

- (1) Patient's name: Gregory T. Howard
- (2) Nature of sickness or injury (Describe complications, if any) Chronic cervical and lumbar strain (injuries to) middle to lower back and neck; head contusion and chronic hypertension
- (3) (a) Date of first treatment: 09-30-2005
(b) Date of most recent treatment: 12-28-2006
(c) Frequency of treatments: To be seen 03-29-2007
- (4) The patient has been continuously disabled (unable to work) from 03-23-1994 through 12-28-2006; If still disabled, when should patient be able to return to work? Patient will be unable to return to work until 12/1/9999.
- (5) Remarks: _____

Date: 01-5-2007

Signed: _____ M.D.

(Attending Physician)

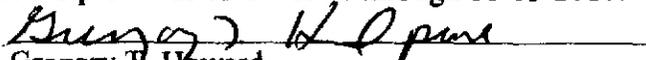
My Professional license no. is _____

Address: 2213 Franklin Avenue, Toledo, Ohio
43620

Phone: (419) 251-2360

EMPLOYEE'S STATEMENT

My termination date from Seaway Food Town, Inc. was 03-25-1999. Prior to leaving Food Town I was injured in the course of and arising out of my employment and last received compensation/benefits in Claim No. 882992-22 on 11-6-1997 and last received compensation/benefits in Claim No. L-246280-22 on 03-28-1995. That is why there are no wages for this former employee for the period of 03-23-1994 through 01-05-2007.



Gregory T. Howard

P.O. Box 3096

Toledo, Ohio 43607-0096

Telephone: (419) 450-3408