

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.

FILED  
MAY 21 2007  
MARCIA J. MENGEL, CLERK  
SUPREME COURT OF OHIO

\*\*\*\*\*

APPLICATION FOR LEAVE TO FILE THE ATTACHED VALID COMPLAINT IN  
MANDAMUS AND/OR IN PROCEDENDO WITH AFFIDAVIT AND PRAECIPE IN  
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. The time for filing an appeal from Judge Bender's January 11, 2006 orders has long ago expired. Based upon the factual or legal basis, the facts or laws for the Appellant claims made herein and incorporated by reference, Appellant respectfully requests this Honorable Court to permit him leave of

Court to file the attached valid Ohio Civil Rule 8, S. Ct. Prac. R. X Complaint in Mandamus and/or in Procedendo with Affidavit and Praeceptum in this Court, *Instantly*, against the multiple named Respondents in that action, on the reasonable grounds outlined below.

Under R.C. Chapter 2731, a former employer, former spouse, attorneys, state agencies, instrumentalities, state officers, judicial officers and a person can be respondents in original actions in the State Ohio Supreme Court wherein a party can ask a court of proper jurisdiction to compel the performance of an act which the law specifically enjoins as a duty resulting from their office, etc. S. Ct. Prac. R. X. Accordingly, the Clerk of this Court should assign a new case number to the attached document so that Appellant can assert a new lawsuit, without filing fees established by this Court and the caption of that attached complaint should henceforth read as follows: "*State of Ohio, ex rel. Gregory T. Howard v. Supreme Court of Ohio, et al.*," pursuant to R.C. 2731.01 and R.C. 2731.04 based upon this reasonable ground(s).

Furthermore, the Appellant is suggesting that the Court enforce R.C. Chapter 2731 and other applicable legal provisions as to his rights to due process of law or to equal protection of the law as afforded by the First and Fourteenth Amendments to the U.S. Constitution and pursuant to Ohio Constitution, Article IV, §2 (B)(1)(b), and Ohio Constitution, Article 1, §16. Accordingly, the Appellant-Relator would like to see some consequence for the Respondents misconduct and further requests that his complaint be enforced and such other relief as may be deemed proper and just. Moreover, this is reasonable grounds for permitting Appellant leave of Court to file the attached valid Ohio Civil Rule 8, S. Ct. Prac. R. X Complaint in Mandamus and/or in Procedendo with

Affidavit and Praeipce in this Court, *Instanter*, against the multiple named Respondents in that action as well.

Under R.C. Chapter 4123. when an “employer goes away, it then becomes the responsibility of the Workers’ Compensation fund to pay any benefits to or on behalf of the Claimant.” See, Transcript of Proceedings filed in this Case from the November 29, 2005 contempt proceedings against the Appellant at page 12:1-7. The Claimant-Appellant was not an employee of Spartan Stores and he was terminated by Seaway Food Town, Inc., on March 25, 1999 before Spartan Stores purchased Food Town in August of 2000 and before he filed his appeal in the above captioned action on September 2, 2003. *Id.* at page 22:14-25. Therefore, the Appellant is suggesting that the Court enforce R.C. Chapter 4123 and other applicable legal provisions as to his rights to participate in the Workers’ Compensation fund and to his rights to due process of law or to equal protection of the law as afforded by the First and Fourteenth Amendments to the U.S. Constitution and pursuant to Ohio Constitution, Article IV, §2 (B)(1)(b), and Ohio Constitution, Article 1, §16. Accordingly, the Appellant-Relator would like to see some consequence for the Respondents misconduct and further requests that his complaint be enforced and such other relief as may be deemed proper and just. Moreover, this is reasonable grounds for permitting Appellant leave of Court to file the attached valid Ohio Civil Rule 8, S. Ct. Prac. R. X Complaint in Mandamus and/or in Procedendo with Affidavit and Praeipce in this Court, *Instanter*, against the multiple named Respondents in that action as well.

Contemporaneously herewith in the accompanying complaint with affidavit which the Appellant asks this Court to approve, the Appellant as before represents to this Court

that his source of income is disability and that he is indigent. See, Transcript of Proceedings filed in this Case from the November 29, 2005 contempt proceedings against the Appellant at page 14:1-3. Moreover, this is reasonable grounds for permitting Appellant leave of Court to file the attached valid Ohio Civil Rule 8, S. Ct. Prac. R. X Complaint in Mandamus and/or in Procedendo with Affidavit and Praeceptum in this Court, *Instantly*, against the multiple named Respondents in that action as well.

Furthermore, the Appellant is suggesting that the Court enforce R.C. Chapter 2731 and other applicable legal provisions as to his rights to costs in regards to his previous causes of action, and his rights to due process of law or to equal protection of the law as afforded by the First and Fourteenth Amendments to the U.S. Constitution and pursuant to Ohio Constitution, Article IV, §2 (B)(1)(b), and Ohio Constitution, Article 1, §16. On November 29, 2005, this Court conducted a contempt proceeding on its October 20, 2005 order finding the Appellant to be in contempt. At that hearing, Appellant and Mr. Barnes testified.

Mr. Barnes testified that "\*\*\*\*Our calculation based on the courts in which those causes of action were filed was \$39,000-plus\*\*\*." See, Transcript of Proceedings filed in this Case from the November 29, 2005 contempt proceedings against the Appellant at page 13:13-15. The Court would have no reason to disbelieve Mr. Barnes, so the Court must enforce R.C. Chapter 2731 and other applicable legal provisions as to his rights to costs in regards to his previous causes of action, etc., and thus must issue an extraordinary writ compelling multiple named Respondents to pay the costs of \$39,000-plus. Moreover, this is reasonable grounds for permitting Appellant leave of Court to file the attached valid Ohio Civil Rule 8, S. Ct. Prac. R. X Complaint in Mandamus and/or in

Procedendo with Affidavit and Praccipe in this Court, *Instanter*, against the multiple named Respondents in that action as well.

Also, R.C. 2921.45, prohibits state agencies, instrumentalities, state officers, and judicial officers from knowingly depriving, or conspiring, or attempting to deprive a person of a constitutional or statutory right. Furthermore, whosoever violates R.C. 2921.45 is guilty of interfering with civil rights, a misdemeanor of the first degree. R.C. 2921.45.

The facts and issues in the proposed case emanates from a deprivation of the Appellants rights to Due Process of Law as guaranteed by First and Fourteenth Amendments to the United States Constitution, the Ohio Constitution and his statutory rights violations all of which were violated by the Respondents therein. Allowing this proposed case would work to determine the questions whether the law, prohibits state agencies, instrumentalities, state officers, and judicial officers from knowingly depriving, or conspiring, or attempting to deprive a person of a constitutional or statutory right. Furthermore, it would work to determine whether whosoever violates R.C. 2921.45 is guilty of interfering with a person civil rights, and whether that is a misdemeanor of the first degree. R.C. 2921.45(A)/(B) and 42 U.S.C. §1983. Finally, it would work to determine whether the named Respondents may be compelled to pay \$27,519,203.43 together with interest and other applicable costs as allowed by law and to perform other acts which the law specifically enjoins as a duty resulting from their office, etc.

Moreover, this is reasonable grounds for permitting Appellant leave of Court to file the attached valid Ohio Civil Rule 8, S. Ct. Prac. R. X Complaint in Mandamus

and/or in *Procedendo* with Affidavit and Praeipere in this Court, *Instante*, against the multiple named Respondents in that action as well.

Lastly, Appellant filed a Complaint with the Federal Trade Commission Ref. No. 10651814. As a result, the Federal Trade Commission issued a response that there are "many state laws that deal with the subject" of safeguarding a consumer privacy rights, if a person believes that their privacy rights have been "violated" they should also check with their local enforcement agencies to determine what action they can take. A copy of that correspondence is attached as Exhibit "1" and incorporated by reference. As set forth in that correspondence the Appellant is checking with this Court to enforce R.C. 1347.10(A) which deals with the subject of invasion of his privacy rights as violated by Eastman & Smith in January of 2007 & R.C. Chapter 2731 and other applicable legal provisions as to his rights to due process of law or to equal protection of the laws as afforded by the First and Fourteenth Amendments to the U.S. Constitution and pursuant to Ohio Constitution, Article IV, §2 (B)(1)(b), and Ohio Constitution, Article 1, §16.

Moreover, this is reasonable grounds for permitting Appellant leave of Court to file the attached valid Ohio Civil Rule 8, S. Ct. Prac. R. X Complaint in *Mandamus* and/or in *Procedendo* with Affidavit and Praeipere in this Court, *Instante*, against the multiple named Respondents in that action as well. Accordingly, for this Court to deny the Appellant the right to bring the attached original action for a writ of *mandamus* or *procedendo* would be a violation R.C. 2921.45(A)/(B) and 42 U.S.C. §1983 and constitute interfering with Appellant's civil rights, and result in a misdemeanor of the first degree in violation of R.C. 2921.45(A)/(B) and 42 U.S.C. §1983.

Because this application for leave is well-grounded in fact or law, is warranted under existing law, and can be supported by a good faith argument for an extension, modification, or reversal of existing law and is not an abuse of process and there are reasonable grounds for the proceedings or application, the Court must grant Appellant leave to proceed, as a matter of law.

Moreover, this is reasonable grounds for permitting Appellant leave of Court to file the attached valid Ohio Civil Rule 8, S. Ct. Prac. R. X Complaint in Mandamus and/or in Procedendo with Affidavit and Praeceptum in this Court, *Instantly*, against the multiple named Respondents in that action as well. As evidenced by the Application's Proof of Service, Appellant has served Eastman & Smith, Ltd., the Assistant Attorney General, the Governor of the State of Ohio, the Attorney General, the Federal Trade Commission, and Judge Bender of the Franklin County Court of Common Pleas. Accordingly, if this Honorable Court were to deny this action or this action were not to successfully lead to enforcement of actions in the underlying action, the Appellant is suggesting that the Federal Trade Commission enforce 42 U.S.C. §1983 and other applicable legal provisions as to his rights to costs in regards to his previous causes of action, and his rights to privacy, to due process of law or to equal protection of the law as afforded Article III §1§2 and by the First and Fourteenth Amendments to the U.S. Constitution, and pursuant to Ohio Constitution, Article IV, §2 (B)(1)(b), and Ohio Constitution, Article 1, §16.

**WHEREFORE**, for all of the foregoing reasons Appellant respectfully requests that this Court permit him to file instantly the attached valid Ohio Civil Rule 8, S. Ct. Prac. R. X Complaint in Mandamus and/or in Procedendo with Affidavit and Praeceptum in

this Court, *Instantly*, against the multiple named Respondents in that action, pursuant to R.C. Chapter 2731 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 21<sup>st</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

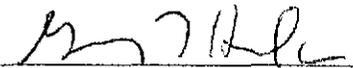
Governor Ted Strickland  
77 High Street, 30<sup>th</sup> Floor  
Columbus, Ohio 43215-6117

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

Judge John F. Bender  
Fax: (614) 462-2462

Attn: Deputy Director, Office of the Executive Director  
Re: Eastman & Smith, et al.  
State of Ohio Office of the Attorney General Complaint #: 327061 & 330421  
Federal Trade Commission Complaint # 10010756 & 10299071  
Comptroller of the Currency #685430

  
Gregory T. Howard  
Appellant-Claimant, pro-se

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**Subject:** Response to your complaint Ref No. 10651814

**To:** hwdgrgry@yahoo.com

**From:** COMPLAINT@FTC.GOV

Thank you for visiting the FTC's web page and for using our NEW electronic Talk To Us form. Here's what happened to your information after you sent it to us:

One of our consumer counselors reviewed the information you sent us. If it was related to the FTC's law enforcement responsibilities, we entered it into our shared law enforcement data system. We share this data system with law enforcement agencies throughout the United States and Canada. Attached is your electronic response, which includes your reference number. Any enclosures can be found at [www.FTC.GOV](http://www.FTC.GOV) under the News Releases, Publications, Speeches option.

Information from consumers like you helps Federal, State and Local authorities investigate possible illegal practices and enforce our laws. Someone from the Federal Trade Commission or another law enforcement agency may contact you if they need additional information to help them in an investigation.

Thank you for using our Talk To Us form, and please continue to use the FTC's web page, [www.ftc.gov](http://www.ftc.gov), to get free information to help you avoid costly consumer problems.

**Attachments**

**response.txt** (7k) [ ]

EX. "1"

response[1]

May

15, 2007

Gregory Howard  
P.O. Box 3096  
Toledo, OH 43607

Re: FTC

Ref. No. 10651814

Dear Gregory Howard:

This is in response to your complaint concerning an invasion of your privacy. Privacy is a fundamental right. Advances in computer and telecommunications technology, allowing unscrupulous people access to personal information, has become a problem we all must worry about. The federal government has implemented a number of laws and rules for the sole purpose of limiting access to non public information and protecting citizen's rights to privacy. Included in these are: provisions under the Fair Credit reporting Act, the Children's Online Privacy Protection Act, the Telephone Consumer Protection Act and the Telemarketing Sales Rule. There may also be local state legislation addressing your complaint. We hope that this letter, briefly summarizing some of the federal legislation dealing with privacy concerns, will answer your question.

The Fair Credit Reporting Act (FCRA) deals with the practices of organizations who prepare or request credit reports, or volunteer data to credit reporting agencies. Credit reports contain private financial information and the Act is designed to limit its dissemination. Under the Act, credit reporting agencies can only issue a consumer credit report if they reasonably believe that the person requesting the report has a legitimate business need for the information that involves a business transaction with the consumer. All reports containing medical information must be consented to by the consumer. Knowingly or willfully obtaining consumer credit information under false pretenses can lead to a fine, imprisonment, or both.

The FCRA also allows "opt out" programs. These allow consumers to exclude their name from lists that credit reporting agencies frequently provide to credit card and insurance companies. Consumers may remove their name from these lists by either calling the credit reporting agencies or filling out the bureau's "opt out" form. Calling will remove your name and address from the list for two years, filling out an "opt out" form will remove your name permanently. Below are a list of the three major credit reporting agencies with their toll-free phone number:

Equifax  
P.O. Box 720241  
Atlanta, GA 30374  
(800) 685-1111

Experian  
P.O. Box 949  
Allen, TX 75013  
(800) 682-7654

Trans Union  
760 West Sproul Road  
P.O. Box  
Springfield, PA 19064-0390  
(800) 916-8800

Consumer financial data is also protected by laws targeting other financial institutions. Effective this November, the Gramm-Leach-Bliley Act will require that institutions like finance companies, mortgage lenders, and check cashing

response[1]

companies must provide notice of their privacy policy to their customers. The Act also limits the disclosure of this information to third parties.

The Consumer Telephone Protection Act and the Telemarketing Sales Rule both protect a consumers privacy at home. Both include "Do Not Call" provisions. Under these a consumer can ask to be taken off the list of a telemarketer. The telemarketer must honor this request and stop calling the consumer. Continued invasions of privacy made by the company through harassing telemarketing calls can lead to civil liability in state or federal court.

Consumers may also "opt out" of lists used by mass mailings advertisers and telemarketers by contacting the Direct Marketing Association. This organization offers the Mail and Telemarketing Preference Services. These services allow a consumer to reduce the amounts of mass mailings and telemarketing calls they receive for five years. Many national companies belong to the DMA and contacting them should drastically reduce the number of solicitations within three months.

Direct Marketing Association  
Mail Preference Service  
PO Box 9008  
Farmingdale, NY 11735-9008

Direct Marketing Association  
Telephone Preference Service  
PO Box 9014  
Farmingdale, NY 11735-9014

Finally, another law dealing with telemarketing and direct mail advertisers is the Drivers Privacy Protection Act. It allows states to only distribute personal information to law enforcement officials, courts, government agencies, private investigators, insurance underwriters and other similar businesses.

The Commission has been at the forefront of Internet privacy since its inception. The Commission has held multiple work shops, public forums and has conducted numerous surveys and web surfs on the subject to determine the current state of online privacy. In general, the Commissions position has been one in favor of self regulation by the industry.

The Commission supports the view that all data collecting organizations and web sites should provide a clear privacy policy. The Commission has taken action against web sites which have used consumer information in violation of their own stated privacy policy under § 5 of the FTC Act.

Children's privacy is a more troublesome issue. The Commission is in charge of implementing and administrating the Children's Online Privacy Protection Act (COPPA). COPPA requires that commercial web sites that target children or are known to be used by children must contain a clearly worded and prominent privacy policy. Before the site can collect personal information from the child it must contact the child's parent and receive verifiable, parental consent. The act also requires sites to display contact information and make disclosures about any dissemination of the collected information to third parties.

Many invasions of privacy and collection of a consumers personal information may be a precursor to identity theft. In 1998 Congress enacted the Identity Theft and Assumption Deterrence Act. This act makes it a federal crime when someone "knowingly transfers or uses, without lawful authority, a means of identification of another person with the intent to commit, or to aid or abet, any unlawful activity." Violations of the act are investigated by numerous federal agencies including the U.S. Postal Service and the FBI. If you feel that you have been the victim of identity theft you can file a complaint with the FTC by contacting the FTC's Identity Theft Hotline toll-free: 1-877-IDTHEFT (438-4338).

