

IN THE SUPREME COURT OF OHIO

STATE OF OHIO, ex rel.,  
GREGORY T. HOWARD

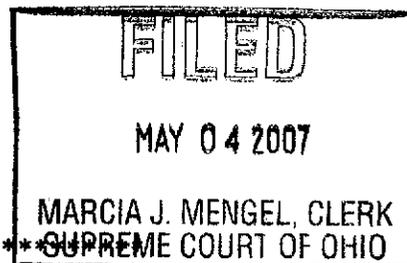
Case No. 03-1572  
Trial Court Case No. 97AP-860

Appellant,

-vs-

SEAWAY FOOD TOWN, INC., et al.,

Appellees.



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APPLICATION FOR LEAVE TO FILE OR PURSUE AN ACTION AGAINST THE  
OHIO BUREAU OF WORKERS' COMPENSATION IN THIS COURT AND  
INSTRUCTIONS TO THE CLERK OF COURTS AND TO THE JURISTS OF THIS  
COURT, *INSTANTER*

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On September 24, 2004, this Court declared Gregory T. Howard, pro-se, a vexatious litigator pursuant to S. Ct. Prac. R. XIV, Section 5(B). Accordingly, Howard must obtain leave of this Court to institute any proceeding, continue any proceeding he instituted, or make any application in this Court.

On September 2, 2003, the Appellant *inter alia* filed this appeal from an order denying him leave to proceed to pursue a claim against the Industrial Commission of Ohio, pursuant to O.R.C. 2705.02 (A), or which violated the terms of the Ohio Constitution within the meaning of Article I, Section 16 or the U.S. Constitution within the meaning of the 1<sup>st</sup> & 14<sup>th</sup> Amendments, which originated in the Tenth District Court

of Appeals. See, O.R.C. Chapter 2505. On October 31, 2003, after the date (March 25, 1999), Howard was terminated from employment by Seaway Food Town, Inc., this Court issued an entry denying Howard's appeal and granted final judgment in the Respondents' favor. Ultimately, on April 10, 2007 Howard filed an Application for "leave to file a response to Status report and to orders issued December 14, 2005, January 5, 2007, and March 28, 2007."

On November 30, 2006, the Tenth District Court of Appeals, granted Howard's Application to proceed in an appeal, *in forma pauperis*. (A copy of this Order is attached for this Court's review). Howard hereby makes an Application for leave to pursue an action against the Ohio Bureau of Workers' Compensation in this Court, on the grounds outlined below:

O.R.C. 4121.25 provides for the filing of an action to set aside, vacate, or to amend an order, and gives the Ohio Supreme Court exclusive jurisdiction to hear and determine the action. To the extent Howard asks this Court to set aside, vacate, or amend the Bureau of Workers' Compensation unreasonable or unlawful orders, affecting his right to participate in the workers' compensation State Insurance Fund and to determine/revise his BWC Claim Files Nos. 800268-22, 882992-22, & L-246280-22 to report that these claim files are State Fund Insurance Claim Files as of March 25, 1999. Further, Howard asks that this Court require the Ohio Bureau of Workers' Compensation to direct that his C-86 Motion which was filed with them on April 26, 2007, be directed to the Industrial Commission of Ohio Director of Hearing Service at (614) 752-6611, for review of the disputed issues or to otherwise resolve the injured worker's or Howard's undisputed or disputed claims or claim files.

It is the duty of the Ohio Bureau of Workers' Compensation to pay workers' compensation benefits from the State Insurance Fund to an injured worker when their employer is no longer doing business in the State of Ohio or when that employer is otherwise insolvent and not the duty of Spartan Store, Inc., because Howard was not an employee of Spartan Stores. Howard has been harmed by the Ohio Bureau of Workers' Compensation non-compliance with its rules and the corresponding statutory provisions, since his termination date of March 25, 1999 from employment with Seaway. In support of this point or Application, the following evidence is included: C-86 Motion as filed on April 26, 2007. Accordingly, Howard's Application for leave to pursue an action against the Ohio Bureau of Workers' Compensation in this Court, must be granted pursuant to O.R.C. 4121.25 and other applicable legal provisions.

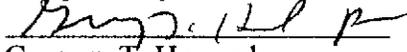
For the foregoing reasons, Howard request that this Court to set aside, vacate, or amend the Bureau of Workers' Compensation unreasonable or unlawful orders, affecting his right to participate in the workers' compensation State Insurance Fund and to determine/revise his BWC Claim Files Nos. 800268-22, 882992-22, & L-246280-22 to report that these claim files are State Fund Claim Files as of March 25, 1999. At the risk of repeating himself, Howard further asks that this Court require the Ohio Bureau of Workers' Compensation to direct that his C-86 Motion which was filed with them on April 26, 2007, be directed to the Industrial Commission of Ohio Director of Hearing Service at (614) 752-6611, for review of the disputed issues or to otherwise resolve the injured worker's or Howard's undisputed or disputed claims or claim files.

