

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 30 2007
MARCIA J. MENGEL, CLERK
SUPREME COURT OF OHIO

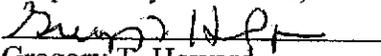
APPLICATION FOR LEAVE TO FILE THE ATTACHED MEMORANDUM IN
SUPPORT OF RECONSIDERATION OF THIS COURT'S MAY 25, 2007 DENIAL OF
APPELLANT'S MAY 21, 2007, APPLICATION FOR LEAVE TO FILE A VALID
COMPLAINT IN MANDAMUS AND/OR IN PROCEDENDO & DOCUMENTATION
IN SUPPORT OF VALID COMPLAINT IN MANDAMUS AND/OR IN
PROCEDENDO IN THIS COURT, *INSTANTER*

On September 24, 2004, this Court wrongfully 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. Pursuant to the terms of
the Ohio and U.S. Constitution and other applicable statutory provisions this Court
unlawfully conducted\held an unconstitutional contempt hearing on November 29, 2005.
Accordingly, that hearing must be held unconstitutional and the orders deriving from
those proceedings must be declared void from the beginning for the preceding reasons.

The time for filing an appeal of which this Court is named as a Defendant therein from Judge Bender's January 11, 2006 defective orders has long ago expired. *Howard v. Ohio State Supreme Court*, Case No. 05CVH-01-398.

Based upon the undisputed factual or legal basis, the facts or laws for all of the claims Appellant has made or raised herein and incorporated by reference, Appellant respectfully requests this Honorable Court to permit him leave of Court to file the attached Memorandum in Support of Reconsideration of this Court's denial of Appellant's Application for leave to file a valid action against Eastman & Smith, et al. and Documentation in Support of that valid action in this Court, *Instantly*, on the reasonable grounds outlined below in the accompanying memorandum in support, this Court must as a matter of law reconsider its denial of Appellant's Application for leave to file a valid action against Eastman & Smith, et al. and Documentation in Support of that valid action in this Court, *Instantly* declare its rulings void from the beginning for the preceding reasons

Respectfully submitted,


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

Relator-Appellant, Pro-se

MEMORANDUM IN SUPPORT

Analysis

Appellant Howard essentially raises six arguments to this Court unconstitutional decisions. First, the Response from the Federal Trade Commission, the statutory provisions Appellant Howard cites-Section 1347.10(A) of the Ohio Revised Code-is

applicable because the Federal Trade Commission has determined that there are many state laws that deal with safeguarding a consumer's privacy rights and Eastman & Smith violated those privacy rights by forwarding private information of the Appellant to Chase Bank in mid January of 2007. See Proposed Complaint at ¶9. Second, Appellant raises several appropriate requests for relief throughout his Proposed Complaint. For instance, he asks this Court render judgment in his favor for \$27,519,203.43, he asks for a writ of mandamus and/or procedendo under the appropriate controlling laws against Eastman & Smith, et al., for their misconduct.

Third, Appellant was wrongfully declared a vexatious litigator because he had standing to file an appeal without first having to obtain leave to institute the proceeding. See Proposed Complaint at ¶1. Fourth, this Court's unconstitutional hearing was precluded by the terms of the Ohio and U.S. Constitution and other applicable statutory legal provisions. See Proposed Documentation in Support of Complaint at Pages 2-7. Fifth, Judge Bender patently and unambiguously lacked jurisdiction to act in Appellant's case *Howard v. Ohio State Supreme Court*, Case No. 05CVH-01-398 and Judge Bender can be sued in the Southern District Court of Ohio under 42 U.S.C. §1983 because Judge Bender was precluded from ruling on the case before he was assigned to that case. Accordingly, in *Howard v. Ohio State Supreme Court*, Case No. 05CVH-01-398 Judge Bender ruled on the proceedings before he was assigned to the case, thereby acting in the clear absence of all jurisdiction and losing absolute immunity. Moreover, Judge Bender's January 11, 2006 rulings were patently improper. And finally, the Federal Trade Commission has the authority to enter sanction which can include incarceration under 18 U.S.C. §401 because this Court can be held in contempt of court.

Each of these arguments are appropriate under these circumstances, and they must be reviewed by this Court pursuant to Ohio Constitution, Article IV, §2(B)(1)(b) and other applicable legal provisions.