As you can see, there are many federal laws and government agencies

response[1]

safeguarding consumer privacy. There are also many state laws that deal with these subjects. If you believe your privacy has been violated you should also check with your local law enforcement agencies to determine what actions you can take.

yours,

Sincerely

Response Center

Consumer





violated his due process of law rights as set forth below. 42 U.S.C. §1983. The Lucas County Court of Common Pleas order dated August 22, 2000 declaring the Relator a vexatious litigator and lasting for a period of three years is attached hereto as Exhibit 2 and incorporated by reference. On August 26, 2003, the Respondent Franklin County Court of Appeals granted final judgment against the Relator without considering the merits of his lawfully filed claim for contempt of court against Eastman & Smith, et al., in Franklin County Court of Appeals; Case No. 97AP860. R.C. 2705.02(A).

Relator further claims that he was deprived of his rights to Due Process of Law as guaranteed by First and Fourteenth Amendments to the United States Constitution and that the Respondent Franklin County Court of Appeals knowingly violated its Judicial Oath of Office when the Franklin County Court of Appeals granted final judgment against the Relator without considering the merits of his lawfully filed claim for contempt of court against Eastman & Smith, et al., in Franklin County Court of Appeals; Case No. 97AP860. R.C. 2921.45.

Relator also claims that he had a claimed appeal of right from that case which originated in the Franklin County Court of Appeals of Ohio, pursuant to S. Ct. Prac. R. II(1)(A), so as to justify invoking the Ohio State Supreme Court appellate jurisdiction over that case. Moreover, on October 31, 2003, this Court knowingly violated its Judicial Oath of Office and wrongfully granted the Respondents Motion to Dismiss Relator's case because Respondent Eastman & Smith fraudulently claimed to have represent Seaway Food Town, Inc., with regard to the above-captioned matter when in fact Relator was not an employee of Spartan Stores and that he was terminated by Seaway Food Town, Inc., on March 25, 1999 before Spartan Stores purchased Food Town in August of 2000 and

Seaway Food Town, Inc., lacked standing to challenge the validity of the appeal and on the grounds outlined below. *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560 (1992) (quotation marks omitted).

In trying to establish standing, the party generally “must assert his own legal rights and interests, and cannot rest his defense to relief on the legal rights or interests of third parties.” *Warth v. Seldin*, 422 U.S. 490, 499-500 (1975). Seaway Food Town, Inc., cannot satisfy these requirements. Consequently, Seaway Food Town, Inc., lacked standing to assert a defense, including but not limited to, a motion to dismiss in connection with the instant appeal in violation of R.C. 2323.51. *Id.* Accordingly, Relator sustained an injury in fact from that action because Respondents Industrial Commission of Ohio, Administrator of the Bureau of Workers’ Compensation, and Seaway Food Town, Inc., knowingly engaged in frivolous conduct in violation of R.C. 2323.51; R.C. 2705.02(A) and (B); and R.C. 2923.03 by filing the assertion of a defense, including but not limited to a motion to dismiss in the Ohio Supreme Court Case No. 2003-1572. A copy of this Court’s Judicial Oath of Office dated December 15, 2004, is attached hereto as Exhibit 3 and incorporated by reference.

2. The First Amendment to the U.S. Constitution provides for a right to petition the Government for a redress of grievances; and the Fourteenth Amendment to the U.S. Constitution provides for a right to due process of law or to equal protection of the laws. R.C. 2921.45(B) sets forth the penalty for any public official who knowingly deprives, or conspires, or attempts to deprive any person of a constitutional or statutory right. Frivolous conduct is, in part, conduct that obviously serves to harass or maliciously injure another party or conduct that is not warranted under existing law and cannot be

supported by a good faith argument for an extension, modification, or reversal of existing law. R.C. 2323.51(A)(2).

3. On or after September 15, 2003 and September 29, 2003, Respondents Industrial Commission of Ohio, Administrator of the Bureau of Workers' Compensation, and Seaway Food Town, Inc., knowingly and all without reasonable grounds or legal basis engaged in frivolous conduct in violation of R.C. 2323.51; R.C. 2705.02(A) and (B); and R.C. 2923.03 by filing the assertion of a defense, including but not limited to a motion to dismiss, and its subsequent filings in the Ohio Supreme Court Case No. 2003-1572.

In fact, Eastman & Smith failed to attend or appear in this Court on November 29, 2005, and give testimony in the above-entitled case with regards to its representation of Seaway Food Town, Inc., in these proceedings, its involvement with Seaway Food Town, Inc., in these proceedings which Relator considers as possible contempt or possible frivolous conduct and thus, the Court should have not excused Eastman & Smith from further consideration for those matters. The Relator appeared as ordered by the Court. As there is no basis in fact or law for their non-appearance, the Respondent Eastman & Smith non-appearance for Seaway Food Town, Inc., can be for no other purpose than to harass or maliciously injure Relator Gregory T. Howard. See proof of fact showing that Eastman & Smith did not appear at hearing attached hereto as Exhibit 1 and incorporated by reference.

On October 31, 2003, in violation of its Judicial Oath of Office the Respondent Ohio Supreme Court granted final judgment in the Respondents favor without considering the merits of Relator's lawfully filed appeal of the Respondent Franklin

County Court of Appeals August 26, 2003, decision in Franklin County Court of Appeals; Case No. 97AP860. (See Exhibit 3).

Relator further claims that he was deprived of his right to Due Process of Law as guaranteed by First and Fourteenth Amendments to the United States Constitution when the Respondent State Ohio Supreme Court knowingly failed to consider the merits of his lawfully filed appeal of September 2, 2003. Id.

On November 1, 2005, Relator filed an Application for Leave to file a motion to recuse the Ohio Supreme Court, to file motion to reinstate the case, and request for sanctions. Exhibit 1. On November 7, 2005, this Court filed an order involving Relator in Case No. 2003-1572 granting leave to proceed file motion to recuse, to reinstate the case, and request for sanctions. As of this date, the Court has not made any determination about the merits of those motions, but should treat those motions as filed on the date he made those requests.

R.C. 2323.52(D)(1) directs that "If a person who has been found to be a vexatious litigator under this section requests the court of appeals [Supreme Court of Ohio in this case] to grant the person leave to proceed as described in division (F)(2) of this section, the period of time commencing with the filing with the court of an application for issuance of an order granting leave to proceed and ending with the issuance of an order of that nature shall not be computed as a part of an applicable period of limitations within which the legal proceedings or application involved generally must be instituted or made." Accordingly, for all the above documented reasons, the Court should issue a writ of mandamus determining the merits of the motion to recuse the Ohio Supreme Court, motion to reinstate the case, and request for sanctions, vacate its order of December 14,

2005 and in a manner consistent with R.C. 2731.11 and other applicable legal provisions and enter a new order that adjudicates all the motions that Relator has filed in this Court and otherwise expunge the vexatious status as being invalid. R.C. 2323.52(G); *Central Ohio Transit Authority v. Timson* (December 24, 1998), 132 Ohio App. 3d 41; 724 N.E. 2d 458; 1998 Ohio App. LEXIS 6268.

Consequently, the Courts orders must be vacated, as a matter of law and relief must be granted from Orders made by Chief Justice Moyer as a result of the October 31, 2003 and subsequent Judgment Entries as there is no basis in fact or law for any of the above filings, the Respondents Industrial Commission of Ohio, Administrator of the Bureau of Workers' Compensation, and Seaway Food Town, Inc., can be for no other purpose than to harass or maliciously injure Relator Gregory T. Howard.

Relator herein testifies or otherwise asserts that he has filed evidence that demonstrate that he was not an employee of Spartan Stores and that he was terminated on March 25, 1999, by Seaway Food Town, Inc., before Spartan Stores purchased Food Town in August of 2000 with the Respondents Industrial Commission of Ohio, Administrator of the Bureau of Workers' Compensation, and Seaway Food Town, Inc., and that Respondents Industrial Commission of Ohio, Administrator of the Bureau of Workers' Compensation, and Seaway Food Town, Inc., knowingly conspired with each other, without lawful authority, with intent to commit, or to aid or abet, in corrupt activity in violation of R.C. 2923.01. A copy of a letter and accompanying documentation dated May 15, 2007 is attached as Exhibit 4 and incorporated by reference. Consequently, this Court should conduct a hearing in open court at which all Respondents named herein

shall be commanded to appear in this Court or attend and give testimony in the above-entitled case under penalty of law.

4. That there are state laws that deal with these subject set forth in paragraphs one through three of this Complaint; and Relator believes his right to Due Process of Law as guaranteed by First and Fourteenth Amendments to the United States Constitution or other rights have been violated by the Respondents Industrial Commission of Ohio, Administrator of the Bureau of Workers' Compensation, and Seaway Food Town, Inc., when the Respondents knowingly conspired with each other, without lawful authority, with intent to commit, or to aid or abet, in corrupt activity as set forth herein in violation of R.C. 2923.01. Consequently, Relator's Complaint should be sustained, as a matter of law, because the Relator has demonstrated that he is entitled to a writ of mandamus and/or procedendo for all of the preceding reasons.

5. On January 11, 2005, Relator brought an action against Respondent Ohio State Supreme Court seeking \$11,924,901.54 as a judgment against that Respondent, asserting claims for "bias or prejudice, bad faith, due process violations, abuse of discretion, negligence, criminal sanctions and 14<sup>th</sup> Amendment violations" and stated that the requested sum is "justly due and owing and demand has been made for payment thereof, but Defendant(s) (Respondent(s) herein) has neglected and refuses to pay the sum ..." Plaintiff's Complaint at p. 1. Under Ohio Civil Rule 8(A), a pleading is proper when a party sets forth a claim for relief, which contains the following: (1) a short and plain statement of the claim showing that the party is entitled to relief, and (2) a demand for judgment for the relief to which the party claims to be entitled.

In the instant matter, the Relator asserted short and plain statements showing that he is entitled to the requested relief and demanded a judgment for relief for the recovery of \$11,924,901.54 as required by Ohio Civil Rule 8(A) and other applicable legal provisions. Relator also asserted that the Respondent Ohio State Supreme Court had engaged in egregious conduct in violation of R.C. 2739.01 when it erroneously published or referred to Relator as a vexatious litigator in its August 27, 2004, motion to dismiss filed in the Court of Claims of Ohio Case No. 2004-07743. See, Exhibit 2 and also see, a copy of the Ohio Supreme Court's Motion to Dismiss dated August 27, 2004, or proof of facts that the defamatory matter was published by the Respondent Ohio State Supreme Court, which is attached as Exhibit 5 and incorporated by reference.

Under R.C. 2921.13, state instrumentalities and agencies can be named as Defendants in the Court of Common Pleas. R.C. 2931.03 sets forth the jurisdiction of the Court of Common Pleas. The cause of action or claims raised in Relator's Complaint filed in the Franklin County Court of Common Pleas Court Case No. 05CVH-01-398 against the Supreme Court of Ohio or the Justices is cognizable in the Court of Common Pleas because the Court of Claims of Ohio was without jurisdiction to grant the requested relief of Relator in its Court and denied both Relator's motion and amended motion to show cause and request for sanctions. A copy of the Court of Claims order dated November 12, 2004, is attached Exhibit 6 and incorporated by reference. R.C. 2921.13. Accordingly, contrary to the Respondent Ohio State Supreme Court assertions, the Franklin County Court of Common Pleas had subject matter jurisdiction over the claims made by Relator against instrumentalities and agencies of the State, and the Relator had

stated a claim upon which relief can be granted against the Respondent Ohio State Supreme Court, and because of libel or slander. R.C. 2739.01.

On August 3, 2005, Relator filed a "Notice of *Lis Pendens*," claiming his entitlement to a piece of real estate owned by the State of Ohio, the Respondent Franklin County Court of Common Pleas never denied the *Notice of Lis Pendens*. A copy of the *Notice of Lis Pendens* is attached hereto as Exhibit 7 and incorporated by reference. Accordingly, the Relator would like to see some consequence for the Respondents misconduct and further requests that his complaint be enforced and such other relief as may be deemed proper and just.

On August 2, 2005, based upon the facts disseminated to the State Ohio Rehabilitation Services Commission by the Relator that he was going to file a motion/appeal against the Judge for wrongfully ruling that he is a vexatious litigator, and that he appealing this ruling to the Attorney General's Office, the Governor's Office, the Legislature Office on this ruling as well, the State Ohio Rehabilitation Services Commission explained to the Relator that due to the rulings of the Franklin County Court of Common Pleas in May of 2005, that it "\*\*\*\*cannot continue to support this goal due to his not being employable in this field of paralegal." Exhibit 7. (See list of cases against the Attorney General's Office, the Governor's Office, the Legislature Office, et al., maintained, at [http://www.cco.state.oh.us/scripts/ccco.wsc/ws\\_civilcasesearch.r?mode=2&FirstName=gregory&LastName=howard](http://www.cco.state.oh.us/scripts/ccco.wsc/ws_civilcasesearch.r?mode=2&FirstName=gregory&LastName=howard); Case Nos. C2004-07743 Howard v. Supreme Court of Ohio Prayer amount of \$10,424,646.54; Case No. C2004-10931, Howard v. Industrial Commission of Ohio Prayer amount of \$904,146.27; Case No. C2005-02541, Howard v. Disciplinary Counsel, et al. Prayer amount of \$400,000.00;

Case No. C2005-03491, Howard v. the University of Toledo, et al. Prayer amount of \$17,165.00; and Case No. C2005-0488, Howard v. Office of the Governor, et al. Prayer amount of \$11,264,243.54).

Moreover, Relator's Case Nos. C2004-10931, C2005-02541, C2005-03491, and C2005-0488 were improperly dismissed by the Court of Claims of Ohio because the Relator was falsely alleged to be a vexatious litigator by the Respondent Ohio State Supreme Court on August 27, 2004 in Case No. C2004-07743 in violation of R.C. 2921.13. See Exhibits 2 & 5 respectively. Consequently, this Court must grant final judgment against the Respondents for the relief demanded in this Complaint for all of the preceding reasons. Accordingly, the Relator would like to see some consequence for the Respondents misconduct and further requests that his complaint be enforced and such other relief as may be deemed proper and just.

Under R.C. 2731.11 if judgment in a proceeding for a writ of mandamus is rendered for the Plaintiff, the Relator may recover the damages which he has sustained to be ascertained by the court or a jury, or by a referee or master, as in a civil action, and costs; a peremptory mandamus shall also be granted to him without delay; such recovery of damages against a defendant is a bar to any other action upon such cause of action. The Court of Claims of Ohio business records on Cases Nos. C2004-10931 (\$904,146.27), C2005-02541 (\$400,000.00); C2005-03491 (\$17,165.00); and C2005-0488 (\$11,264,243.54) as of the date hereof the prayer amounts requested by the Relator is \$12,585,554.81, together with interest and other applicable costs as allowed by law. Demand for payment of the just amount has been made more than thirty (30) days prior hereto and payment for the amount due and owing has not been tendered. There is no

record of any legitimate dispute by the Defendants-Respondents. Consequently, this Court must pursuant to R.C. 2731.11 grant a final judgment for Relator and against the Respondents for the relief demanded in this Complaint without delay, as a matter of law, as Relator has demonstrated or has established his claim or right to relief by clear and convincing evidence that he is entitled to a peremptory writ of mandamus and that it must be granted to him without delay for all of the preceding reasons. Accordingly, the Relator would like to see some consequence for the Respondents misconduct and further requests that his complaint be enforced and such other relief as may be deemed proper and just.

Relator had every intention of completing his academic endeavor in paralegal studies, but on May 10, 2005, January 11, 2006, the Franklin County Court of Common Pleas and on September 24, 2004, the Ohio Supreme Court obstructed or impaired the completion of that transaction by wrongfully concluding that the Relator is a vexatious litigator. On September 30, 2005, the State Ohio Rehabilitation Services Commission determined that the Relator was ineligible due to the rulings of the Franklin County Court of Common Pleas in May of 2005, that it “\*\*\*cannot continue to support this goal due to his not being employable in this field of paralegal.” Exhibit 7. A copy of the State Ohio Rehabilitation Services Commission determination dated September 30, 2005, is attached hereto as Exhibit 8 and incorporated by reference.

On January 1, 1995, the Relator became permanently and totally disabled, as certified by a physician. A copy of a Loan Discharge Application for Total and Permanent Disability dated April 28, 2006, is attached hereto as Exhibit 9 and incorporated by reference. After the date the Relator became permanently and totally

disabled the Relator received Federal Student Aid assistance totaling in excess of \$87,600 and Relator's loans has been placed with an agency for collection. Further Relator has incurred approximately \$127.00 in medical expenses and Relator's unpaid medical expenses have been placed with an agency for collection. A copy of Equifax results of an investigation of the Relator's credit file dated April 20, 2007, and proof of Public Record Information for Judgment filed 11/2006 for pursuing Relator's rights in this Court against the Respondents in the amount of \$245.00 and has been placed in the Relator's credit file for collection is attached hereto as Exhibit 10.

As explained herein, the Relator has been harmed in the amount of \$87,985.00 by the Respondents as a result of the Respondents violations or unlawful activity. Consequently, this Court must pursuant to R.C. 2731.11 grant a final judgment for Relator and against the Respondents for the relief demanded in this Complaint without delay, as a matter of law, as Relator has demonstrated or has established his claim or right to relief by clear and convincing evidence that he is entitled to a peremptory writ of mandamus and that it must be granted to him without delay for all of the preceding reasons. Accordingly, the Relator would like to see some consequence for the Respondents misconduct and further requests that his complaint be enforced and such other relief as may be deemed proper and just.

