

IN THE SUPREME COURT OF OHIO

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

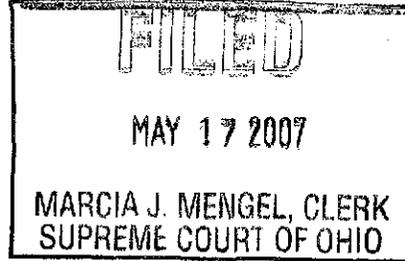
Appellant,

-vs-

SEAWAY FOOD TOWN, INC., et al.,

Appellees.

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



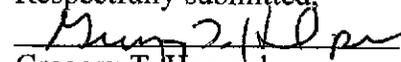
APPLICATION FOR LEAVE TO FILE A MOTION FOR RECONSIDERATION OF THIS COURT'S DENIAL OF APPELLANT'S APPLICATION FOR LEAVE TO PURSUE A VALID ACTION AGAINST THE OHIO BUREAU OF WORKERS' COMPENSATION IN THIS COURT AND AFFORDED THE OPPORTUNITY TO PRESENT THE PREVIOUS INSTRUCTIONS TO THE CLERK OF COURTS AND TO THE JURISTS OF THIS COURT, *INSTANTER*

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.

Appellant herein hereby makes application to this Court for leave to file a motion for reconsideration of this Court's denial of Appellant's application for leave to pursue a valid action against the Ohio Bureau of Workers' Compensation in this Court and afforded the opportunity to present the previous instructions to the Clerk of Courts and the Jurists of this Court, *instanter* as filed on May 4, 2007. On the following grounds: this Court failed to consider or adjudicate the appellant's May 10, 2007 motion for leave to file documentation of why appellant should be afforded the right to pursue an action against the Ohio Bureau of Workers' Compensation in this Court and afforded the

opportunity to present the previous instructions to the Clerk of Courts and the Jurists of this Court, *instanter* and violated the Appellant's due process of law rights (see Exhibit 1).

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 14th day of May, 2007 to:

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

Governor Ted Strickland
77 High Street, 30th Floor
Columbus, Ohio 43215-6117

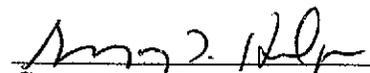
The Federal Trade Commission:
Privacy-Steering-Committee
Federal-Trade-Commission
600-Pennsylvania-Avenue, N.W.
Washington, DC-20580

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

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

Success!

Complaint Accepted. Thank you for your input.

First Name: Gregory
Last Name: Howard
Age Range: 50 - 59
Street Address: P.O. Box 3096
City: Toledo
State or Province: Ohio
Country: UNITED STATES
Zip Code or Postal Code: 43607
E-Mail Address: hwrdrgrgy@yahoo.com
Home Phone: (419)4503408
Subject of Your Complaint: Privacy
Name of Company You Are Complaining About: Eastman & Smith, et al.-Ref.#10299071 & 10010756
How Did the Company Initially Contact You?: Mail
Explain Your Problem: (Please limit your complaint to 2000 characters.): On 5-9-2007, the consumer sent a supplemental to his complaint Ref. Nos. 10299071 & 10010756 asking the FTC to take a separate action against Eastman & Smith, et al. because the the state law enforcement agencies shirked their law enforcement duties regarding Eastman's invasion of privacy. On 5-11-2007, the Ohio State Supreme Court denied due process of law under the U.S. Constitution 14th Amendment by denying the consumer application for leave to pursue a valid claim against the BWC et al., for invasion of privacy or complicity or protracted pattern of frivolous conduct. Accordingly, the consumer asks or renews his previous request for the FTC to take a separate action against Eastman, et al.,in federal court as he has no other available remedy in the ordinary course of law other than an appropriate order from the FTC. Thank-you for your prompt attention in this matter involving a sheer violation of the consumer privacy rights.

New Complaint

EX. "1"

Search Terms: federal trade commission

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Full

Document 1 of 1.

LEASECOMM CORPORATION, Appellee v. TERRY DULL, et al., Appellants

C. A. No. 06CA008904

COURT OF APPEALS OF OHIO, NINTH APPELLATE DISTRICT, LORAIN COUNTY

2007 Ohio 454; 2007 Ohio App. LEXIS 405

February 5, 2007, Decided**PRIOR HISTORY:** **[**1]** APPEAL FROM JUDGMENT ENTERED IN THE LORAIN MUNICIPAL COURT COUNTY OF LORAIN, OHIO. CASE No. CVF9702106.**DISPOSITION:** Judgment affirmed.**COUNSEL:** TIMOTHY E. POTTS, Attorney at Law, for Appellants.