THE FEDERAL TRADE COMMISSION HAS DETERMINED THAT THERE ARE MANY STATE LAWS THAT DEAL WITH SAFEGUARDING A CONSUMER'S PRIVACY AND HAS THE AUTHORITY TO ENTER SANCTIONS WHICH CAN INCLUDE INCARCERATION; THE FEDERAL TRADE COMMISSION HAS THE AUTHORITY TO ENTER SANCTIONS WHICH CAN INCLUDE INCARCERATION

In essence, in a response dated May 15, 2007, the Federal Trade Commission has determined that there are many state laws that deal with safeguarding a consumer's privacy and the Appellant has cited at least one of these compelling laws or statutory legal provisions in his Proposed Complaint in mandamus and/or procedendo under the appropriate controlling laws against Eastman & Smith, et al., for their misconduct. See Appellant's Application for leave to file attached Complaint at Exhibit 1.

Appellant says let him be sure that the Court have an opportunity to tell the Federal Trade Commission why it is that the Court denied the Appellant's May 21, 2007 Motion for Leave to file the Attached Valid Complaint in mandamus and/or in procedendo and his Motion for Leave to File the Attached Documentation in Support of his Valid Complaint in mandamus and/or in procedendo *instanter* on May 25, 2007, that the Federal Trade Commission has determined that there are many state laws that deal with safeguarding a consumer's privacy rights which were included in the Appellant's said filings. That is why the Appellant filed the motions for leave to proceed to file the Proposed Complaint and Supporting Evidence, *instanter*.

And what the Appellant want to make sure that the Court understand that it is in contempt of the Federal Trade Commission's May 15, 2007 Response and R.C. 2921.45.

That is why the Appellant filed the May 24, 2007 Motion for Leave to file the attached memorandum in support of why this Court should be held in contempt of Court and the May 25, 2007 Application for leave to file attached memorandum in support of reconsideration of this Court's denial of Appellant's application for leave to file a valid action against Judge John F. Bender in this Court and this instant Application for leave to file the attached memorandum in support of reconsideration of this Court's denial of Appellant's May 21, 2007 Motion for Leave to file the Attached Valid Complaint in mandamus and/or in procedendo and his Motion for Leave to File the Attached Documentation in Support of his Valid Complaint in mandamus and/or in procedendo *instanter*

Appellant further submits that the Federal Trade Commission has the authority to enter sanctions against this Court which can include incarceration pursuant to 18 U.S.C. §401. Furthermore, the Federal Trade Commission can pursue a separate action against this Court and others for violating appellant's privacy rights, the U.S. Constitution and other applicable legal provisions. Leasecomm Corp. v. Terry Dull, 2007 Ohio 454; 2007 Ohio App. LEXIS 405, where the 9th District Ohio Court of Appeals states:

"In 2003, in a separate action, the Federal Trade Commission (FTC) pursued Appellee in Federal District Court in Massachusetts for Appellees practices regarding the financing of lease agreements for specifically defined types of business equipment." Consequently, the Federal Trade Commission can sue Chief Justice Thomas J. Moyer, Justice Terrence O'Donnell, Justice Evelyn Lundberg Stratton, Justice Justice Robert R. Cupp, Justice Paul E. Pfeifer, Justice Maureen O'Connor and Justice Judith Ann Lanzinger for engaging in conduct in violation of O.R.C. 2921.45 in the Southern District

Court of Ohio under 42 U.S.C. §1983. Accordingly, Appellant respectfully requests that this Court comply with the Federal Trade Commission's Response of May 15, 2007 that imposed a duty upon this Court safeguard the Appellant's privacy rights of which Eastman & Smith violated those privacy rights by forwarding private information of the Appellant to Chase Bank in mid January of 2007. See Proposed Complaint at ¶9.

Because Civil Rules 8(A) and Rule 10 determinations can rely on factual allegations or evidence that exists inside the Appellant's proposed complaint and more importantly, because they were offered in support of Appellant's proposed Complaint- these documents and the information within them can be introduced to this Court for an appropriate determination. Appellant's reference to these documents, Appellant's proposed Complaint and its attachments must be found well-taken and ordered granted as a matter of law.