6. The Relator worked as a warehouseman beginning May 15, 1978 until March 23, 1994 when he sustained an industrial injury in the course of and arising out of his employment with Seaway Food Town, Inc. and the Relator has not returned to employment with his former employer nor has he returned to any sustained remunerative employment because of the injuries that he has sustained an industrial injury in the course

of and arising out of his employment with Seaway Food Town, Inc. Relator further claims that he was deprived of his rights to Due Process of Law, liberty, or property as guaranteed by First and Fourteenth Amendments to the United States Constitution when the Respondents impaired or obstructed his right to submit additional information supporting his position, to appeal, to respond to a request for action and failed to provide him with an opportunity to raise issues in an appropriate manner. Accordingly, the Relator would like to see some consequence for the Respondents misconduct and further requests that his complaint be enforced and such other relief as may be deemed proper and just.

7. Relator further claims that he was deprived of his rights to Due Process of Law, liberty, or property as guaranteed by First and Fourteenth Amendments to the United States Constitution when the Respondents impaired or obstructed his right to submit additional information supporting his position, to appeal, to respond to a request for action and failed to provide him with an opportunity to raise issues in an appropriate manner. Relator believes his right to Due Process of Law as guaranteed by First and Fourteenth Amendments to the United States Constitution or other rights have been violated by the Respondents Industrial Commission of Ohio, Administrator of the Bureau of Workers' Compensation, and Seaway Food Town, Inc., when the Respondents knowingly conspired with each other, without lawful authority, with intent to commit, or to aid or abet, in corrupt activity as set forth herein in violation of R.C. 2923.01. Further that the Respondents has refused to settle Relator's claims for \$2,770,762.08, which is within the limits of the policy; has acted in bad faith and has caused the Relator negligent infliction of emotional distress. Accordingly, the Relator would like to see some

consequence for the Respondents misconduct and further requests that his complaint be enforced and such other relief as may be deemed proper and just.

8. On January 11, 2006, as a matter of law Respondent Judge Bender of the Franklin County Court of Common Pleas lacked subject matter jurisdiction to make a determination, over the claims made against the Relator or to declare the Relator a vexatious litigator because the case (05-CVH-01-0398) was not transferred or assigned to him until January 18, 2006. Attached hereto as Exhibit 11 is an Entry attesting to the fact that the case was not transferred to Judge Bender until January 18, 2006.

Relator believes his right to Due Process of Law as guaranteed by First and Fourteenth Amendments to the United States Constitution or other rights have been violated by the Respondents, that is the Respondents Franklin County Court of Common Pleas of Ohio and Ohio State Supreme Court when they wrongfully declared Gregory T. Howard a vexatious litigator pursuant to R.C. 2323.52 and/or S. Ct. Prac. R. XIV(5) and when the Respondents knowingly conspired with each other, without lawful authority, with intent to commit, or to aid or abet, in corrupt activity as set forth herein in violation of R.C. 2923.01. R.C. 2921.45. Accordingly, the Relator would like to see some consequence for the Respondents misconduct and further requests that his complaint be enforced and such other relief as may be deemed proper and just.

9. On January 18, 2007, the Respondent Eastman & Smith obstructed or interfered with or violated the Relator's privacy rights when it wrongfully disclosed privilege information to Chase Bank in violation of R.C. 1347.10(A). Relator believes his privacy rights have been violated by Eastman & Smith, that he has been harmed by its use of personal information that relates to him. Id. Attached hereto as Exhibit 12 is a

letter/notice dated February 1, 2007 and a signed copy of a returned receipt for certified mail service dated February 5, 2007 attesting the amount owed the Relator. Respondent has refused to settle the Relator's claim for \$150,000, which it has directly and proximately caused the harm by intentionally using or disclosing the Relator's personal information in a manner prohibited by law, or by disclosing personal information maintained in, a personal information system, that it knows, or has reason to know, is false in violation of R.C. 1347.10(A)(1) through (3). Further the Respondent Eastman & Smith has acted in bad faith and has caused the Relator negligent infliction of emotional distress. Accordingly, the Relator would like to see some consequence for the Respondents misconduct and further requests that his complaint be enforced and such other relief as may be deemed proper and just.

10. The evidence submitted with this Complaint constitutes new and changed circumstances which is sufficient to reopen the underlying matter. Under the circumstances of this case, the Court is within its jurisdiction to reinstate Case No. 2003-1572 or to exercise continuing jurisdiction and to issue a peremptory writ of mandamus on this Complaint and to grant it to Relator without delay for all of the preceding reasons. R.C. 2731.11.

11. In all the circumstances the Respondents Franklin County Court of Common Pleas, Franklin County Court of Appeals and the Ohio Supreme Court violated the Relator's constitutional rights and abused its discretion by obstructing or impairing to completion of the Relator's academic endeavor in the field of paralegal studies by concluding that the Relator is a vexatious litigator in violation of R.C. 2921.45.

12. In all the circumstances the Respondents Industrial Commission of Ohio, Administrator of the Bureau of Workers' Compensation, and Seaway Food Town, Inc., engaged in conduct in violation of R.C. 2323.51; R.C. 2705.02(A) and (B); and R.C. 2923.03 by filing the assertion of a defense, including but not limited to a motion to dismiss, and its subsequent filings in the Ohio Supreme Court Case No. 2003-1572.

13. In all the circumstances the Respondent Eastman & Smith engaged in conduct in violation of R.C. 1347.10(A)(1) through (3), the Respondents Industrial Commission of Ohio, Administrator of the Bureau of Workers' Compensation, Seaway Food Town, Inc., Franklin County Court of Common Pleas, Franklin County Court of Appeals and the Ohio Supreme Court conduct in violation of the law can be for no other purpose than to harass or maliciously injure Relator Gregory T. Howard. R.C. 2323.51.

14. Pursuant to R.C. 2731.05, the Relator claims that a peremptory writ of mandamus must be issued or granted to him without delay for all of the preceding reasons because there is no plain and adequate remedy for him to pursue in the ordinary course of the law.

15. Relator notified Respondent(s) of the claims and demanded that Respondent(s) pay the balance due on the claims, but no part of the foregoing balance has been paid.

16. Although due demand has been made, the Respondents has failed to liquidate the balance(s) due and owing.

In sum, the Relator asks this Court to compel Judge John Bender of the Franklin County Court of Common Pleas, the Tenth District Court of Appeals to vacate its August 26, 2003 order which is fundamentally wrong in its reasoning and dangerous in its

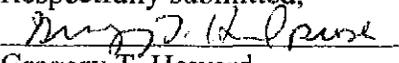
implications, and to proceed to judgment on his R.C. 2705.02(A) action, therein, the Ohio Supreme Court to vacate Judge Bender's orders of January 11, 2006, which are fundamentally wrong in its reasoning and dangerous in its implications and to proceed to judgment on all pending motions/applications, in Franklin County Court of Common Pleas Case No. 05CVH-01-398 and to vacate all of Chief Justice Moyer's orders, all except his November 7, 2005 order, which are fundamentally wrong in its reasoning and dangerous in its implications and to proceed to judgment on all pending motions/applications as well, in Ohio State Supreme Court Case No. 2003-1572. Further that the named multiple Respondents in this action be compelled by extraordinary writ to pay \$27,519,203.43 together with interest and other applicable costs as allowed by law either jointly or severally. R.C. 2731.11.

**WHEREFORE**, the Relator prays for a judgment against the Respondents in the amount of \$27,519,203.43 together with interest and other applicable costs as allowed by law; Relator further prays for a writ of mandamus compelling the Respondents Franklin County Court of Common Pleas, Franklin County Court of Appeals and the Ohio Supreme Court, as a matter of law, to vacate all of its orders filed against the Relator and to reinstate the above-captioned cases; and Relator further prays for a writ of procedendo compelling the Respondent Franklin County Court of Common Pleas to proceed to judgment on all of the Relator's pending motions and applications for leave to proceed in Case No. 05CVH-01-398, as the Relator has demonstrated that he is entitled to a writ of mandamus and/or procedendo for all of the preceding reasons.

Therefore, for the foregoing reasons Relator respectfully requests that this Court sustain his R.C. Chapter 2731 Complaint, as a matter of law, and grant him any and all

other relief that might be appropriate, including an award of costs and attorney fees. Accordingly, in the alternative, the Respondents should be compelled to show cause why the requested writ should not be allowed, or allow the writ without such notice. R.C. 2731.04.

Dated: 05/18/2007

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

Relator-Pro-se

**STATE OF OHIO**

**SS:**

**COUNTY OF LUCAS**

Gregory T. Howard, being duly sworn, according to law, deposes and says that he is the Relator, pro-se herein, and duly authorized in the premises; that he has read the foregoing Application for leave to Proceed and Complaint for negligence/bad faith, etc.; that he is indigent and unable to pay filing fees in this action and this Military Affidavit, and that the facts stated, and allegations contained therein are true as he verily believes; he further deposes and says that the Respondent(s) herein is not in any branch of the military service of the United States.

  
Gregory T. Howard, Pro-se

Sworn to before me, a notary public in and for the State of Ohio and appeared the above signed, Gregory T. Howard by me identified to be one and same, who then subscribed his signature and made solemn affirmation that the facts alleged in his Affidavit were true and correct to the best of his knowledge, information, memory, and belief, he believes the same to be true, that they are made in good faith, and are voluntary acts and deeds before me this 18 day of May, 2007.



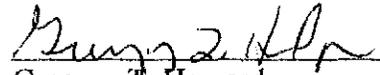
HOLLY A. DEVAN  
Notary Public, State of Ohio  
My Commission Expires Nov. 16, 2009

  
Notary Public, Lucas County, Ohio

**PRAECIPE**

**To the Clerk:**

Please issue summons directed for service by certified mail, regular mail upon the above-named Respondent(s) herein at the addresses listed above, returnable according to law.



Gregory T. Howard  
Relator-Plaintiff, pro-se

The Supreme Court of Ohio  
160 East Town Street  
Columbus, Ohio 43260-1393  
614.464.3800  
www.sconet.state.oh.us

Case No. 2003-1572  
Date Filed: 09/02/03

# The Supreme Court of Ohio

## CASE INFORMATION

### GENERAL INFORMATION

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

**Filed:** 09/02/03

**Status:** Case Is Disposed

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

### PARTIES AND ATTORNEYS

Howard, Gregory T. (Appellant)	
Bureau of Workers' Compensation (Appellee) Represented by: Wollam, Shawn ( ), Counsel of Record Petro, James ( )	
Industrial Commission of Ohio (Appellee) Represented by: Wollam, Shawn ( ), Counsel of Record Barnes, James ( ) Petro, James ( )	
Seaway Food Town, Inc. (Appellee) Represented by: Sturgeon, Margaret ( ), Counsel of Record Dixon, Thomas ( ) Eischen, Heidi ( )	
Spartan Stores Associates, LLC (Appellee) Represented by: Sturgeon, Margaret ( ), Counsel of Record	<u>1</u> EX. 111

Dixon, Thomas ( )

Eischen, Heidi ( )

## P R I O R D E C I S I O N S

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

## D O C K E T I T E M S

- Most documents that were filed in Supreme Court cases after December 1, 2006, are scanned. They are available for viewing via the online dockets, generally within one business day from their date of filing.
- Supreme Court orders that were issued after January 1, 2007, are also available via the online docket as PDFs. Although original orders issued by the Court bear the signature of the Chief Justice, the signature usually will not appear in the online versions. In all other respects, the online versions will be identical to the original signed orders on file with the Clerk's Office.
- A  symbol in an online docket denotes a scanned filing or an electronic version of a Supreme Court order. Clicking the icon opens an image of the filing or order.

Date Filed	Description
09/02/03	Notice of appeal of Gregory T. Howard <i>Filed by:</i> Howard, Gregory
09/02/03	Affidavit of indigency <i>Filed by:</i> Howard, Gregory
09/02/03	Motion to vacate judgment of August 26, 2003 <i>Filed by:</i> Howard, Gregory
	10/31/03: Denied
09/02/03	Affidavit to vacate court of appeals judgment of August 26, 2003 <i>Filed by:</i> Howard, Gregory
09/02/03	Motion to consolidate case with case no. 03-636 <i>Filed by:</i> Howard, Gregory
	10/31/03: Denied
09/03/03	Copy of notice of appeal sent to clerk of court of appeals
09/03/03	Order to clerk of court/custodian to certify record
09/08/03	Motion for order to show cause for contempt <i>Filed by:</i> Howard, Gregory
	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.

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09/15/03	Motion to dismiss of Industrial Commission of Ohio and Administrator, Bureau of Workers Compensation
	<b>10/31/03: Granted</b>
09/19/03	Record
09/19/03	Clerk's notice of filing of record
09/23/03	Memo opposing motion to dismiss <i>Filed by: Howard, Gregory</i>
09/29/03	Motion to dismiss of Seaway Foodtown, Inc.
	<b>10/31/03: Granted</b>
09/30/03	Motion for summary judgment <i>Filed by: Howard, Gregory</i>
	<b>10/31/03: Denied</b>
09/30/03	Motion to reverse and remand the cause to the court of appeals <i>Filed by: Howard, Gregory</i>
	<b>10/31/03: Denied</b>
10/17/03	Motion of Industrial Commission of Ohio to strike appellant's motion for summary judgment
10/20/03	Appellant's merit brief <i>Filed by: Howard, Gregory</i>
10/21/03	Motion to strike the appellee's motion to strike the appellant's motion for summary judgment <i>Filed by: Howard, Gregory</i>
10/21/03	And memo opposing the appellee's motion to strike the appellant's motion for summary judgment <i>Filed by: Howard, Gregory</i>
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 <i>Filed by: Howard, Gregory</i>
11/04/03	Motion for reconsideration and motion for stay of Court's October 31, 2003 entry <i>Filed by: Howard, Gregory</i>
	<b>12/10/03: Denied</b>
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
	<b>11/18/03: Granted; memorandum in support of sanctions due 10 days from the date of this entry</b>
11/13/03	Memo opposing motion for leave to file a memorandum in support of sanctions of Industrial Commission & Adm., BWC <i>Filed by: Howard, Gregory</i>
11/26/03	Memorandum in support of sanctions by Industrial Commission of Ohio in response to November 18, 2003 entry

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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 <i>Filed by: Howard, Gregory</i>
01/09/04	Amended objections to Industrial Commission's bill and documentation in support of an award of attorney fees <i>Filed by: Howard, Gregory</i>
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 <i>Filed by: Howard, Gregory</i>
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 <i>Filed by: Industrial Commission of Ohio</i>
	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 <i>Filed by: Howard, Gregory</i>
	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 <i>Filed by: Bureau of Workers' Compensation</i> <i>Filed by: Industrial Commission of Ohio</i>
08/04/04	And designation of counsel of record Stephen D. Plymale for Industrial Commission of Ohio and Administrator, Bureau of Workers' Compensation <i>Filed by: Bureau of Workers' Compensation</i> <i>Filed by: Industrial Commission of Ohio</i>
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 <i>Filed by: Bureau of Workers' Compensation</i> <i>Filed by: Industrial Commission of Ohio</i>
09/29/04	Statement of attorney fees of Industrial Commission of Ohio pursuant to 9/24/04 entry

	<i>Filed by:</i> Industrial Commission of Ohio
10/04/04	Response to Statement of attorney fees of Industrial Commission of Ohio pursuant to 9/24/04 entry <i>Filed by:</i> Howard, Gregory
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 <i>Filed by:</i> Bureau of Workers' Compensation <i>Filed by:</i> 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 <i>Filed by:</i> Howard, Gregory
	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) <i>Filed by:</i> Howard, Gregory
	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 <i>Filed by:</i> 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 <i>Filed by:</i> 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 <i>Filed by:</i> Howard, Gregory
08/17/05	Response to show cause order issued 8/10/05 <i>Filed by:</i> Howard, Gregory
	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 <i>Filed by:</i> 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 9/8/05 entry

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	<i>Filed by:</i> 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. <i>Filed by:</i> Howard, Gregory
	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 <i>Filed by:</i> Howard, Gregory
	11/03/05: Denied
10/27/05	Request to bring a court reporter to hearing scheduled for November 29, 2005 <i>Filed by:</i> Howard, Gregory
	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 <i>Filed by:</i> Howard, Gregory
	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 <i>Filed by:</i> Howard, Gregory
	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 <i>Filed by:</i> Howard, Gregory
11/08/05	Motion to reinstate appeal and request for sanctions <i>Filed by:</i> Howard, Gregory
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 <i>Filed by:</i> Howard, Gregory
	11/17/05: Denied
11/17/05	Memo of Industrial Commission of Ohio opposing motion to recuse the Ohio Supreme Court <i>Filed by:</i> Industrial Commission of Ohio
11/17/05	Memo of Industrial Commission of Ohio opposing motion to reinstate appeal and request for sanctions <i>Filed by:</i> 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 <i>Filed by:</i> 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 <i>Filed by:</i> Howard, Gregory
11/21/05	Additional argument to be read by appellant and/or otherwise submitted in written form for the November 29,

	2005, contempt hearing <i>Filed by:</i> Howard, Gregory
11/22/05	Additional argument to be read by appellant and/or otherwise submitted in written form for the November 29, 2005, contempt hearing <i>Filed by:</i> Howard, Gregory
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 <i>Filed by:</i> Howard, Gregory
	12/02/05: Denied
11/29/05	Notice of appearance of James A. Barnes for the Industrial Commission of Ohio <i>Filed by:</i> 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 <i>Filed by:</i> Howard, Gregory
	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 <i>Filed by:</i> Howard, Gregory
	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 <i>Filed by:</i> Howard, Gregory
	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 <i>Filed by:</i> Howard, Gregory
	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 <i>Filed by:</i> Howard, Gregory
01/18/06	Motion for leave to file a motion to vacate and to reinstate the instant case brought by appellant <i>Filed by:</i> Howard, Gregory
	01/26/06: Denied
02/13/06	Motion for leave to file motion for relief from this Court's prior judgments <i>Filed by:</i> Howard, Gregory
	02/27/06: Denied
02/21/06	Motion for leave to file motion for sanctions