JONATHAN P. BLAKELY, Attorney at Law, for Appellee.

JUDGES: LYNN C. SLABY. CARR, J., MOORE, J., CONCUR.**OPINION BY:** LYNN C. SLABY**OPINION:** DECISION AND JOURNAL ENTRY

This cause was heard upon the record in the trial court. Each error assigned has been reviewed and the following disposition is made:

SLABY, Presiding Judge.

[*P1] Appellants appeal from the Lorain Municipal Court's decision denying their request for satisfaction from judgment. We affirm.

[*P2] In 1999, LeaseComm Corp. (Appellee) obtained a judgment against Terry Dull and Auto Improvements (Appellants) for breach of contract arising out of the lease of business equipment by Appellants from Appellee. n1 In 2003, in a separate action, the **Federal Trade Commission** (FTC) pursued Appellee in Federal District Court in Massachusetts for Appellee's practices regarding the financing of lease agreements for specifically defined types of business equipment. Appellee and the FTC entered into a "stipulated final judgment and order" whereby, among **[**2]** other provisions, Appellee was prohibited from collecting judgments obtained in its favor on such lease agreements. We note that the agreement with the FTC was captioned a "stipulated final judgment and order," but it has the character of a consent decree, and we will refer to it and treat it as such.

----- Footnotes -----

n1 At various stages of the trial court proceedings, there were other parties to the proceedings who are no longer involved. We do not address those parties, as they affect neither the procedural history nor the outcome of this appeal.

----- End Footnotes-----

[*P3] Appellants filed a motion in Lorain Municipal Court on August 11, 2005, entitled "Motion for Satisfaction of Judgment". Although Appellants had not satisfied the 1999 judgment by paying the balance to Appellees, we conclude that the purpose of the motion was to have the balance of the judgment extinguished by the court. Appellants claimed that Appellee was precluded from collecting the 1999 judgment because Appellants' lease was the type of lease described in the FTC consent [**3] decree. On October 12, 2005, the magistrate held a hearing, and issued his decision on October 13, 2005. He found that Appellants were entitled to have the judgment declared satisfied, and ordered that Appellee do nothing further to collect on it. Appellee objected to the magistrate's findings, and a hearing was held before the trial judge on December 30, 2005. The trial judge rejected the magistrate's findings on the grounds that Appellants' lease was not the type of lease covered by the consent decree, and reinstated the 1999 judgment. Appellant timely appealed, raising one assignment of error for our review:

FIRST ASSIGNMENT OF ERROR

"The trial court abused its discretion in overruling the magistrate's decision granting [Appellants] a satisfaction of judgment"

[*P4] Appellants claim that the trial court erred in rejecting the magistrate's decision and in refusing to grant their motion for satisfaction of judgment. We disagree.

[*P5] The record before this court includes the transcript of the hearing before the magistrate, upon which evidence the magistrate ruled that Appellee could no longer pursue payment on the 1999 judgment against Appellants. It also [**4] contains Appellee's objections to the magistrate's decision, and the trial court's ruling, subsequent to a hearing, that Appellant's judgment was not satisfied and Appellee could continue to pursue payment.

[*P6] However, this court cannot consider the trial court's reasoning because Appellant failed to file with this court the transcript from the trial court's hearing. App.R. 9(B) requires the appellant to provide the appellate court with the portions of the record necessary for considering the appellant's claims because it is the appellant's burden to demonstrate error in the trial court by identifying the portions of the trial court record where those errors are found. *Knapp v. Edwards Laboratories* (1980), 61 Ohio St.2d 197, 199, 400 N.E.2d 384. "When portions of the transcript necessary for resolution of assigned errors are omitted from the record, the reviewing court has nothing to pass upon and thus, as to those assigned errors, the court has no choice but to presume the validity of the lower court's proceedings, and affirm." *Id.*

[*P7] Under Civ.R. 53(D)(4)(b), "a court may adopt or reject a magistrate's [**5] decision in whole or in part, with or without modification." We must presume that the proceedings in the trial court leading the trial judge to reject the decision of the magistrate were without irregularity, and we therefore affirm the trial court's decision.

[*P8] Appellant's assignment of error is overruled, and the judgment of the trial court is affirmed.

Judgment affirmed.

The Court finds that there were reasonable grounds for this appeal.