Howard, submits that he has presented a meritorious claim for which relief can be granted in his favor, and that he has satisfied the requirements of this Court's order of

September 24, 2004 by requesting leave and submitting the same to the Clerk of this Court for the Court's review.

**WHEREFORE**, Howard respectfully request this Honorable Court to grant his request for leave for this Court to set aside, vacate, or amend the Bureau of Workers' Compensation unreasonable or unlawful orders, affecting his right to participate in the workers' compensation State Insurance Fund and to determine/revise his BWC Claim Files Nos. 800268-22, 882992-22, & L-246280-22 to report that these claim files are State Fund Claim Files as of March 25, 1999 pursuant to O.R.C. 4121.25 and other applicable legal provisions. Further, Howard asks that this Court require the Ohio Bureau of Workers' Compensation to direct that his C-86 Motion which was filed with them on April 26, 2007, be directed to the Industrial Commission of Ohio Director of Hearing Service at (614) 752-6611, for review of the disputed issues or to otherwise resolve the injured worker's or Howard's undisputed or disputed claims or claim files as well as all other relief this Court shall deem proper and just..

Respectfully submitted,

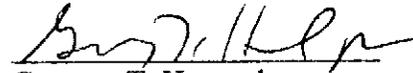
  
Gregory T. Howard  
P.O. Box 3096  
Toledo, Ohio 43607-0096  
Telephone: (419) 450-3408

Relator-Appellant, Pro-se

INSTRUCTIONS TO THE CLERK OF COURTS AND TO THE JURISTS OF THIS COURT

On November 30, 2006, the Tenth District Court of Appeals, granted Howard's Application to proceed in an appeal, *in forma pauperis*. That court approved Howard's proof of indigency, and this Court must enforce it. Howard now directs the Clerk of the Ohio Supreme Court to assign a new miscellaneous case name and number for any future requests by Mr. Howard to assert a claim as a new lawsuit, counterclaim, cross-claim, or third party claim within ten days that the Court issues an entry permitting Howard to

assert a claim as a new lawsuit, counterclaim, crossclaim, or third party claim. The title of the new case shall be *In Re Gregory T. Howard*, with a new case number, and it shall include a copy of the Order this Court filed on October 31, 2003 or subsequent order of this Court after this date of writing, in Case No. 2003-1572. Howard shall no longer be required to file leave to file any request to continue or to file a document in any case in which he is a party, where that document relates to that pending case. Howard is permitted to file any new claim in this case name and number without the condition of contemporaneously depositing with the Clerk the prescribed filing fees. The Clerk shall mail date stamped copy of this Court's entry to Howard and all counsel of record.



Gregory T. Howard  
Appellant-Claimant, 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 2<sup>nd</sup> day of May, 2007 to:

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

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

Governor Ted Strickland  
77 High Street, 30<sup>th</sup> Floor  
Columbus, Ohio 43215-6117

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

The Federal Trade Commission:  
Privacy-Steering-Committee  
Federal-Trade-Commission  
600-Pennsylvania-Avenue,N.W.  
Washington,DC-20580

Attn: Deputy Director, Office of the Executive Director

Re: Eastman & Smith, et al.

State of Ohio Office of the Attorney General Complaint #: 327061  
Federal Trade Commission Complaint # 10010756 & 10299071  
Comptroller of the Currency #685430



Gregory T. Howard  
Appellant-Claimant, pro-se



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INDUSTRIAL COMMISSION OF OHIO

2006 FEB 21 A 8 19

TOLEDO REGIONAL OFFICE

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

*Cynthia M. Kozak*

Sincerely,

I am in receipt of the Charge of Discrimination involving Gregory T. Howard (TOL) 72022599 (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.

Dear Mr. Kwiatkowski:

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

November 25, 2003

**SPARTAN STORES, INC.**  
THE FOOD PEOPLE

O.S.C. 2003-1572

BLDC NOS L-246280-22  
882992-22  
800268-22

RECEIVED  
NOV 26 2003  
TOLEDO REGIONAL OFFICE

2006 FEB 27 P 12:22

INDUSTRIAL COMMISSION OF OHIO

ON COMPUTER-RV

100-237

The Supreme Court of Ohio

FILED

SEP 24 2004

State of Ohio ex rel. Gregory T. Howard,  
Appellant,

Case No. 03-1572

MARCIA J. MENGEL, CLERK  
SUPREME COURT OF OHIO

v.  
Industrial Commission of Ohio et al.,  
Appellees.

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:

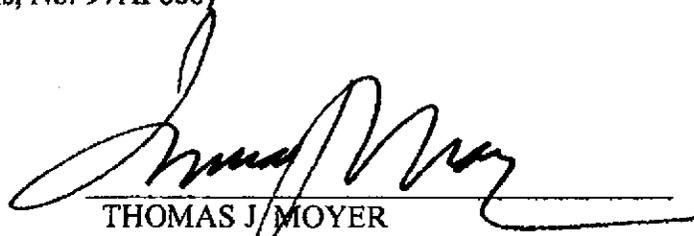
On September 9, 2003, in Case No. 03-1061, this Court placed filing restrictions on appellant for engaging in frivolous litigation. In addition, the Court ordered that the continued filing of frivolous actions or documents by respondent would result in additional sanctions. Appellant has continued to 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

IN THE COURT OF APPEALS OF OHIO

TENTH APPELLATE DISTRICT

Gregory T. Howard,

Plaintiff-Appellant,

v.