7

	<i>Filed by:</i> Howard, Gregory
	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 <i>Filed by:</i> Howard, Gregory
	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 <i>Filed by:</i> Howard, Gregory
03/29/06	Motion for leave to file attached motion to vacate the 12/14/05 order instanter <i>Filed by:</i> Howard, Gregory
	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 <i>Filed by:</i> Howard, Gregory
	04/24/06: Denied
05/08/06	Notice of Seaway Food Town, Inc., of failure of appellant Gregory T. Howard to pay sanctions <i>Filed by:</i> 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. <i>Filed by:</i> Howard, Gregory
	05/18/06: Granted
05/08/06	And response to the notice of failure of payment filed by appellee Seaway Food Town, Inc. <i>Filed by:</i> Howard, Gregory
06/15/06	Motion for leave to file a response to this Court's 12/14/05 order <i>Filed by:</i> Howard, Gregory
	06/29/06: Denied
07/07/06	Second notice of Seaway Food Town, Inc., of failure of appellant Gregory T. Howard to pay sanctions <i>Filed by:</i> 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. <i>Filed by:</i> Howard, Gregory
	08/24/06: Granted
07/13/06	And response to the second notice of failure of payment filed by appellee Seaway Food Town, Inc. <i>Filed by:</i> Howard, Gregory
07/27/06	Third notice of Seaway Food Town, Inc., of failure of appellant Gregory T. Howard to pay sanctions <i>Filed by:</i> 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. <i>Filed by:</i> Howard, Gregory
	08/24/06: Granted
08/01/06	And response to the third notice of failure of payment filed by appellee Seaway Food Town, Inc. <i>Filed by:</i> Howard, Gregory
09/25/06	Fourth notice of Seaway Food Town, Inc., of failure of appellant Gregory T. Howard to pay sanctions <i>Filed by:</i> 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. <i>Filed by:</i> Howard, Gregory
	01/05/07: Denied
10/02/06 See Above	And response to the fourth notice of failure of payment filed by appellee Seaway Food Town, Inc. <i>Filed by:</i> Howard, Gregory
10/26/06	Fifth notice of Seaway Food Town, Inc., of failure of appellant Gregory T. Howard to pay sanctions <i>Filed by:</i> Seaway Food Town, Inc.
10/30/06	Motion for leave to file a complaint for conversion & bad faith against attorney Thomas A. Dixon <i>Filed by:</i> Howard, Gregory
	01/05/07: Denied
10/30/06	Motion for leave to file motion to dismiss notices of failure to pay sanctions and request for appropriate sanctions <i>Filed by:</i> Howard, Gregory
	01/05/07: Denied
11/27/06	Sixth notice of Seaway Food Town, Inc., of failure of appellant Gregory T. Howard to pay sanctions <i>Filed by:</i> Seaway Food Town, Inc.
11/30/06	Motion for leave to file response to sixth notice of failure of payment and motion to initiate contempt proceedings <i>Filed by:</i> Howard, Gregory
	01/05/07: Denied
01/02/07	Motion for leave to file a complaint for a writ of madamus <i>Filed by:</i> Howard, Gregory
	01/09/07: Denied
01/05/07	DECISION: Sua sponte, it is further ordered 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
01/05/07	Certificate of Judgment issued

01/08/07 <a href="#">View</a>	Motion for leave to file a motion for reconsideration instanter <i>Filed by:</i> Howard, Gregory
01/11/07 <a href="#">View</a>	Amended motion for leave to file a motion for reconsideration instanter <i>Filed by:</i> Howard, Gregory
<a href="#">View</a>	01/23/07: Denied
01/17/07 <a href="#">View</a>	Motion for leave to file exhibit in support of amended motion for reconsideration instanter <i>Filed by:</i> Howard, Gregory
01/18/07 <a href="#">View</a>	Seventh notice of Seaway Food Town, Inc., of failure of appellant Gregory T. Howard to pay sanctions <i>Filed by:</i> Seaway Food Town, Inc.
01/22/07 <a href="#">View</a>	Motion for leave to file response to seventh notice of failure of payment <i>Filed by:</i> Howard, Gregory
<a href="#">View</a>	03/28/07: Denied; appellee shall inform the Court within 20 days of the collection actions appellee has taken pursuant to the Court's order of January 5, 2007
04/09/07 <a href="#">View</a>	Status report of Seaway Food Town, Inc. pursuant to the Court's 3/28/07 entry <i>Filed by:</i> Seaway Food Town, Inc.
04/10/07 <a href="#">View</a>	Motion for leave to file a response to status report and to orders issued 12/14/05, 1/5/07, and 3/28/07 <i>Filed by:</i> Howard, Gregory
05/04/07 <a href="#">View</a>	Motion 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 <i>Filed by:</i> Howard, Gregory
<a href="#">View</a>	05/11/07: Denied
05/10/07 <a href="#">View</a>	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, instanter <i>Filed by:</i> Howard, Gregory
<a href="#">View</a>	05/14/07: Denied

Back

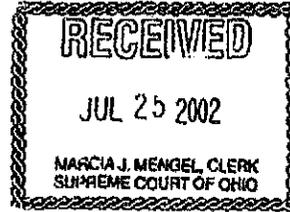
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THIS IS A FINAL APPEALABLE ORDER

FILED  
LUCAS COUNTY

2002 AUG 22 AM 11:58

COMMON PLEAS COURT  
BERNIE QUILTER  
CLERK OF COURTS



IN THE COMMON PLEAS COURT OF LUCAS COUNTY, OHIO

Russell W. Porritt II,  
Plaintiff,

-vs-

Gregory T. Howard  
Defendant.

Case No. CI 99 - 4133 #4

Decision and Journal  
Entry

This 15th day of August 2000 the above captioned case came on for decision on Defendant's motion for Summary Judgment filed May 23, 2000, the Plaintiff's motion for Summary Judgment filed June 19, 2000, the Defendant's memorandum in opposition filed June 23, 2000, and the Plaintiff's memorandum in opposition filed June 9, 2000.

Having reviewed the motions, the pleadings, the memorandum, the affidavits, the file and the law, and construing the evidence most favorably to the defendant, I am persuaded the defendant is a vexatious litigator.

The Defendant's motion for summary judgment asserts the incorrect evidentiary standard and is unsupported in any meaningful way contemplated by the rules. That motion is denied.

The Plaintiff's motion is supported by competent, credible evidence. Perhaps most compelling is Judge Katz's language of September 22, 1999 concerning the defendant "... he has consistently failed to respond to the reasoning behind the Court's decisions and continues to rehash old arguments that the Court has already rejected." It is clear from the court records provided by the plaintiff that the defendant has filed multiple law suits asserting the same or similar claims and filed numerous redundant motions which have no merit. The defendant's conduct serves merely to harass or maliciously injure the plaintiff and his conduct cannot be warranted under existing law and cannot be supported by a good faith argument for an extension, modification, or reversal of existing law.

The Plaintiff's motion is found well taken and granted.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name officially and affixed the seal of said court at the Courthouse in Toledo, Ohio, in said County, this 22nd day of July, 2002.

BERNIE QUILTER, Clerk

By Barbara Glaser  
Deputy

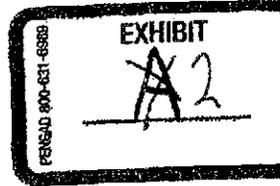
SEAL

JOURNALIZED

AUG 23 2002  
CLERK'S 285  
P.B. 784

78

11

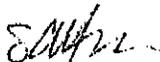


**JOURNAL ENTRY**

The Defendant's motion for summary judgment is found not well taken and denied. The Plaintiff's motion for summary judgment is found well taken and granted. It is therefore **ORDERED, ADJUDGED AND DECREED** that the defendant, GREGORY T. HOWARD is found to be a vexatious litigator.

It is further **ORDERED, ADJUDGED AND DECREED** that the Defendant GREGORY T. HOWARD shall:

1. Be prohibited from continuing this action; and,
2. Be prohibited from instituting any legal proceedings in the Court of Claims, the Common Pleas Court, Municipal Court, or County Court without first obtaining leave of that court to proceed; and,
3. Be prohibited from making any application in any of the above named courts other than an application for leave to proceed as provided in this order; and,
4. Present any application to the presiding Judge of any court in which he wishes to appear accompanied by any pleading he intends to file; and,
5. Be hereby notified that any violation of this order will result in a finding of contempt of court which could result in fees, fines, and or imprisonment; and,
6. Be hereby notified that this order shall continue in full force and effect for a period of three years form the date of filing.

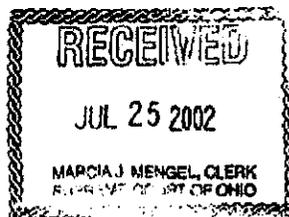
  
\_\_\_\_\_  
Judge Steve Yarbrough

8/22/01  
\_\_\_\_\_  
Date

**INSTRUCTIONS TO THE CLERK:**

Please serve all parties with the foregoing by certified mail return receipt requested.

2



JOURNALIZED  
JUL 25 2002  
CASE NO. 285  
P. 784

12

# The Supreme Court of Ohio

## JUDICIAL OATH OF OFFICE

I, **Thomas J. Moyer**, do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Ohio, and will administer justice without respect to persons, and will faithfully and impartially discharge and perform all the duties incumbent upon me as Chief Justice of the Supreme Court of Ohio, according to the best of my ability and understanding. This I do as I shall answer unto God.

  
Thomas J. Moyer

STATE OF OHIO

COUNTY OF FRANKLIN, SS:

Sworn to before me and subscribed in my presence this 15<sup>th</sup> day of December, 2004.



  
Notary Public  
NO. 123456789  
FRANKLIN COUNTY, OHIO

13

FILED  
DEC 15 2004  
MARSHALL M. MERRILL, CLERK  
SUPREME COURT OF OHIO

EX. 3"

Tuesday, May 15, 2007

**VIA FACSIMILE @ (614) 752-6611 only**

Industrial Commission of Ohio  
Director of Hearing Services  
Mr. Thomas S. Connor  
30 West Spring Street  
Columbus, Ohio 43215

**Re: Gregory T. Howard v. Seaway Food Town, Inc.**  
BWC Claim Nos. L-246280-22, 882992-22, & 800268-22

Dear Mr. Connor:

Previously I sent to you affidavits in support why all of my pending letters, motions, appeals, objections, reconsideration requests or other requests must be referred to your office of processing should be granted pursuant to State of Ohio Industrial Commission of Ohio Policy Statements and Guidelines Memo O2. I have not received any response from you in this regard.

On February 28, 2006, the Industrial Commission of Ohio conducted an evidentiary hearing on claimant's appeal filed 1-30-2006 to the Exparte order findings mailed 1-28-2006 regarding the claimant's C-86 Motion for Permanent Total Disability Compensation filed 9-23-2005. At that hearing, claimant, Mr. Rust, and Mr. Dixon testified.

Claimant testified that he was not an employee of Spartan Stores and that he was terminated on March 25, 1999 before Spartan Stores purchased Food Town in August of 2000. Claimant offered this pertinent evidence one day before that hearing, so the hearing officer should have found that the previous findings had been disturbed for the above reasons (see attached letter). Therefore, the hearing officer should have found that the series of orders, 12-23-2002, 03-18-2003, 10-03-2005, 10-27-2005, and 11-15-2005, which make a finding that claimant's causes in question had expired by operation of law should be vacated and are void for the preceding reasons.

Mr. Dixon testified that he had represented Food Town in earlier proceedings, but that had no involvement in the proceedings which the Commission considered as possible frivolous conduct. The hearing officer should have disbelieved him, for the preceding reasons. Therefore, the hearing officer should have concluded in all the circumstances that his violation of the IC/BWC rules and guidelines did rise to the level of criminal contempt within the definition of O.R.C. §2705.02(A) & §2921.13. Accordingly, claimant has a good faith belief to believe that Mr. Dixon's testimony sought to obstruct or impair the claimant's above-referenced claims or causes in violation of the IC/BWC rules and guidelines

14

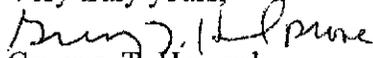
EX. "14"

The hearing officer stated that he was "mindful of claimant's recent motions to invoke 4123.52 of the Ohio Revised Code based upon a mistake of law or a clear mistake of fact." However, the hearing officer clearly erroneously concluded that "his order and conclusion is based upon the record as it exists on this date" when contrary to Mr. Dixon assertions the claimant had filed evidence one day before that hearing demonstrating that he was not an employee of Spartan Stores and that he was terminated on March 25, 1999 before Spartan Stores purchased Food Town in August of 2000.

Accordingly, the Director of Hearing Services must conclude that the orders of 12-23-2002, 03-18-2003, 10-03-2005, 10-27-2005, 11-15-2005, and 02-28-2006 which make a finding that claimant's causes in question had expired by operation of law are vacated pursuant to 4123.52 of the Ohio Revised Code based upon a mistake of law or a clear mistake of fact and that the claimant's causes are reinstated as State Fund claims. Further that the claimant is legally entitled to retroactive pay of permanent total disability compensation beginning September 7, 1995 and that Mr. Dixon has engaged in sanctionable frivolous conduct.

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: Third-Party Administrator (w/enc.) Facsimile: 734.856.6226

Bureau of Workers' Compensation (w/enc.):866.457.0594

Thomas A. Dixon, Esq. (w/enc.) Fax (419) 247-1777

Scott Hines, Esq., (w/enc.) 419.245.2652

David Binkovitz (w/enc.) 614.995.7015

Chairman, William E. Thompson (w/enc.) 614.752.6610

Barbera McNeil (w/enc.) 614.728.5517

Comptroller of the Currency-Fax (713) 336-4301 (Case No. 685430)

Director of Hearing Services-Fax (614) 644-5209

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 & 330421

Federal Trade Commission Complaint # 10010756 & 10299071

Comptroller of the Currency #685430

Rel. Complaint #15262  
Claim #s 882492-22 & L-246280-22

L-246280-22

# SPARJAN STORES, INC.

TOL 86/12/2806  
TOL 83/13/2

INDUSTRIAL COMMISSION OF OHIO  
2006 FEB 27 P 12:22  
TOLEDO REGIONAL OFFICE

November 25, 2003

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

RECEIVED  
OCT 20 2003  
NOV 26 2003  
TOLEDO REGIONAL OFFICE

INDUSTRIAL COMMISSION OF OHIO  
2006 MAR 10 A 11:32  
TOLEDO REGIONAL OFFICE

Dear Mr. Kwiszkowski:

I am in receipt of the Charge of Discrimination involving Gregory T. Howard (TOL) 72032599 (27931) 100903. After reviewing the charge and noting the terminating 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 personal recollection 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*

Cynthia M. Kozak  
Human Resources Manager  
Spartan Stores - Pharma Division

INDUSTRIAL COMMISSION OF OHIO  
2006 FEB 21 A 8:19  
TOLEDO REGIONAL OFFICE

CC: Mackinaw Administrators, LLC (Ltrn)  
Angel Sims Faxed: 614.365.4175

PLANNING  
OCT 20 2003

INDUSTRIAL COMMISSION OF OHIO  
2006 JUN 12 P 12:08  
TOLEDO REGIONAL OFFICE

9

**WIA**

16



The Industrial Commission of Ohio  
**RECORD OF PROCEEDINGS**

Claim Number: L246280-22

fact. Today's order and conclusion is based upon the record as it exists on this date.

101 03/07/2006

Typed By: pae  
Date Typed: 03/03/2006

Richard Hines  
Staff Hearing Officer

Findings Mailed: 03/07/2006

Signed copy contained in claim file.

The parties and representatives listed below have been sent this record of proceedings. If you are not an authorized representative of either the injured worker or employer, please notify the Industrial Commission.

L246280-22  
Gregory T. Howard  
PO Box 3896  
Toledo OH 43607-0096

ID No: 15503-90  
John G. Rust  
4628 Lewis Avenue  
Toledo OH 43612

Risk No: 20003158-0  
Spartan Stores Associates, LLC  
The Pharm  
850-76th Street, N.W.  
Grand Rapids MI 49518

ID No: 217288-80  
Mackinaw Administrators, LLC.  
PO Box 8489  
Grand Rapids MI 49518

ID No: 1649-80  
Eastman & Smith Ltd  
PO Box 10032  
Toledo OH 43699

ID No: 4000-05  
\*\*\*BNC - DWRP Section\*\*\*  
10 West Spring Street  
Level 10  
Columbus OH 43266-0581

BNC, LAW DIRECTOR

TOLEDO REGIONAL OFFICE

2006 MAR -7 A 10:58

INDUSTRIAL COMMISSION  
OF OHIO

18

State of Ohio ex rel. Gregory T. Howard

Case No. 2003-1572

v.

E N T R Y

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 10, 2007, appellant filed a 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, instanter. Upon consideration thereof.

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

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

---

THOMAS J. MOYER  
Chief Justice

2004 AUG 27 PM 4: 34

IN THE COURT OF CLAIMS OF OHIO

GREGORY T. HOWARD

Plaintiff,

v.