We order that a special mandate issue out of this Court, directing the Lorain Municipal Court, County of Lorain, State of Ohio, to carry this judgment into execution. A certified copy of this journal entry shall constitute the mandate, pursuant to App.R. 27.

Immediately upon the filing hereof, this document shall constitute the journal entry of judgment, and it shall be file stamped by the Clerk of the Court of Appeals at which time the period for review shall begin to run. App.R. 22(E). The Clerk of the Court of Appeals is instructed to mail a notice of entry of this judgment to the parties and to make a notation of the mailing in the docket, pursuant to App.R. 30 [**6] .

Costs taxed to Appellants.

LYNN C. SLABY

FOR THE COURT

CARR, J.
MOORE, J.
CONCUR

Document 1 of 1.

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FILED

MAY 11 2007

MARCIA J. MENGEL, CLERK
SUPREME COURT OF OHIO

The Supreme Court of Ohio

State of Ohio ex rel. Gregory T. Howard

Case No. 2003-1572

v.

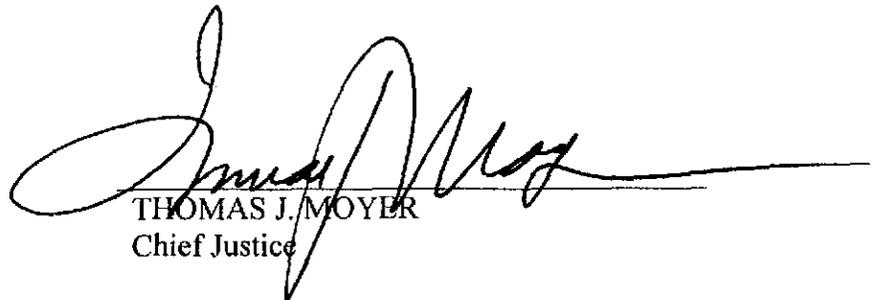
ENTRY

Industrial Commission of Ohio et al.

On September 24, 2004, this Court found appellant Gregory T. Howard to be a vexatious litigator under S.Ct.Prac.R. XIV(5)(B). This Court further ordered that appellant was prohibited from continuing or instituting legal proceedings in this Court without first obtaining leave. On May 4, 2007, appellant submitted an application for leave to pursue an action against the Ohio Bureau of Workers' Compensation in this Court. Upon consideration thereof,

It is ordered by the Court that the application for leave to pursue an action against the Ohio Bureau of Workers' Compensation is denied.

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



THOMAS J. MOYER
Chief Justice



STATE OF OHIO
OFFICE OF THE ATTORNEY GENERAL
MARC DANN, ATTORNEY GENERAL

Consumer Protection Section
30 E. Broad St., 14th Fl.
Columbus, OH 43215-3400
Telephone: (800) 282-0515
(614) 466-4986
Facsimile: (614) 728-7583
www.ag.state.oh.us

April 10, 2007

GREGORY HOWARD
PO BOX 3096
TOLEDO, OH 43607

Re: Judge John Bender
Complaint #: 330421

Dear Mr. Howard:

Thank you for your recent letter regarding the above-named.

The information you have provided will be recorded in our complaint retention system.

Again, thank you for taking the time to bring this issue to our attention. Please feel free to contact our office in the future with any of your consumer-related concerns.

Very truly yours,

MARC DANN
Attorney General

Christine Davis
Consumer Protection Section
(614) 466-7266
CDavis@ag.state.oh.us
(800) 282-0515 Toll Free
(614) 728-7583 (Fax)

NOTE: Please send all communication electronically when possible.



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February 23, 2007

HOWARD GREGORY
PO BOX 3096
TOLEDO, OH 43607

Re: Eastman & Smith
Complaint #: 327061

Dear Mr./Ms. Gregory:

I have carefully reviewed the complaint you recently filed with the Attorney General's office. It is the Consumer Protection Section's opinion that the problems you have encountered do not fall within the jurisdiction of our office since activities of this type are not covered by the Consumer Sales Practices Act or other consumer statutes the Attorney General is charged with enforcing. We have also been unable to find another government agency that has jurisdiction over this matter.

You may wish to contact private legal counsel to determine any civil remedies that may be available to you.

I regret that we cannot be of further assistance to you in this matter. Please feel free to contact the Attorney General's Consumer Protection Section, should you have a consumer problem in the future.

Very truly yours,

MARC DANN
Attorney General

Ida Parsley
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(614) 466-4116
IParsley@ag.state.oh.us
(800) 282-0515 Toll Free
(614) 728-7583 (Fax)

2142

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