Ohio State Supreme Court,

Defendant-Appellee.

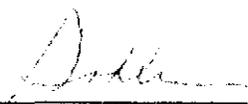
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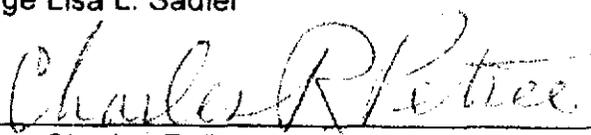
No. 06AP-1145

(REGULAR CALENDAR)

JOURNAL ENTRY

Appellant's November 30, 2006 application to proceed in this appeal, in forma pauperis, is granted. Appellant has also filed an application for leave to pursue a claim against Seaway Food Town, Inc., pursuant to R.C. 4123.75. R.C. 4123.75 provides for the filing of a claim with the Industrial Commission or the Bureau of Workers' Compensation. To the extent appellant seeks to appeal orders of the Industrial Commission, affecting his right to participate in the workers' compensation fund, his appeal would initially be filed with the Court of Common Pleas of Franklin County. Appellant is required, pursuant to R.C. 2323.52, to seek leave from that court to file his appeal(s) therein. Appellant's November 30, 2006 application for leave to pursue, in this appeal, a claim against Seaway Food Town, Inc., is denied.

  
\_\_\_\_\_  
Judge Lisa L. Sadler

  
\_\_\_\_\_  
Judge Charles R. Petree

  
\_\_\_\_\_  
Judge Patrick M. McGrath

FILED  
CLERK



O.S.C. 2003-1572

# MOTION

**INSTRUCTIONS:**

- This form is to be used by the injured worker or employer and/or their authorized representatives to request a decision by the Bureau of Workers' Compensation or the Industrial Commission that cannot be accomplished through any other form or application.
- This form is **NOT TO BE USED BY HEALTH CARE PROVIDERS OR MANAGED CARE ORGANIZATIONS**. Health Care Providers or Managed Care Organizations must use form C-9, *Physician's Report/Treatment Plan for Industrial Injury or Occupational Disease*.
- Proof must be submitted with this form.
- The applicant must mail a copy of the Motion to the opposite party and/or their authorized representative and shall indicate that a copy has been mailed by signing Certificate of Service below.

Injured worker name GREGORY T HOWARD		Claim number L246280-22	
Street address 381 S DETROIT AVE	City TOLEDO	State OH	9-digit ZIP Code 43609-2068

This MOTION is a request to consider the following:

REQUEST FOR IC DIRECTOR OF HEARING SERVICES TO INVESTIGATE/RESEARCH BWC CLAIM FILE NOS. 800268-22, 882992-22, & L-246280-22 TO VERIFY THAT SEAWAY FOOD TOWN, INC., STOP DOING BUSINESS IN THE STATE OF OHIO IN AUGUST OF 2000 AND TO REVISE BWC CLAIM FILES NOS. 800268-22, 882992-22, & L-246280-22 TO REPORT THAT THESE CLAIMS FILES ARE STATE FUND CLAIM FILES AS OF MARCH 25, 1999. THESE CLAIM FILES HAVE BEEN REPORTED INCORRECTLY AS THERE IS A CORRESPONDENCE ON FILE DATED 11-25-2003 THAT SUPPORTS THAT.

In support of this MOTION, the following evidence is included: (Identify affidavits, medical records or other documents)

SEAWAY FOOD TOWN, INC., IS NO LONGER DOING BUSINESS IN THE STATE OF OHIO. THAT THE IW WAS NEVER AN EMPLOYEE OF SPARTAN STORES AND THAT THESE CLAIM FILES ARE STATE FUND CLAIM FILES AS OF 03-25-1999. THE IC IS CURRENTLY REPORTING THESE CLAIM FILES AS SELF-INSURED CLAIM FILES AND ARE INCORRECTLY DISALLOWING THEM AS BEING OUT OF STATUTE. THIS C-86 MOTION IS DIRECTED TO THE IC DIRECTOR OF HEARING SERVICES AT (614) 752-6611, FOR REVIEW OF THIS DISPUTE OR TO OTHERWISE RESOLVE THE IW DISPUTED FILES. ID

CERTIFICATE OF SERVICE: I certify that I have served a copy of this Motion on all parties and representatives to the claim.

Signed Gregory Howard - GTH (Electronic Signature)

Date signed 4/26/2007

- Injured worker     Employer     Authorized Representative     CEO/Administrator of Bureau of Workers' Compensation

Distribution: Original - Claim File    Copies - as needed