SUPREME COURT OF OHIO,

Defendant.

**ORIGINAL**

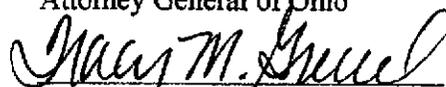
Case No. 2004-07743  
Judge J. Warren Bettis

**DEFENDANT'S MOTION TO DISMISS**

Defendant, Supreme Court of Ohio, respectfully requests that this Court dismiss Plaintiff's Complaint in its entirety for failure to state a claim on which relief may be granted pursuant to Civil Rule 12(B)(6) and for lack of subject matter jurisdiction pursuant to Civil Rule 12(B)(1). Plaintiff's Complaint alleges various wrongdoings on the part of the Supreme Court of Ohio, none of which are actionable in the Court of Claims. Mr. Howard's Complaint should be dismissed as a matter of law. The reasons supporting this motion are fully explained in the accompanying memorandum.

Respectfully submitted,

JIM PETRO  
Attorney General of Ohio



TRACY M. GREUEL  
Registration No. 0074067  
Assistant Attorney General  
Court of Claims Defense Section  
150 East Gay St., 23<sup>rd</sup> Floor  
Columbus, Ohio 43215  
Tele: (614) 466-7447  
Fax: (614) 644-9185  
COUNSEL FOR DEFENDANT

20

**ON COMPUTER**

EX. "5"

## MEMORANDUM IN SUPPORT

### **I. Introduction/Statement of Facts**

Mr. Howard filed the instant action in the Court of Claims alleging fraud and wrongdoing on the part of the Ohio Supreme Court. *See* Complaint. He claims that (1) the Supreme Court committed fraud by holding that the Court of Appeals had denied a previous request when in fact the Court of Appeals had dismissed the defendants in question, (2) the Supreme Court violated his constitutional rights by denying his mandamus action and (3) fraudulently dismissed or affirmed various actions he had initiated, all in violation of his constitutional rights. Following this Complaint, Mr. Howard has submitted a flurry of additional pleadings, including three additional motions to alter or amend his original complaint. These additional motions claim fraud on the part of the Lucas County Court of Common Pleas, Justices Bates and Yarbrough, and call for this Court to make various immunity determinations. Clearly Mr. Howard is unsatisfied with the treatment he has received in Ohio's various courts. Unfortunately, this dissatisfaction is not actionable in the Court of Claims.

Mr. Howard has been declared a vexatious litigator by the Lucas County Common Pleas Court and is prohibited from instituting any legal action in the Court of Claims without first obtaining leave of this Court to proceed. *See* attached Order. He has not obtained the requisite leave to proceed with this action, and for that reason alone, this case should be dismissed. However, assuming *arguendo* this Court allows Mr. Howard to proceed without meeting the requirements of the vexatious litigator statute, his claims

still must fail. Not only are Mr. Howard's claims of constitutional violations not within the subject matter jurisdiction of this Court, but all of the actions Mr. Howard complains of are protected by absolute judicial immunity. Further, the only defendant in the Court of Claims is the State of Ohio, and the Lucas County Court of Common Pleas is not within the definition of "State" and cannot be sued in the Court of Claims. For these reasons, the Ohio Supreme Court respectfully requests that Mr. Howard's Complaint and subsequent amended complaints be dismissed in their entirety.

## II. Standard of Review

Dismissal for failure to state a claim pursuant to Civil Rule 12(B)(6) is appropriate when it is "beyond doubt that the plaintiff can prove no set of facts in support of his claim which would entitle him to relief." *O'Brien v. University Community Tenants Union, Inc.* (1975), 42 Ohio St.2d 242, 245. The non-moving party is entitled to the presumption that all factual allegations are true and all reasonable inferences are made in his favor. *Mitchell v. Lawson Milk Co.* (1988), 40 Ohio St.3d 190, 192. The standard of review for a dismissal pursuant to Civ.R. 12 (B)(1) is whether any cause of action "cognizable by the forum" has been raised in the Complaint. *Bush v. Spurlock* (1989), 42 Ohio St.3d 77, 80.

Even presuming that all facts are true and construing all reasonable inferences in Mr. Howard's favor, he still cannot prove any set of facts that would entitle him to relief and many of his complaints are not cognizable by this forum.

### **III. Law and Argument**

#### **A. Mr. Howard is a vexatious litigator and has not requested leave of this Court to proceed with an action.**

R.C. 2323.52 defines vexatious litigator as “any person who has habitually, persistently, and without reasonable grounds engaged in vexatious conduct in a civil action or actions.” Mr. Howard was declared to be a vexatious litigator by the Lucas County Court of Common Pleas in July of 2002. *See* attached Order. That order prohibits him from instituting any legal proceedings in the Court of Claims without first obtaining leave of the court to proceed. *See id.* Mr. Howard presents no evidence showing that he sought such leave from this Court. As such, he is prohibited from initiating any action in this Court. R.C. 2323.52(I) clearly states that any actions initiated by a vexatious litigator “shall” be dismissed if they failed to first obtain the leave of court to proceed. As Mr. Howard has not obtained such leave, and is a vexatious litigator, this Court should now dismiss his action against the Ohio Supreme Court in its entirety.

#### **B. Constitutional Violations are not actionable in the Court of Claims.**

Assuming arguendo that this Court allows Mr. Howard to proceed despite his vexatious litigator status, all of his claims must still be dismissed. Mr. Howard complains that the Ohio Supreme Court has violated his constitutional rights under Article I, Section 16 of the Ohio Constitution by denying various mandamus actions and affirming dismissals of other actions filed in various Ohio courts. *See* Complaint, p. 2-3. The Court of Claims has no subject matter jurisdiction to hear these claims.

The law on this matter is well settled. Actions in the Court of Claims are limited to those that could be brought against private parties. *Bleicher v. University of Cincinnati College of Medicine* (1992), 78 Ohio App. 3d 302, 306; *Wright v. Department of Rehab. and Corr.* (Mar. 28, 1995), Franklin App. No. 94API08-1169, unreported, attached. The alleged constitutional violations in this case require an element of state action and, therefore, could not be brought against a private individual. *Bleicher*, 78 Ohio App. 3d at 307. These claims "present no viable cause of action to be heard in the Court of Claims." *Id.* Therefore, Mr. Howard's claims of constitutional violations on the part of the Ohio Supreme Court should be dismissed.

**C. Actions by the Supreme Court of Ohio and its Justices within the scope of their professional duties are protected by the doctrine of absolute judicial immunity.**

Mr. Howard's allegations of fraud and wrongdoing on the part of the Ohio Supreme Court also must fail. Under Ohio law, "no civil action can be maintained against a judge for the recovery of damages by one claiming to have been injured by judicial action within the scope of the judge's jurisdiction." *State ex rel. Fisher v. Burkhardt* (1993), 66 Ohio St.3d 189. It has also been firmly established that "a judge cannot be held liable for actions taken that are within the judge's discretion." *Newdick v. Sharp*, (1967), 13 Ohio App.2d 200. Further, this immunity has been held to be absolute. *Willitzer v. McCloud* (1983), 6 Ohio St.3d 447, 449. It is imperative that where a plaintiff does not allege any sort of extra-judicial wrongdoing, a court must grant a motion to dismiss which asserts the affirmative defense of judicial immunity; otherwise,

judicial immunity would not be absolute. *See, e.g., Eichenberger v. Petree* (Franklin Cty. 1992), 76 Ohio App.3d 779, 781.

It follows that judicial decisions made by the Supreme Court of Ohio, which are wholly within the scope of their judicial duties, cannot form the basis of a recovery action against the Court. Accepting all of Mr. Howard's allegations as true on the face of the Complaint, there is no doubt that the Supreme Court of Ohio has always acted in a judicial capacity in its dealings with him. Even assuming that the Supreme Court erred as a matter of law in the disposition of Mr. Howard's case, the Supreme Court would still be protected from suit on that basis by the doctrine of absolute judicial immunity. Therefore, any cause of action Mr. Howard may have raised can be dismissed solely upon the basis of absolute judicial immunity.

**D. The Lucas County Court of Common Pleas and its Justices are not within the definition of "State" and cannot be sued in the Court of Claims.**

In Mr. Howard's most recent amendments to his Complaint, he names the Lucas County Court of Common Pleas and Justices Bates and Yarbrough. Although the court of common pleas of each county is a state court and instrumentality of the state, they are not contained within the definition of "state" under the language of R.C. 2743.02. *See Tymcio v. State* (1977), 52 Ohio App.2d 298; *Dalton v. Bureau of Crim. Identification & Investigation* (1987), 29 Ohio App.3d 123; *Sams. v. The State of Ohio* (Mar. 4, 1999), Franklin App. No. 98AP-645, unreported, attached. Thus they cannot be sued in the Court of Claims.

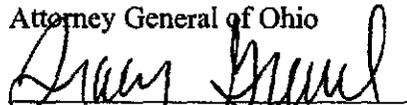
Despite their status as state courts and state instrumentalities, “the definition of political subdivision under R.C. 2743.01(B) encompasses the common pleas court and eliminates it from the definition of state under R.C. 2743.01(A).” *Dalton, supra*, at 125. The Court of Claims Act clearly states that “the only defendant in original actions in the court of claims is the state.” R.C. 2743.02(E). As County Courts of Common Pleas are not within the definition of “state,” it is improper for Mr. Howard to attempt to sue them in the Court of Claims. As such, his claims against the Lucas County Court of Common Pleas and its justices must be dismissed.

#### **IV. Conclusion**

Mr. Howard is a vexatious litigator. He has circumvented the rules of a duly executed judicial order requiring him to obtain leave before initiating any civil actions in this Court. He has filed a flurry of documents since improperly filing his Complaint in this case. Yet he fails to state even one cause of action cognizable in this forum, or even one claim on which relief may be granted. For these reasons, the Supreme Court of Ohio respectfully requests his Complaint and all subsequent amendments be dismissed in their entirety.

Respectfully submitted,

JIM PETRO  
Attorney General of Ohio

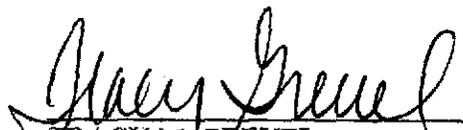


TRACY M. GREUEL  
Registration No. 0074067  
Assistant Attorney General  
Court of Claims Defense Section  
150 East Gay St., 23<sup>rd</sup> Floor  
Columbus, Ohio 43215  
Tele: (614) 466-7447  
Fax: (614) 644-9185  
COUNSEL FOR DEFENDANT

**Certificate of Service**

I hereby certify that t true and accurate copy of the foregoing Motion to Dismiss was sent by regular U.S. mail, postage prepaid, this 17<sup>th</sup> day of August, 2004 to

Gregory T. Howard  
P.O. Box 3096  
Toledo, Ohio 43607-0096  
Pro Se Plaintiff



TRACY M. GREUEL  
Assistant Attorney General



Case No. 2004-07743

-2-

ENTRY

Entry cc:

Gregory T. Howard  
P.O. Box 3096  
Toledo, Ohio 43607-0096

Plaintiff, Pro se

Tracy M. Greuel  
Assistant Attorney General  
150 East Gay Street, 23rd Floor  
Columbus, Ohio 43215-3130

Attorney for Defendant

LP/MR/cmd

COURT OF CLAIMS  
OF OHIO  
2004 NOV 12 AM 11:02

200508030156327  
Pages: 3 \$36.00 T20050060397  
08/03/2005 4:37PM MLGREGORY HOW  
Robert G. Montgomery  
Franklin County Recorder

IN THE COURT OF COMMON PLEAS  
FRANKLIN COUNTY, OHIO

GREGORY T. HOWARD, : CASE NO. 05-CVH-01-398  
PLAINTIFF, :  
-vs- : NOTICE OF LIS PENDENS  
OHIO STATE SUPREME COURT, :  
DEFENDANT. :

\*\*\*\*\*

NOTICE IS HEREBY GIVEN that an action has been filed in the above-entitled court by Gregory T. Howard Plaintiff against Thomas J. Moyer Chief Justice of the Supreme Court of Ohio and/or State of Ohio Defendant(s) for an action of a violation of Ohio Revised Code Section 2921.13.

This action affects title to real property in Franklin County as described below:

S FRONT ST  
CITY OF COLUMBUS INLOTS  
2.754 ACRES  
010-G032-028-00

A proposed Summary is attached hereto and made a part hereof.

Dated: 08/02/2005

Respectfully submitted,

*Gregory T. Howard*  
Gregory T. Howard  
(419) 450-3408  
Plaintiff, Pro-se

PROOF OF SERVICE

This is to certify that a copy of the foregoing NOTICE OF LIS PENDENS of Gregory T. Howard was sent via ordinary U.S. Mail this 2<sup>nd</sup> day of August, 2005 to:  
Supreme Court of Ohio  
65 South Front Street  
8<sup>th</sup> Floor  
Columbus, Ohio 43215  
Rene L. Rimelspach, Esq. Franklin County Prosecutor's Office  
Assistant Attorney General  
Constitutional Offices  
30 East Broad St. 16<sup>th</sup> fl.  
Columbus, Ohio 43215  
373 South High Street, 14<sup>th</sup> fl.  
Columbus, Ohio 43215

*Gregory T. Howard*  
Gregory T. Howard  
Plaintiff-Claimant, pro-se

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10 of 2

App. Ex. 2

Notice  
33rd  
Aug  
AS  
Collection Agency

generated on 8/2/2005 8:33:50 AM EST

### Summary

<b>Parcel ID</b> 010-002659-00	<b>Address</b> 65 S FRONT ST	<b>Index Order</b> Street Address	<b>Card</b> 1 of 3
-----------------------------------	---------------------------------	--------------------------------------	-----------------------

**Owner Information**  
**Call 614-462-4663 if Incorrect**  
 STATE OF OHIO  
 88 E BROAD ST  
 COLUMBUS OH 43215

**Tax Bill Mailing Information**  
**Mail Changes Only - Click Here**  
 AUDITOR OF STATE  
 PURC#360  
 88 E BROAD ST  
 COLUMBUS OH 43215

**Value Information**  
**Market Land Value** 12,960,000  
**Agricultural Value** 0  
**Market Impr. Value** 81,040,000  
**Market Total Value** 94,000,000

**Legal Description**  
 S FRONT ST  
 CITY OF COLUMBUS INLOTS  
 2.754 ACRES  
 010-G032 -028-00

**Sales Data**  
**Sale Amount** \$0  
**Date** 10/06/2004  
**Deed Type** GV  
**# of Parcels** 2  
**Conveyance #**  
**Exempt #** 912821-A

**Building Data**  
**Year Built** 1964

**Tax Dist** 010 CITY OF COLUMBUS  
**School Dist** 2503 COLUMBUS CSD  
**Land Use** [610] EXMPT PROP OWNED BY STATE OF OHIO  
**Neighborhood** 01101

**Board of Revision** No  
**Homestead** No  
**2.5% Reduction** No  
**Assessments** No  
**CDQ Year**

**2004 Annual Taxes \$0.00**

**2004 Total Taxes Paid \$0.00**

Data updated on 08/01/2005

31

2 of 2

# Ohio Rehabilitation Services Commission

August 2 - 2005

Breg is taking Ceps...

an antidepressant equivalent to Prozac

He sees Dr. Haley at 2005

Angela Henderson is his case manager

Breg spoke of a ruling that he was declared a  
vexatious litigator in 2000.

Breg was declared a vexatious again in May  
April of 2005.

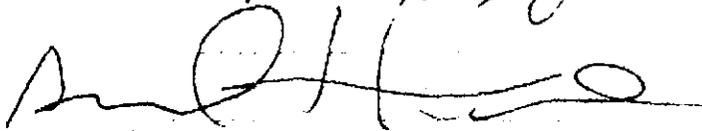
Breg reports that he is filing a motion against  
the judge for making this ruling.

He is appealing this ruling to the Attorney  
General's office, the Governor's office, the  
legislature on this ruling as well.

I explained to Breg that due to this ruling  
we cannot continue to support this goal due to  
his not being employable in the field of  
paralegal.

I also explained that he is facing another  
obstacle to achieving his goal. He needs  
to pass two math classes that he has  
not been successful with.

Breg will explore another or other options  
on his own. If he does not have an alternative  
his case will be closed after two months - (Sept. <sup>2005</sup> 30)  
He can always re-apply for Services. 32

x  Anthony F. ...

**OHIO REHABILITATION SERVICES COMMISSION  
CLOSURE (IPE AMENDMENT)  
CERTIFICATE OF INELIGIBILITY**

L246280.22

<p>Name and Address</p> <p><b>GREGORY HOWARD</b>  <b>930 INDIANA, #1</b>  <b>PO Box 3096 - 43607-0096</b>  <b>TOLEDO, OH 43607</b></p>	<p>Copy given/sent on (date) <u>09/30/05</u></p> <p>If applicable, "Extended Employment Closure Fact Sheet" given/sent on (date) _____</p>	<p>"Right &amp; Duties" brochure given/sent on (date) _____</p> <p>"Informed Choice" brochure given/sent on (date) _____</p>
--	--	--

This is your notice that your case has been closed.