THIS COURT WRONGFULLY DECLARED APPELLANT A VEXATIOUS LITIGATOR AND HELD AN UNCONSTITUTIONAL HEARING WHICH WAS PRECLUDED BY THE TERMS OF THE OHIO AND U.S. CONSTITUTION AND OTHER APPLICABLE LEGAL STATUTORY PROVISIONS

In a vexatious litigator analysis, the Respondent the Ohio Supreme Court must demonstrate that the Appellant engaged in frivolous conduct, as defined by S. Ct. Prac. R. XIV, Section 5(B). As Chief Justice Moyer announced in his September 24, 2004 Entry: Appellant has continued to habitually, persistently, and without reasonable cause, engage in frivolous conduct; Appellant is found to be a vexatious litigator under S. Ct. Prac. R. XIV, Section 5(B).

The Appellant urges that the Respondent Ohio Supreme Court failed to show that the Appellant had engaged in frivolous conduct, as defined by S. Ct. Prac. R. XIV, Section 5(B). And further urges that the Respondent Ohio Supreme Court argued in their

August 27, 2004 motion to dismiss that the Appellant had engaged in frivolous conduct, as defined R.C. 2323.52 in violation of O.R.C. 2921.13, O.R.C. 2921.45 and O.R.C. 2739.01. Appellant prior August 22, 2000 vexatious litigator order for the purposes of frivolous conduct had expired on August 22, 2003, Appellant's notice of appeal was clearly past the time that the prior vexatious litigator order had expired; Appellant was therefore, permitted to ignore the prior order because that order had expired, thereby affording the Ohio Supreme Court subject matter jurisdiction to consider his appeal which raised a substantial constitutional question or public or great general interests, notwithstanding his prior vexatious status.

Moreover, the only requirement to have the Court consider his appeal was a final order from the court of appeals that affected the Appellant's substantial right that in effect determined the action and prevented a judgment in the case, pursuant to R.C. 2505.02. The Appellant easily satisfied this requirement by attaching the court of appeals final order of August 26, 2003 to his Notice of Appeal. Appellant therefore did not engage in frivolous conduct as-cited by this Court and this Court's unconstitutional hearing held on November 29, 2005 was precluded by the terms of the Ohio and U.S. Constitution and other applicable statutory legal provisions.

JUDGE BENDER ACTED WITHOUT PROPER JURISDICTION FOR PURPOSES OF ABSOLUTE IMMUNITY AND JUDGE BENDER AND OTHERS CAN BE SUED IN THE SOUTHERN DISTRICT COURT OF OHIO UNDER 42 U.S.C. §1983 FOR THEIR JUDICIAL MISCONDUCT

Gregory T. Howard as an Appellant has sought leave of this Court to bring a valid action against Judge John F. Bender pursuant to O.R.C. 2921.45 in this Court, *Instantly*, on the reasonable grounds, that Judge Bender knowingly has violated his civil rights by acting without jurisdiction when he entered an order on January 11, 2006 before he was

assigned to the case in *Howard v. Ohio Supreme Court*, Case No. 05CV000398 and that as a result Judge Bender is guilty of interfering with the Appellant's civil rights, a misdemeanor of the first degree pursuant to O.R.C. 2921.45(B). The January 11, 2006 vexatious litigator order wrongfully determined that the Appellant was a vexatious litigator, as the undisputed facts demonstrated that defamatory matter was published against him by the Ohio Supreme Court in violation O.R.C. 2739.01 and O.R.C. 2921.13.

Here, the Ohio Supreme Court did not contest the facts set out in the motion for summary judgment. Those facts show that the Ohio Supreme Court in *Howard v. Ohio Supreme Court*, Court of Claims of Ohio Case No. 2004-07743, erroneously referred to Appellant as a vexatious litigator in the August 27, 2004, motion to dismiss and that it should be sanctioned for falsification in violation of R.C. 2921.13. The Ohio Supreme Court did not dispute that R.C. 2921.13 is a criminal statute. Consequently, the Franklin County Court of Common Pleas had jurisdiction to grant the requested relief pursuant to O.R.C. 2931.03 and Section 4, Article IV of the Ohio Constitution.