1. You do not have a physical/mental/emotional impairment that causes or results in a substantial impediment to employment  (status 08, ineligible)
2. Services from RSC cannot help you become employed at this time. You have been provided trial work experiences and there is clear and convincing evidence that you cannot be employed due to the severity of the disability  (status 08, ineligible)
3. Services from RSC are not required for you to prepare for, secure, regain, or retain employment.  (status 08, ineligible)
4. Although you were determined eligible for services earlier, the provision of services has shown that, at this time, you are not able to progress toward employment or homemaking.  (status 28 or 30, ineligible)
5. Other  (not ineligibility: with IPE-required for status 08 from 06, for 28 or 30; without IPE-optional for status 08 from 00/02/06 or for status 30)

The reason(s) for this decision is:

At our last meeting we spoke about how your goal of being a legal aid would not work and we would like you to consider alternatives. I gave you until the end of the month for you to contact me or I would close your case. If you disagree with my decision please call me

TOLEDO REGION  
 2005 OCT - 3  
 INDUSTRIAL COMMISSION  
 OF OHIO

Any ineligibility determination that is based on a finding that you are incapable of benefiting in terms of an employment outcome shall be reviewed within 12 months, and thereafter, if such a review is requested by you, or if appropriate, by your representative (unless you have refused services, you cannot be located, or you have reapplied for services).

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EX. 18

**Consulting with you about closing your case.** You (or your parent, guardian, or other representative) must have been provided an opportunity for a full consultation about the decision that you are not eligible for services. The result was:

- You refused the consultation.
- You are no longer present in the state.
- We cannot locate you.
- Your views about closing the case are:  
you knew that your case could be closed

If you want to further discuss this decision with me, you may contact me at this telephone number: (419)866-5811  
 or at this address: RIVERVIEW BVR  
 5533 SOUTHWYCK BLVD  
 SUITE 101  
 TOLEDO, OH 43614-1592

Counselor's signature *Anthony J. Suggs* Date 8/30/05

You have the right to file a formal appeal to request a hearing if you cannot resolve disagreements at the local level. This is done by writing, on tape or in Braille, within 30 days of the date you learned about the action or decision. Your appeal must be directed to the Executive Director, Ohio Rehabilitation Services Commission, 400 E. Campus View Blvd., Columbus, OH 43235-4604.

The Rehabilitation Services Commission does not discriminate on basis of age, color, national origin, race, sex, or type of disability

RSC-0031  
Rev. 6/2002

TOLEDO REGIONAL OFFICE  
 ZMS/ST-3 A 8 18  
 INDUSTRIAL COMMISSION OF OHIO

L-246880-22V



# LOAN DISCHARGE APPLICATION: TOTAL AND PERMANENT DISABILITY

OMB No. 1845-0045  
Form Approved  
Exp. Date 12/31/2005

Federal Family Education Loan Program / Federal Perkins Loan Program / William D. Ford Federal Direct Loan Program

**WARNING:** Any person who knowingly makes a false statement or misrepresentation on this form or on any accompanying documents will be subject to penalties which may include fines, imprisonment or both, under the U.S. Criminal Code and 20 U.S.C. 1087.

## SECTION 1: BORROWER IDENTIFICATION

Please enter or correct the following information.

SSN 2174115161-15121411  
Name Cresney T. Howard  
Address P.O. Box 3096  
City, State, Zip Toledo, OH 43607-0096  
Telephone - Home (419) 430-3408  
Telephone - Other (419) 309-8159  
E-mail address (optional) hwildgr3r4@yahoo.com

## SECTION 2: BORROWER DISCHARGE REQUEST

Before signing, carefully read the entire form, including the instructions and other information on the following pages.

Borrower Request, Authorization, Understandings, and Certifications

I request that the U.S. Department of Education (ED) discharge my loan(s) made under the Federal Family Education Loan (FFEL) Program, the Federal Perkins Loan (Perkins Loan) Program, and/or the William D. Ford Federal Direct Loan (Direct Loan) Program.

I authorize any physician, hospital, or other institution having records about the disability that is the basis for my request for a loan discharge to make information from these records available to the holder(s) of my loan(s).

I understand that I must submit a separate discharge application to each holder of the loan(s) that I want to have discharged. I further understand that I am not eligible to receive a total discharge of my loan(s) unless I meet certain requirements during and at the end of a conditional discharge period, as explained in Sections 6 and 7. If I am a veteran, I understand that the certification by a physician on this form is only for the purposes of establishing my eligibility to receive a discharge of a FFEL Program, Perkins Loan Program, or Direct Loan Program loan and is not for purposes of determining my eligibility for or the extent of my eligibility for Department of Veterans Affairs benefits.

I certify that I have a total and permanent disability, as defined in Section 5. In addition, I certify that I have read and understand the information on the loan discharge process, the terms and conditions for discharge, the eligibility requirements for loan discharge, and the eligibility requirements to receive future loans as explained in Sections 5, 7 and 8.

Signature of Borrower or Borrower's Representative [Signature] Date 04/28/2006  
Printed Name of Borrower's Representative (if applicable) \_\_\_\_\_  
Address of Borrower's Representative (if applicable) \_\_\_\_\_  
Representative's Relationship to Borrower (if applicable) \_\_\_\_\_

## SECTION 3: PHYSICIAN'S CERTIFICATION

Instructions for Physician: The borrower identified above is applying for discharge of his/her federal education loan(s) based on total and permanent disability. You should complete and sign the certification below only if you are a doctor of medicine or osteopathy legally authorized to practice in a State (see definition in Section 5) and if the borrower's condition meets the definition of total and permanent disability in Section 5. Provide all requested information and attach additional pages if necessary. Type or print in dark ink. Please return the completed form to the borrower or the borrower's representative. The holder(s) of the borrower's loan(s) (see definition in Section 5) may contact you for additional information or documentation.

Note: The standard for determining disability for discharge of the borrower's loan(s) may be different from standards used under other programs in connection with occupational disability, or eligibility for social service or veterans benefits.

1. Diagnosis/explanation of the borrower's present medical condition (identify the borrower's condition and explain how it prevents the borrower from working and earning money in any capacity). Do not use abbreviations or insurance codes.  
Patient judged totally and permanently disabled

2. When did the borrower's medical condition begin? (MM-DD-YYYY) 05-06-1994

3. a. Does this medical condition prevent the borrower from being able to work and earn money in any capacity?  Yes  No

b. If Yes, when did the borrower become unable to work and earn money in any capacity? (MM-DD-YYYY) 01-10-1995

I certify that, in my best professional judgment, the borrower identified above is unable to work and earn money because of an injury or illness that is expected to continue indefinitely or result in death. I understand that a borrower who is currently able and who is expected to be able to work and earn money, even on a limited basis, is not considered to have a total and permanent disability.

I am a doctor of (check one)  medicine  osteopathy legally authorized to practice in the state of Ohio

My professional license no. is 35052058  
(Subject to verification through State Records.)

Physician's Signature (a signature stamp is not acceptable) [Signature] Date 4/28/06  
Printed Name of Physician SUSAN HALEY, M.D.

Address 6605 W Central Toledo Oh 43611  
City, State, Zip

Telephone 419 841-7701  
Fax (optional) \_\_\_\_\_ E-mail address (optional) \_\_\_\_\_

EX 119

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April 20, 2007



To Start An Investigation, Please Visit Us At:  
[www.investigate.equifax.com](http://www.investigate.equifax.com)

005802



000585037-5882  
Gregory T Howard  
PO Box 3096  
Toledo, OH 43607-0096

Dear Gregory T Howard:

Below are the results of your request for Equifax to reinvestigate certain elements of your Equifax credit file. Equifax contacted each source directly and our investigation is now completed. If you have any additional questions or concerns, please contact the source of that information directly.

**Results Of Your Investigation** (For your security, the last 4 digits of your credit account number(s) have been replaced by \*)

>>> **We have reviewed the inquiry information for Ameritech Services-OH. The results are:** A revised copy of your credit file has been sent to this credit grantor. If you have additional questions about this item please contact: **Ameritech Services-OH, 225 W Randolph St FL 90, Chicago, IL 60606-1838**

>>> **We have researched the credit account. Account # - 517805230118\* The results are:** Equifax verified that this item belongs to you. Equifax has verified that this item has been reported correctly. If you have documents that release you from this obligation, please forward a copy to us. Additional information has been provided from the original source regarding this item. If you have additional questions about this item please contact: **Capital One, fsb, PO Box 85520, Internal ZIP 12030-0163, Richmond, VA 23285-5520**

>>> **We have researched the credit account. Account # - 425449150052\* The results are:** This item has been deleted from the credit file. If you have additional questions about this item please contact: **Providian, Box 660509, Dallas, TX 75266-0509**

>>> **We have reviewed your concerns and our conclusions are:**  
The disputed account nelson watson and associated LLC is currently not reporting on your credit file.

If you have any additional questions regarding the information provided to Equifax by the source of any information, please contact the source of that information directly. You may contact Equifax regarding the specific information contained in this letter within the next 60 days by visiting us at [www.investigate.equifax.com](http://www.investigate.equifax.com).

Thank you for giving Equifax the opportunity to serve you.

**Notice to Consumers**

Upon receipt of your dispute, we first review and consider the relevant information you have submitted regarding the nature of your dispute. If the review does not resolve your dispute and further investigation is required, notification of your dispute, including the relevant information you submitted, is provided to the source that furnished the disputed information. The source reviews the information provided, conducts an investigation with respect to the disputed information and reports the results back to us. The credit reporting agency then makes deletions or changes to your credit file as appropriate based on the results of the reinvestigation. The name, address and, if reasonably available, the telephone number of the furnisher(s) of the information contacted while processing your dispute(s) is shown under the "Results of Your Investigation" section on the cover letter that accompanies the copy of your revised credit file.

If you still disagree with an item after it has been verified, you may send to us a brief statement, not to exceed one hundred words (two hundred words for Maine residents), explaining the nature of your dispute. Your statement will become part of your credit file and will be disclosed each time that your credit file is accessed.

If the reinvestigation results in a change to or deletion of the information you are concerned about, or you submit a statement in accordance with the preceding paragraph, you have the right to request that we send your revised credit file to any company that received your credit file in the past six months (twelve months for California, Colorado, Maryland, New Jersey and New York residents) for any purpose or in the past two years for employment purposes.

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EX. 1/10

**CREDIT FILE : April 20, 2007**

**Confirmation # 7090003725**

**Personal Identification Information** (This section includes your name, current and previous addresses, and any other identifying information reported by your creditors.)

Name On File: Gregory T Howard  
Social Security # 274-56-5281 Date of Birth: July 21, 1954  
Current Address: PO Box 3096, Toledo, OH 43607 Reported: 12/2000  
Previous Address(es): 627 Orchard St, Toledo, OH 43609 Reported: 07/2000  
5221 Kellogg Rd Apt 13, Toledo, OH 43615 Reported: 01/2000  
2059 W Alexis Rd Apt E12, Toledo, OH 43613 Reported: 06/2005  
Formerly Known As: Greg Howard  
Last Reported Employment: Warehouseman; Seaway Foodtown:

**Please address all future correspondence to:**



www.investigate.equifax.com



Equifax Information Services LLC  
P. O. Box 105518  
Atlanta, GA 30348



Phone: (888) 873-5435  
M - F 9:00am to 5:00pm in your time zone.

In order to speak with a Customer Service Representative regarding the specific information contained in this credit file, you must call **WITHIN 60 DAYS** of the date of this credit file **AND** have a copy of this credit file along with the confirmation number.

**Public Record Information** (This section includes public record items obtained from local, state and federal courts.)

Judgment Filed 11/2006; LUCAS County Recorder Office; Case or ID # - CVF0615967; Defendant - Howard Gregory T; Amount - \$245 ; Plaintiff - State of Ohio TAXATION Department;  
Address: ONE GOVERNMENT CENTR NUMBER 73 TOLEDO, OH 43604-2202

**Collection Agency Information** (This section includes accounts that credit grantors have placed for collection with a collection agency.)

UCB Collections; Collection Reported 11/2006; Assigned 10/2006; Creditor Class - Medical/Health Care; Client - St Vincent Medical Center; Amount - \$60 ; Status as of 11/2006 - Unpaid; Date of 1st Delinquency 03/2006; Balance as of 11/2006 - \$60 ; Individual Account; Account # - 17350801; Address: 5620 Southwyck Blvd Toledo OH 43614-1501 : (800) 866-6228

UCB Collections; Collection Reported 11/2006; Assigned 09/2006; Creditor Class - Medical/Health Care; Client - Mercy Medical Group Physicians; Amount - \$35 ; Status as of 11/2006 - Unpaid; Date of 1st Delinquency 03/2006; Balance as of 11/2006 - \$35 ; Individual Account; Account # - 17251539; Address: 5620 Southwyck Blvd Toledo OH 43614-1501 : (800) 866-6228

UCB Collections; Collection Reported 07/2006; Assigned 05/2006; Client - St Vincent Medical Center; Amount - \$27 ; Status as of 07/2006 - Unpaid; Date of 1st Delinquency 09/2005; Balance as of 07/2006 - \$27 ; Individual Account; Account # - 16487597; Address: 5620 Southwyck Blvd Toledo OH 43614-1501 : (800) 866-6228

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**Credit Account Information**

(For your security, the last 4 digits of account number(s) have been replaced by 7) (This section includes open and closed accounts reported by credit grantors)

**Account Column Title Descriptions:**

Account Number - The Account number reported by credit grantor	Amount Past Due - The Amount Past Due as of the Date Reported
Date Acct. Opened - The Date that the credit grantor opened the account	Date of Last Paymnt - The Date of Last Payment
High Credit - The Highest Amount Charged	Actual Pay Amt - The Actual Amount of Last Payment
Credit Limit - The Highest Amount Permitted	Sched Pay Amt - The Requested Amount of Last Payment
Terms Duration - The Number of Installments or Payments	Date of Last Actvty - The Date of the Last Account Activity
Terms Frequency - The Scheduled Time Between Payments	Date Maj Delq Rptd - The Date the 1st Major Delinquency Was Reported
Months Reviewed - The Number of Months Reviewed	Charge Off Amt - The Amount Charged Off by Creditor
Activity Description - The Most Recent Account Activity	Deferred Pay Date - The 1st Payment Due Date for Deferred Loans
Creditor Class - The Type of Company Reporting The Account	Balloon Pay Amt - The Amount of Final(Balloon) Payment
Date Reported - The Month and Year of the Last Account Update	Balloon Pay Date - The Date of Final(Balloon) Payment
Balance Amount - The Total Amount Owed as of the Date Reported	Date Closed - The Date the Account was Closed

<b>Account History Status Code Descriptions</b>	1 : 30-59 Days Past Due 2 : 60-89 Days Past Due 3 : 90-119 Days Past Due 4 : 120-149 Days Past Due	5 : 150-179 Days Past Due 6 : 180 or More Days Past Due G : Collection Account H : Foreclosure	J : Voluntary Surrender K : Repossession L : Charge Off
---	---	---	---

**Capital One PO Box 85520 Internal Zip 12030-016 Richmond VA 23285-5520**

Account Number	Date Opened	High Credit	Credit Limit	Terms Duration	Terms Frequency	Mnths Revd	Activity Description	Creditor Classification				
517805230118*	03/2003				Monthly	48	Closed					
Items As of Date Reported	Balance Amount	Amount Past Due	Date of Last Payment	Actual Payment Amount	Scheduled Payment Amount	Date of Last Activity	Date Maj Del. 1st Rptd	Charge Off Amount	Deferred Pay Start Date	Balloon Pay Amount	Balloon Pay Date	Date Closed
04/2007	\$464	\$464	03/2007			07/2006	02/2007	\$463				

Current Status - Charge Off; Type of Account - Revolving; Type of Loan - Credit Card; Whose Account - Individual Account; ADDITIONAL INFORMATION - Account Closed By Consumer; Charged Off Account; Credit Card;

**Account History with Status Codes**

01/2007	12/2006	11/2006	10/2006	09/2006	08/2006
L	5	4	3	2	1

**Hasbc Bank NV FKA Hhbl 12447 SW 69th Ave Aftn. Dispute Process Tigard OR 97223-8517**

Account Number	Date Opened	High Credit	Credit Limit	Terms Duration	Terms Frequency	Mnths Revd	Activity Description	Creditor Classification				
544045502683*	04/2005	\$422	\$300		Monthly	23						
Items As of Date Reported	Balance Amount	Amount Past Due	Date of Last Payment	Actual Payment Amount	Scheduled Payment Amount	Date of Last Activity	Date Maj Del. 1st Rptd	Charge Off Amount	Deferred Pay Start Date	Balloon Pay Amount	Balloon Pay Date	Date Closed
03/2007	\$317		03/2007	\$35	\$18	03/2007						

Current Status - Pays As Agreed; Type of Account - Revolving; Type of Loan - Credit Card; Whose Account - Individual Account;

**Liton MTG Service Center 24 E Greenway Plz # 712 Houston TX 77046-2401 (713) 960-9676**

Account Number	Date Opened	High Credit	Credit Limit	Terms Duration	Terms Frequency	Mnths Revd	Activity Description	Creditor Classification				
1003*	12/1979	\$22,850				35						
Items As of Date Reported	Balance Amount	Amount Past Due	Date of Last Payment	Actual Payment Amount	Scheduled Payment Amount	Date of Last Activity	Date Maj Del. 1st Rptd	Charge Off Amount	Deferred Pay Start Date	Balloon Pay Amount	Balloon Pay Date	Date Closed
06/2005	\$0		07/2002		\$598	11/2001	06/2005					

Type of Account - Mortgage; Type of Loan - Conventional Re Mortgage; Whose Account - Shared, But Otherwise Undesignated;

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**Midland Credit Management 5775 Roscoe Ct San Diego CA 92123-1356 : (888) 403-6205**

Account Number	Date Opened	High Credit	Credit Limit	Terms Duration	Terms Frequency	Mnths Rcvd	Activity Description	Creditor Classification
850818*		\$1,667						

Items As of Date Reported	Balance Amount	Amount Past Due	Date of Last Paymnt	Actual Paymnt Amount	Scheduled Paymnt Amount	Date of Last Activity	Date Maj. Del. 1st Rptd	Charge Off Amount	Deferred Pay Start Date	Balloon Pay Amount	Balloon Pay Date	Date Closed
03/2007	\$2,054	\$2,054	02/2007			02/2002						

Current Status - Collection Account; Type of Account - Open; Type of Loan - Factoring Company Account; Whose Account - Individual Account; ADDITIONAL INFORMATION - Collection Account;

**U S Department of Edu Afsa PO Box 7202 Attn Mary Morosco Utica NY 13504-7202**

Account Number	Date Opened	High Credit	Credit Limit	Terms Duration	Terms Frequency	Mnths Rcvd	Activity Description	Creditor Classification
274565*	09/2004	\$4,145		87 Months	Deferred	1		

Items As of Date Reported	Balance Amount	Amount Past Due	Date of Last Paymnt	Actual Paymnt Amount	Scheduled Paymnt Amount	Date of Last Activity	Date Maj. Del. 1st Rptd	Charge Off Amount	Deferred Pay Start Date	Balloon Pay Amount	Balloon Pay Date	Date Closed
03/2007	\$3,151	\$0			\$50	11/2006						

Current Status - Pays As Agreed; Type of Account - Installment; Type of Loan - Education Loan; Whose Account - Individual Account; ADDITIONAL INFORMATION - Student Loan - Payment Deferred;

**U S Department of Edu Afsa PO Box 7202 Attn Mary Morosco Utica NY 13504-7202**

Account Number	Date Opened	High Credit	Credit Limit	Terms Duration	Terms Frequency	Mnths Rcvd	Activity Description	Creditor Classification
274565*	09/1996	\$43,193		120 Months	Deferred	1		

Items As of Date Reported	Balance Amount	Amount Past Due	Date of Last Paymnt	Actual Paymnt Amount	Scheduled Paymnt Amount	Date of Last Activity	Date Maj. Del. 1st Rptd	Charge Off Amount	Deferred Pay Start Date	Balloon Pay Amount	Balloon Pay Date	Date Closed
03/2007	\$43,086	\$0			\$541	11/2006						

Current Status - Pays As Agreed; Type of Account - installment; Type of Loan - Education Loan; Whose Account - Individual Account; ADDITIONAL INFORMATION - Student Loan - Payment Deferred;

**U S Department of Edu Afsa PO Box 7202 Attn Mary Morosco Utica NY 13504-7202**

Account Number	Date Opened	High Credit	Credit Limit	Terms Duration	Terms Frequency	Mnths Rcvd	Activity Description	Creditor Classification
274565*	09/2004	\$4,022		83 Months		1		

Items As of Date Reported	Balance Amount	Amount Past Due	Date of Last Paymnt	Actual Paymnt Amount	Scheduled Paymnt Amount	Date of Last Activity	Date Maj. Del. 1st Rptd	Charge Off Amount	Deferred Pay Start Date	Balloon Pay Amount	Balloon Pay Date	Date Closed
02/2006		\$0			\$50	09/2005						

Current Status - Pays As Agreed; Type of Account - installment; Type of Loan - Education Loan; Whose Account - Individual Account; ADDITIONAL INFORMATION - Student Loan - Payment Deferred;

**U S Department of Edu Afsa PO Box 7202 Attn Mary Morosco Utica NY 13504-7202**

Account Number	Date Opened	High Credit	Credit Limit	Terms Duration	Terms Frequency	Mnths Rcvd	Activity Description	Creditor Classification
274565*	08/2001	\$13,327		120 Months		1		

Items As of Date Reported	Balance Amount	Amount Past Due	Date of Last Paymnt	Actual Paymnt Amount	Scheduled Paymnt Amount	Date of Last Activity	Date Maj. Del. 1st Rptd	Charge Off Amount	Deferred Pay Start Date	Balloon Pay Amount	Balloon Pay Date	Date Closed
02/2006		\$0			\$153	03/2005						

Current Status - Pays As Agreed; Type of Account - installment; Type of Loan - Education Loan; Whose Account - Individual Account; ADDITIONAL INFORMATION - Student Loan - Payment Deferred;

**U S Department of Edu Afsa PO Box 7202 Attn Mary Morosco Utica NY 13504-7202**

Account Number	Date Opened	High Credit	Credit Limit	Terms Duration	Terms Frequency	Mnths Rcvd	Activity Description	Creditor Classification
274565*	09/2000	\$8,147		120 Months		1		

Items As of Date Reported	Balance Amount	Amount Past Due	Date of Last Paymnt	Actual Paymnt Amount	Scheduled Paymnt Amount	Date of Last Activity	Date Maj. Del. 1st Rptd	Charge Off Amount	Deferred Pay Start Date	Balloon Pay Amount	Balloon Pay Date	Date Closed
02/2006		\$0			\$92	03/2005						

Current Status - Pays As Agreed; Type of Account - Installment; Type of Loan - Education Loan; Whose Account - Individual Account; ADDITIONAL INFORMATION - Student Loan - Payment Deferred;

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**University of Toledo** 2801 W Bancroft St Toledo OH 43606-3328  
 Account Number: 274565281DA\* Date Opened: 08/2003 High Credit: Credit Limit: Terms Duration: 1 Months Terms Frequency: Monthly Mnths Rcvd: 32 Activity Description: Creditor Classification:

Items As of Date Reported	Balance Amount	Amount Past Due	Date of Last Paymnt	Actual Paymnt Amount	Scheduled Paymnt Amount	Date of Last Activity	Date Maj. Del. 1st Rptd	Charge Off Amount	Deferred Pay Start Date	Balloon Pay Amount	Balloon Pay Date	Date Closed
01/2007	\$0		09/2004			09/2004	12/2006	\$3,405				

Current Status - Charge Off; Type of Account - Installment; Type of Loan - Unsecured; Whose Account - Individual Account; ADDITIONAL INFORMATION - Charged Off Account;

**Account History with Status Codes**

12/2006	11/2006	10/2006	09/2006	08/2006	07/2006	06/2006	05/2006	04/2006	03/2006	02/2006	01/2006	12/2005	11/2005	10/2005	09/2005	08/2005	07/2005	06/2005	05/2005	04/2005
L	G	G	G	G	G	G	G	G	G	G	6	6	6	6	6	5	4	3	2	1
09/2004	08/2004	07/2004	06/2004	05/2004																
4	4	4	3	2																

**University of Toledo** 2801 W Bancroft St Toledo OH 43606-3328  
 Account Number: 274565281PE\* Date Opened: 10/1996 High Credit: Credit Limit: Terms Duration: Terms Frequency: Mnths Rcvd: 34 Activity Description: Creditor Classification:

Items As of Date Reported	Balance Amount	Amount Past Due	Date of Last Paymnt	Actual Paymnt Amount	Scheduled Paymnt Amount	Date of Last Activity	Date Maj. Del. 1st Rptd	Charge Off Amount	Deferred Pay Start Date	Balloon Pay Amount	Balloon Pay Date	Date Closed
05/2006			03/2004			05/2006						

Current Status - Pays As Agreed; Type of Account - Installment; Type of Loan - Education Loan; Whose Account - Individual Account; ADDITIONAL INFORMATION - Student Loan Assigned to Government;

**Account History with Status Codes**

04/2006	03/2006	02/2006	01/2006	12/2005	11/2005	10/2005	09/2005	08/2005	07/2005
G	G	G	G	G	G	4	3	2	1

**US Department of Education** Correspondence Center PO Box 4222 Iowa City IA 52244-4222 : (312) 886-1389  
 Account Number: 1200705001358\* Date Opened: High Credit: Credit Limit: Terms Duration: 36 Months Terms Frequency: Single Pay Loan Mnths Rcvd: 3 Activity Description: Educational Creditor Classification:

Items As of Date Reported	Balance Amount	Amount Past Due	Date of Last Paymnt	Actual Paymnt Amount	Scheduled Paymnt Amount	Date of Last Activity	Date Maj. Del. 1st Rptd	Charge Off Amount	Deferred Pay Start Date	Balloon Pay Amount	Balloon Pay Date	Date Closed
03/2007	\$7,574	\$7,574			\$7,574	01/2006	12/2006					

Current Status - Collection Account; Type of Account - Installment; Type of Loan - Education Loan; Whose Account - Individual Account; ADDITIONAL INFORMATION - Collection Account;

**Account History with Status Codes**

02/2007	01/2007	12/2006
G	G	G

**Inquiries that display to companies (may impact your credit score)**  
 This section lists companies that requested your credit file. Credit grantors may view these requests when evaluating your credit worthiness. Employment inquiries do not impact your credit score.

Company Information	Inquiry Date(s)
At&T Services, Inc/Midwest-OH 60606-1838 225 W Randolph St Fl 90 Chicago, IL	02/04/2006

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**Inquiries that do not display to companies (do not impact your credit score)**

(This section includes inquiries which display only to you and are not considered when evaluating your credit worthiness. - examples of this inquiry type include a pre-approved offer of credit, insurance, or periodic account review by an existing creditor.)

**Company Information - Prefix Descriptions:**

- PRM - Inquiries with this prefix indicate that only your name and address were given to a credit grantor so they can provide you a firm offer of credit or insurance. (PRM inquiries remain for 12 months)
- PR - Inquires with this prefix indicate that a creditor reviewed your account as part of a portfolio they are purchasing. (PR Inquires remain for 12 months)
- AM or AR - Inquiries with these prefixes indicate a periodic review of your credit history by one of your creditors. (AM and AR inquiries remain for 12 months)
- Equifax or EFX - Inquiries with these prefixes indicate Equifax's activity in response to your contact with us for a copy of your credit file or a research request.
- ND - Inquiries with this prefix are general inquiries that do not display to credit grantors. (ND inquiries remain for 24 months)
- ND MR - Inquiries with this prefix indicate the reissue of a mortgage credit report containing information from your Equifax credit file to another company in connection with a mortgage loan. (ND MR inquiries remain for 24 months)
- EMPL - Inquiries with this prefix indicate an employment inquiry. (EMPL inquiries remain for 24 months)

Company Information	Inquiry Date(s)
Equifax 1550 Peachtree St NE Mail Drop H-30 Atlanta, GA 30309-2402	04/20/2007 03/31/2007 01/16/2007
AFI-Hsbc Bank NV FKA Hhnb 2700 Sanders Rd Prospect Heights, IL 60070-2701	04/13/2007
PRM-At&T Services, Inc 24251 Acacia Mvw Prescreen Redford, MI 48239-2850	03/15/2007 03/09/2007 12/26/2006 09/08/2006 09/06/2006 06/14/2006 05/03/2006
AFI-Capital One PO Box 85520 12030-0163 Richmond, VA 23285-5520	03/01/2007 05/22/2006
PRM-Goal Financial 9477 Waples St Ste 100 San Diego, CA 92121-2934 Phone: (888) 800-1585	01/17/2007 08/01/2006
ND-Equifax PO Box 740250 Atlanta, GA 30374-0250	01/16/2007
PRM-Cppm / K2 Financial 726 Yorklyn Rd Ste 200 Hockessin, DE 19707-8701	11/17/2006
PRM-Netnet 8425 Woodfield Crossing Blvd Indianapolis, IN 46240-7315	10/18/2006
PRM-Direct Lending Source Inc 2699 Seville Blvd Apt 302 Clearwater, FL 33764-1143	08/15/2006
PRM-Ed Loan Funding 1010 Turquoise St Ste 320 San Diego, CA 92109-1268	07/06/2006

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Company Information	Inquiry Date(s)
PRM-Collegiate Funding Svcs LLC 22406-1016 100 Riverside Pkwy Ste 105 Fredericksburg, VA	06/07/2006

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IN THE COURT OF COMMON PLEAS, FRANKLIN COUNTY, OHIO

GREGORY T. HOWARD  
Plaintiff.

87094F17

-vs-  
OHIO STATE SUPREME COURT  
Defendant.

Case No. 05-CV-398

**ENTRY  
RECUSAL/TRANSFER**

I hereby recuse myself from the above-styled cause for the following reason:

WHEN I WAS AN ADULT PROSECUTOR, I WAS COUNSEL OF RECORD IN A FEDERAL CASE BRANDED BY MR HOWARD, AGAINST THE COUNTY.

I hereby request that this case be reassigned by the Administrative Director to another judge of the Franklin County Court of Common Pleas.

[Signature] 11/24/05  
Judge

COMM. FILED  
FRANKLIN COUNTY  
OHIO  
06 JAN 18 PM 3:48  
CLERK OF COURTS - CV

Recusal is approved. Said case is ordered transferred to Judge Bender.

It is further ordered that Case No. 05CVH-03-3069, styled BZ MANAGEMENT -vs- CRAMBETH VALD ET AL be transferred from Judge Bender to Judge Sheeran as a replacement for the recused case.

[Signature] 1-18-06  
Administrative Judge

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Amended Case Scheduling Order: YES NO X

EX "A"

Thursday, February 01, 2007

**VIA CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**  
**AND VIA REGULAR U.S. MAIL**

Eastman & Smith, LTD.  
Peggy Mattimoe Sturgeon  
Attorney at Law  
P.O. Box 10032  
Toledo, Ohio 43699-0032

Re: **Howard v. Industrial Commission, et al.**  
OSC Case No: 03-1572  
COA Case No: 97AP-860  
COA Case No. 06AP-1222  
FCCP Case No. 05CV-398  
Your File No: S263/081877  
Case File No: CFD-DE-246

**NOTICE OF PRIVACY COMPLAINT FORTHCOMING**

Dear Mrs. Sturgeon:

On or about January 18, 2007, you interfered with or violated my privacy rights. Confidentiality has been compromised. I ask that you deal with this matter. Disclosing privilege information to a financial institution-Chase ® constitutes a breach of confidentiality or a violation of my privacy rights. I became aware of this breach on Monday, January 29, 2007, when I received a letter via U.S. Mail service dated January 26, 2007 from Chase ® requesting that I send them additional information. I never sent Chase ® any information or correspondence; the correspondence that you sent to or disclosed to Chase ® is confidential under an exemption to Ohio's public records law or under a legal privilege. Therefore, you are responsible for this breach or violation.

Upon information and belief, I believe that you caused harm to my credit ratings or report as a result of your breach or violation of my privacy rights. See, O.R.C. 1347.10. O.R.C. 1347.10(A) provides that a person harmed by the use of personal information that relates to him and that is maintained in a personal information system may recover damages in a civil action from any person who directly and proximately caused him harm. Copies of correspondence from Chase ® and you that demonstrates you disclosed privilege information to a financial institution-Chase ® that constitutes a breach of confidentiality or a violation of my privacy rights on or about January 18, 2007 is attached to this correspondence. Accordingly, I feel that in order to lessen this harm which occurred as a result of the breach or violation you should immediately pay to Gregory T. Howard the sum of \$150,000.00. If I do not receive that payment by Monday, February 12, 2007, I will be forced to seek relief from the Federal Trade Commission:

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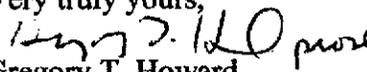
EX. 12<sup>11</sup>

Privacy-Steering-Committee  
Federal-Trade-Commission  
600-Pennsylvania-Avenue,N.W.  
Washington,DC-20580  
Attn: Deputy Director, Office of the Executive Director

See Gramm-Leach-Bliley Act-15 U.S.C., Subchapter 1, Sec. 6807(a).

Gramm-Leach-Bliley Act-15 U.S.C., Subchapter 1, Sec. 6807(a), provides that this subchapter and the amendments made by this subchapter shall not be construed as superseding, altering, or affecting any statute, regulation, order, or interpretation in effect in any State, except to the extent that such statute, regulation, order, or interpretation is inconsistent with the provisions of this subchapter, and then only to the extent of the inconsistency. The undersigned has demonstrated that you unlawfully disclosed privilege information to a financial institution-Chase @ that constitutes a breach of confidentiality or a violation of my privacy rights by providing you with clear and convincing evidence to that affect. Consequently, you are obligated to immediately pay to Gregory T. Howard the sum of \$150,000.00 for your breach or violation. Accordingly, for the reasons set forth above, the undersigned respectfully requests that you immediately pay to Gregory T. Howard the sum of \$150,000.00. See, *King v. American Standard Insurance Company of Ohio*, 2006-Ohio-5774, 2006-Ohio-App. LEXIS 5756; *Proctor & Gamble Co. v. Stoneham* (2000), 140 Ohio App. 3d 260, 267, 747 N.E. 2d 268; *Converg, et al., v. Tackman* 2006-Ohio-6616; 2006 Ohio App. LEXIS 6544.

The information Act requires that I supply my name and address for correspondence, as well as my reasons for making the privacy complaint. This will assist the Federal Trade Commission in dealing with my complaint. The complaint which will be filed with the Federal Trade Commission in Washington, D.C., online will name all of the faxed persons or entities, named below as "respondents" and will successfully lead to enforcement of action(s) in the underlying actions as well.