O.R.C. 2921.45 provides that, no public servant, under color of their office, employment, or authority, shall knowingly deprive, or conspire or attempt to deprive any person of a constitutional or statutory right. Accordingly, whosoever violates O.R.C. 2921.45(A) is guilty of interfering with civil rights, a misdemeanor of the first degree. O.R.C. 2921.45(B). The purpose of misdemeanor sentencing is for any violation of any provision of the Revised Code, to protect the public from future crime by the offenders and others and to punish the offender. O.R.C. 2929.21. There is a definite jail term for misdemeanor of the first degree, of not more than one hundred eighty days. O.R.C. 2929.24(A)(1). The statute O.R.C. 2929.22 requires that a sentencing court consider any

relevant oral or written statement made by the victim or other parties regarding sentencing for a misdemeanor. Ohio S. Ct. Prac. R. XI, Section 2(A) provides for a reconsideration of the Ohio Supreme Court's entry and reopening of a case.

In the case *sub judice*, the Ohio State Supreme Court that being Chief Justice Thomas J. Moyer, Justice Terrence O'Donnell, Justice Evelyn Lundberg Stratton, Justice Robert R. Cupp, Justice Paul E. Pfeifer, Justice Maureen O'Connor and Justice Judith Ann Lanzinger has engaged in conduct in violation of O.R.C. 2921.45. Ohio State Supreme Court knowingly deprived the Appellant of a constitutional right under Article I, Section 16 of the Ohio Constitution and under O.R.C. Chapter 2731, and O.R.C. 2921.45 when it improperly denied Appellant's Application for leave to file a valid action against Judge John F. Bender pursuant to O.R.C. 2921.45 in this Court, *Instantly*, on May 21, 2007 in violation of O.R.C. 2921.45. As a result, Judge Bender and the Ohio State Supreme Court are guilty of interfering with the Appellant's civil rights, a misdemeanor of the first degree pursuant to O.R.C. 2921.45(B).

Furthermore, the Appellant claims that since the May 25, 2007, decision does not contain any determination as to the validity of his Application for leave to file a valid action against Judge John F. Bender pursuant to O.R.C. 2921.45 in this Court, *Instantly*, just a denial of the filing or application for leave to proceed, without any citation to any rule or statute that was violated by him, that the instant memoranda of law is confined strictly to the grounds urged for reconsideration and does not constitute a reargument of the instant case. To the extent, for good cause shown that this memoranda should be construed or considered as an application for reopening of the case (Franklin County Court of Appeals; No. 97AP860) from the May 25, 2007, judgment of denial, which did

not properly consider the merits of the case or did not consider the claims of the Appellant based on a claim that Judge Bender and the Ohio State Supreme Court are guilty of interfering with the Appellant's civil rights, a misdemeanor of the first degree pursuant to O.R.C. 2921.45(B). Consequently, the Appellant suggests that his May 17, 2007 Application for leave to file a valid action against Judge John F. Bender pursuant to O.R.C. 2921.45 in this Court, *Instantly*, was not an abuse of process of the Court in question and that there are reasonable grounds for his May 17, 2007 Application for leave to file a valid action against Judge John F. Bender pursuant to O.R.C. 2921.45 in this Court, *Instantly*. Accordingly, as a matter of law this Court should have granted Appellant leave of court to proceed with his May 17, 2007 Application for leave to file a valid action against Judge John F. Bender pursuant to O.R.C. 2921.45 in this Court, *Instantly*. More importantly, as a matter of law this Court should have granted Appellant leave of court to proceed with his May 21, 2007 Motion for Leave to file the Attached Valid Complaint in mandamus and/or in procedendo and his Motion for Leave to File the Attached Documentation in Support of his Valid Complaint in mandamus and/or in procedendo *instantly* on May 25, 2007.

Furthermore, Appellant claims that in *State ex rel. Howard v. Seaway Food Town, Inc., et al.*, Ohio Supreme Court Case No. 2003-1572, Chief Justice Thomas J. Moyer knowingly condones interference of his civil rights which were committed by Judge Bender, frivolous conduct, violations of the Ohio Revised Code, etc., in violation of O.R.C. 2929.21 and O.R.C. 2921.45. As Chief Justice Moyer knows, Judge Bender in *Howard v. Ohio Supreme Court*, Franklin County Court of Common Pleas, Case No. 05CV000398 acted before he was assigned to the case and thus Judge Bender acted

without jurisdiction, therefore, depriving him of judicial immunity or his judicial immunity was otherwise lost as a result of his order entered on January 11, 2006. A copy of the Ohio State Bar Association October 26, 2006, decision and the Disciplinary Counsel decision of March 30, 2007, are attached the prior memoranda as Exhibit "1" and made a part hereof. Consequently, based upon this substantial and credible evidence, this Court of superior jurisdiction was obligated to determine the validity of the Appellant's legal arguments made in his May 17, 2007 Application for leave to file a valid action against Judge John F. Bender pursuant to O.R.C. 2921.45 in this Court, *Instantly*.