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/ enc.) Facsimile: 419.247.1777 ✓  
Bureau of Workers' Compensation (w/enc.): 866.457.0594 ✓  
Industrial Commission of Ohio (w/enc.) Fax: (419) 245-2652 ✓  
IC/BWC REPRESENTATIVE (w/enc.) 614.728.9535-Article III, Section 1 ✓  
Chief Justice Thomas J. Moyer (w/enc.) 614.387.9019 ✓

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JUDGE JOHN F. BENDER-(Fax #) 614.462.2462 ✓  
Court of Appeals Administrator-(Fax) 614-462-7249 ✓  
Office of the Ohio Senate-(Fax) 614.644.5208 ✓  
Governor Ted Strickland-(Fax) 614.466.9354 ✓  
Chief Counsel of Staff-(Fax) 614.466.5087 ✓  
Acting Administrator of BWC-(Fax) 614.621.1024 ✓  
General Counsel-(Fax) 614.487.1008 ✓  
Disciplinary Counsel-(Fax) 614.461.7205 ✓  
Ohio Ethics Commission-(Fax) 614.466.8368 ✓  
Court of Claims of Ohio-Fax 614.387.9836 ✓  
Regional Columbus Director-Fax 614.644.8373 ✓  
Columbus Hearing Administrator-Fax 614.466.7043 ✓  
Jonathan W. Marshall, Secretary-Fax (614) 387-9379 ✓  
Mackinaw Administrator (w/o/enc.) 734-856-6226 ✓

UNITED STATES POSTAL SERVICE



First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

Gregory T. Howard  
P.O. Box 3096  
Toluca, Ohio 43067-0096

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**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:  
Eastman & Smith LTD  
Peggy M. Sturgeon  
Attorney at Law  
PO Box 10032  
Toledo, Ohio 43644-0032

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
X *[Signature]*  Agent  Addressee

B. Received by (Printed Name) C. Date of Delivery  
*[Signature]* FEB 05 2001

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

2. Article Number (Transfer from service label) 7006 0810 0001 4444 6827

## **2921.45 Interfering with civil rights.**

(A) No public servant, under color of his office, employment, or authority, shall knowingly deprive, or conspire or attempt to deprive any person of a constitutional or statutory right.

(B) Whoever violates this section is guilty of interfering with civil rights, a misdemeanor of the first degree.

Effective Date: 01-01-1974

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## **2739.01 Libel and slander.**

In an action for a libel or slander, it is sufficient to state, generally, that the defamatory matter was published or spoken of the plaintiff. If the allegation is denied, the plaintiff must prove the facts, showing that the defamatory matter was published or spoken of him. In such action it is not necessary to set out any obscene word, but it is sufficient to state its import.

Effective Date: 10-01-1953

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## **2323.51 Frivolous conduct in filing civil claims.**

(A) As used in this section:

(1) "Conduct" means any of the following:

(a) The filing of a civil action, the assertion of a claim, defense, or other position in connection with a civil action, the filing of a pleading, motion, or other paper in a civil action, including, but not limited to, a motion or paper filed for discovery purposes, or the taking of any other action in connection with a civil action;

(b) The filing by an inmate of a civil action or appeal against a government entity or employee, the assertion of a claim, defense or other position in connection with a civil action of that nature or the assertion of issues of law in an appeal of that nature, or the taking of any other action in connection with a civil action or appeal of that nature.

(2) "Frivolous conduct" means either of the following:

(a) Conduct of an inmate or other party to a civil action, of an inmate who has filed an appeal of the type described in division (A)(1)(b) of this section, or of the inmate's or other party's counsel of record that satisfies any of the following:

(i) It obviously serves merely to harass or maliciously injure another party to the civil action or appeal or is for another improper purpose, including, but not limited to, causing unnecessary delay or a needless increase in the cost of litigation.

(ii) It is not warranted under existing law, cannot be supported by a good faith argument for an extension, modification, or reversal of existing law, or cannot be supported by a good faith argument for the establishment of new law.

(iii) The conduct consists of allegations or other factual contentions that have no evidentiary support or, if specifically so identified, are not likely to have evidentiary support after a reasonable opportunity for further investigation or discovery.

(iv) The conduct consists of denials or factual contentions that are not warranted by the evidence or, if specifically so identified, are not reasonably based on a lack of information or belief.

(b) An inmate's commencement of a civil action or appeal against a government entity or employee when any of the following applies:

(i) The claim that is the basis of the civil action fails to state a claim or the issues of law that are the basis of the appeal fail to state any issues of law.

(ii) It is clear that the inmate cannot prove material facts in support of the claim that is the basis of the civil action or in support of the issues of law that are the basis of the appeal.

(iii) The claim that is the basis of the civil action is substantially similar to a claim in a previous civil

action commenced by the inmate or the issues of law that are the basis of the appeal are substantially similar to issues of law raised in a previous appeal commenced by the inmate, in that the claim that is the basis of the current civil action or the issues of law that are the basis of the current appeal involve the same parties or arise from the same operative facts as the claim or issues of law in the previous civil action or appeal.

(3) "Civil action or appeal against a government entity or employee," "inmate," "political subdivision," and "employee" have the same meanings as in section 2969.21 of the Revised Code.

(4) "Reasonable attorney's fees" or "attorney's fees," when used in relation to a civil action or appeal against a government entity or employee, includes both of the following, as applicable:

(a) The approximate amount of the compensation, and the fringe benefits, if any, of the attorney general, an assistant attorney general, or special counsel appointed by the attorney general that has been or will be paid by the state in connection with the legal services that were rendered by the attorney general, assistant attorney general, or special counsel in the civil action or appeal against the government entity or employee, including, but not limited to, a civil action or appeal commenced pro se by an inmate, and that were necessitated by frivolous conduct of an inmate represented by counsel of record, the counsel of record of an inmate, or a pro se inmate.

(b) The approximate amount of the compensation, and the fringe benefits, if any, of a prosecuting attorney or other chief legal officer of a political subdivision, or an assistant to a chief legal officer of those natures, who has been or will be paid by a political subdivision in connection with the legal services that were rendered by the chief legal officer or assistant in the civil action or appeal against the government entity or employee, including, but not limited to, a civil action or appeal commenced pro se by an inmate, and that were necessitated by frivolous conduct of an inmate represented by counsel of record, the counsel of record of an inmate, or a pro se inmate.

(5) "State" has the same meaning as in section 2743.01 of the Revised Code.

(6) "State correctional institution" has the same meaning as in section 2967.01 of the Revised Code.

(B)(1) Subject to divisions (B)(2) and (3), (C), and (D) of this section and except as otherwise provided in division (E)(2)(b) of section 101.15 or division (I)(2)(b) of section 121.22 of the Revised Code, at any time not more than thirty days after the entry of final judgment in a civil action or appeal, any party adversely affected by frivolous conduct may file a motion for an award of court costs, reasonable attorney's fees, and other reasonable expenses incurred in connection with the civil action or appeal. The court may assess and make an award to any party to the civil action or appeal who was adversely affected by frivolous conduct, as provided in division (B)(4) of this section.

(2) An award may be made pursuant to division (B)(1) of this section upon the motion of a party to a civil action or an appeal of the type described in that division or on the court's own initiative, but only after the court does all of the following:

(a) Sets a date for a hearing to be conducted in accordance with division (B)(2)(c) of this section, to determine whether particular conduct was frivolous, to determine, if the conduct was frivolous, whether any party was adversely affected by it, and to determine, if an award is to be made, the

amount of that award;

(b) Gives notice of the date of the hearing described in division (B)(2)(a) of this section to each party or counsel of record who allegedly engaged in frivolous conduct and to each party who allegedly was adversely affected by frivolous conduct;

(c) Conducts the hearing described in division (B)(2)(a) of this section in accordance with this division, allows the parties and counsel of record involved to present any relevant evidence at the hearing, including evidence of the type described in division (B)(5) of this section, determines that the conduct involved was frivolous and that a party was adversely affected by it, and then determines the amount of the award to be made. If any party or counsel of record who allegedly engaged in or allegedly was adversely affected by frivolous conduct is confined in a state correctional institution or in a county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, the court, if practicable, may hold the hearing by telephone or, in the alternative, at the institution, jail, or workhouse in which the party or counsel is confined.

(3) The amount of an award made pursuant to division (B)(1) of this section that represents reasonable attorney's fees shall not exceed, and may be equal to or less than, whichever of the following is applicable:

(a) If the party is being represented on a contingent fee basis, an amount that corresponds to reasonable fees that would have been charged for legal services had the party been represented on an hourly fee basis or another basis other than a contingent fee basis;

(b) In all situations other than that described in division (B)(3)(a) of this section, the attorney's fees that were reasonably incurred by a party.

(4) An award made pursuant to division (B)(1) of this section may be made against a party, the party's counsel of record, or both.

(5)(a) In connection with the hearing described in division (B)(2)(a) of this section, each party who may be awarded reasonable attorney's fees and the party's counsel of record may submit to the court or be ordered by the court to submit to it, for consideration in determining the amount of the reasonable attorney's fees, an itemized list or other evidence of the legal services rendered, the time expended in rendering the services, and whichever of the following is applicable:

(i) If the party is being represented by that counsel on a contingent fee basis, the reasonable attorney's fees that would have been associated with those services had the party been represented by that counsel on an hourly fee basis or another basis other than a contingent fee basis;

(ii) In all situations other than those described in division (B)(5)(a)(i) of this section, the attorney's fees associated with those services.

(b) In connection with the hearing described in division (B)(2)(a) of this section, each party who may be awarded court costs and other reasonable expenses incurred in connection with the civil action or appeal may submit to the court or be ordered by the court to submit to it, for consideration in determining the amount of the costs and expenses, an itemized list or other evidence of the costs and

expenses that were incurred in connection with that action or appeal and that were necessitated by the frivolous conduct, including, but not limited to, expert witness fees and expenses associated with discovery.

(C) An award of reasonable attorney's fees under this section does not affect or determine the amount of or the manner of computation of attorney's fees as between an attorney and the attorney's client.

(D) This section does not affect or limit the application of any provision of the Rules of Civil Procedure, the Rules of Appellate Procedure, or another court rule or section of the Revised Code to the extent that the provision prohibits an award of court costs, attorney's fees, or other expenses incurred in connection with a particular civil action or appeal or authorizes an award of court costs, attorney's fees, or other expenses incurred in connection with a particular civil action or appeal in a specified manner, generally, or subject to limitations.

Effective Date: 07-06-2001; 04-07-2005

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## **1347.10 Wrongful disclosure.**

(A) A person who is harmed by the use of personal information that relates to him and that is maintained in a personal information system may recover damages in civil action from any person who directly and proximately caused the harm by doing any of the following:

(1) Intentionally maintaining personal information that he knows, or has reason to know, is inaccurate, irrelevant, no longer timely, or incomplete and may result in such harm;

(2) Intentionally using or disclosing the personal information in a manner prohibited by law;

(3) Intentionally supplying personal information for storage in, or using or disclosing personal information maintained in, a personal information system, that he knows, or has reason to know, is false;

(4) Intentionally denying to the person the right to inspect and dispute the personal information at a time when inspection or correction might have prevented the harm.

An action under this division shall be brought within two years after the cause of action accrued or within six months after the wrongdoing is discovered, whichever is later; provided that no action shall be brought later than six years after the cause of action accrued. The cause of action accrues at the time that the wrongdoing occurs.

(B) Any person who, or any state or local agency that, violates or proposes to violate any provision of this chapter may be enjoined by any court of competent jurisdiction. The court may issue an order or enter a judgment that is necessary to ensure compliance with the applicable provisions of this chapter or to prevent the use of any practice that violates this chapter. An action for an injunction may be prosecuted by the person who is the subject of the violation, by the attorney general, or by any prosecuting attorney.

Effective Date: 01-23-1981

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## **2923.03 Complicity.**

(A) No person, acting with the kind of culpability required for the commission of an offense, shall do any of the following:

- (1) Solicit or procure another to commit the offense;
- (2) Aid or abet another in committing the offense;
- (3) Conspire with another to commit the offense in violation of section 2923.01 of the Revised Code;
- (4) Cause an innocent or irresponsible person to commit the offense.

(B) It is no defense to a charge under this section that no person with whom the accused was in complicity has been convicted as a principal offender.

(C) No person shall be convicted of complicity under this section unless an offense is actually committed, but a person may be convicted of complicity in an attempt to commit an offense in violation of section 2923.02 of the Revised Code.

(D) If an alleged accomplice of the defendant testifies against the defendant in a case in which the defendant is charged with complicity in the commission of or an attempt to commit an offense, an attempt to commit an offense, or an offense, the court, when it charges the jury, shall state substantially the following:

"The testimony of an accomplice does not become inadmissible because of his complicity, moral turpitude, or self-interest, but the admitted or claimed complicity of a witness may affect his credibility and make his testimony subject to grave suspicion, and require that it be weighed with great caution.

It is for you, as jurors, in the light of all the facts presented to you from the witness stand, to evaluate such testimony and to determine its quality and worth or its lack of quality and worth."

(E) It is an affirmative defense to a charge under this section that, prior to the commission of or attempt to commit the offense, the actor terminated his complicity, under circumstances manifesting a complete and voluntary renunciation of his criminal purpose.

(F) Whoever violates this section is guilty of complicity in the commission of an offense, and shall be prosecuted and punished as if he were a principal offender. A charge of complicity may be stated in terms of this section, or in terms of the principal offense.

Effective Date: 09-17-1986

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## **2923.02 Attempt to commit an offense.**

(A) No person, purposely or knowingly, and when purpose or knowledge is sufficient culpability for the commission of an offense, shall engage in conduct that, if successful, would constitute or result in the offense.

(B) It is no defense to a charge under this section that, in retrospect, commission of the offense that was the object of the attempt was either factually or legally impossible under the attendant circumstances, if that offense could have been committed had the attendant circumstances been as the actor believed them to be.

(C) No person who is convicted of committing a specific offense, of complicity in the commission of an offense, or of conspiracy to commit an offense shall be convicted of an attempt to commit the same offense in violation of this section.

(D) It is an affirmative defense to a charge under this section that the actor abandoned the actor's effort to commit the offense or otherwise prevented its commission, under circumstances manifesting a complete and voluntary renunciation of the actor's criminal purpose.

(E)(1) Whoever violates this section is guilty of an attempt to commit an offense. An attempt to commit aggravated murder, murder, or an offense for which the maximum penalty is imprisonment for life is a felony of the first degree. An attempt to commit a drug abuse offense for which the penalty is determined by the amount or number of unit doses of the controlled substance involved in the drug abuse offense is an offense of the same degree as the drug abuse offense attempted would be if that drug abuse offense had been committed and had involved an amount or number of unit doses of the controlled substance that is within the next lower range of controlled substance amounts than was involved in the attempt. An attempt to commit any other offense is an offense of the next lesser degree than the offense attempted. In the case of an attempt to commit an offense other than a violation of Chapter 3734. of the Revised Code that is not specifically classified, an attempt is a misdemeanor of the first degree if the offense attempted is a felony, and a misdemeanor of the fourth degree if the offense attempted is a misdemeanor. In the case of an attempt to commit a violation of any provision of Chapter 3734. of the Revised Code, other than section 3734.18 of the Revised Code, that relates to hazardous wastes, an attempt is a felony punishable by a fine of not more than twenty-five thousand dollars or imprisonment for not more than eighteen months, or both. An attempt to commit a minor misdemeanor, or to engage in conspiracy, is not an offense under this section.

(2) In addition to any other sanctions imposed pursuant to division (E)(1) of this section for an attempt to commit aggravated murder or murder in violation of division (A) of this section, if the offender used a motor vehicle as the means to attempt to commit the offense, the court shall impose upon the offender a class two suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege as specified in division (A)(2) of section 4510.02 of the Revised Code.

(3) If a person is convicted of or pleads guilty to attempted rape and also is convicted of or pleads guilty to a specification of the type described in section 2941.1418, 2941.1419, or 2941.1420 of the Revised Code, the offender shall be sentenced to a prison term or term of life imprisonment pursuant to section 2971.03 of the Revised Code.

(F) As used in this section:

(1) "Drug abuse offense" has the same meaning as in section 2925.01 of the Revised Code.

(2) "Motor vehicle" has the same meaning as in section 4501.01 of the Revised Code.

Effective Date: 03-23-2000; 01-02-2007; 04-04-2007

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## **2705.02 Acts in contempt of court.**

A person guilty of any of the following acts may be punished as for a contempt:

- (A) Disobedience of, or resistance to, a lawful writ, process, order, rule, judgment, or command of a court or officer;
- (B) Misbehavior of an officer of the court in the performance of official duties, or in official transactions;
- (C) A failure to obey a subpoena duly served, or a refusal to be sworn or to answer as a witness, when lawfully required;
- (D) The rescue, or attempted rescue, of a person or of property in the custody of an officer by virtue of an order or process of court held by the officer;
- (E) A failure upon the part of a person recognized to appear as a witness in a court to appear in compliance with the terms of the person's recognizance;
- (F) A failure to comply with an order issued pursuant to section 3109.19 or 3111.81 of the Revised Code;
- (G) A failure to obey a subpoena issued by the department of job and family services or a child support enforcement agency pursuant to section 5101.37 of the Revised Code;
- (H) A willful failure to submit to genetic testing, or a willful failure to submit a child to genetic testing, as required by an order for genetic testing issued under section 3111.41 of the Revised Code.

Effective Date: 03-22-2001

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