Accordingly, as a matter of law since the Appellant's applications for leave to proceed was not an abuse of process of the Court in question and there are reasonable grounds stated in those applications this Court should have granted Appellant leave of court to proceed with his May 17, 2007 and May 21, 2007 Applications for leave to file a valid action against Judge John F. Bender, etc. pursuant to O.R.C. 2921.45 in this Court, *Instantly*.

Lastly, Chief Justice Moyer conspired or aided or abetted Judge Bender in violating O.R.C. 2921.45 and other applicable legal provisions or deliberately failed to make a determination as to the claims that Judge Bender acted without jurisdiction, or lacked jurisdiction to enter an order on January 11, 2006 and that Judge Bender was deprived of Judicial Immunity which is relevant to purely legal issues and is appropriate for pursuing a remedy through the litigation process in violations of O.R.C. 2923.03 and O.R.C. 2923.01. See O.R.C. 2929.21. Judges are never immune from investigation/litigation and as appropriate, prosecution under the Ohio Revised Code.

See O.R.C. 2921.45 and O.R.C. 2929.21. Accordingly, as a matter of law since the Appellant's applications for leave to proceed was not an abuse of process of the Court in question and there are reasonable grounds stated in that application this Court should have granted Appellant leave of court to proceed with his May 17, 2007 Application for leave to file a valid action against Judge John F. Bender pursuant to O.R.C. 2921.45 in this Court, *Instantly*. See O.R.C. 2323.52(F).

Moreover, this Court must consider whether Judge Bender have failed to perform his duties; and conduct a hearing in which Judge Bender and Chief Justice Thomas J. Moyer, Justice Terrence O'Donnell, Justice Evelyn Lundberg Stratton, Justice Justice Robert R. Cupp, Justice Paul E. Pfeifer, Justice Maureen O'Connor and Justice Judith Ann Lanzinger must show cause why they should not be cited for criminal contempt, frivolous conduct, disciplinary action. Accordingly, the Appellant suggests that Judge Bender, Chief Justice Thomas J. Moyer, Justice Terrence O'Donnell, Justice Evelyn Lundberg Stratton, Justice Justice Robert R. Cupp, Justice Paul E. Pfeifer, Justice Maureen O'Connor and Justice Judith Ann Lanzinger engaged in conflicts of interest, and suggests that the Federal Trade Commission pursue an action against them in the Southern District Court of Ohio under 42 U.S.C. §1983. Leasecomm Corp. v. Terry Dull, 2007 Ohio 454; 2007 Ohio App. LEXIS 405.

WHEREFORE, for all of the foregoing reasons, Appellant respectfully requests that this Court permit him to file *instantly* the attached Memorandum in Support of Reconsideration of this Court's denial of Appellant's Application for leave to file a valid action against Judge John F. Bender pursuant to O.R.C. 2921.45, etc. in this Court, *Instantly*, pursuant to Ohio S. Ct. Prac. R. XI, Section 2(A) and other applicable legal

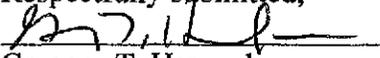
provisions; that this Court disqualify itself from further proceedings in this matter, that this Court reopen the instant case (Franklin County Court of Appeals; No. 97AP860) from the May 25, 2007, judgment of denial, which did not properly consider the merits of the case or did not consider the claims of the Appellant based on a claim that Judge Bender and the Ohio State Supreme Court are guilty of interfering with the Appellant's civil rights, a misdemeanor of the first degree pursuant to O.R.C. 2921.45(B); that appropriate sanctions be imposed by degree of misdemeanor against Judge Bender, Chief Justice Moyer and other the Justices for their violations of the Ohio Revised Code pursuant to O.R.C. 2921.45, the Ohio Constitution, the U.S. Constitution and other applicable legal provisions for all of the preceding reasons including the reasons stated in the Appellant's November 8, 2005 lawfully filed motions to recuse the Ohio Supreme Court, motion to reinstate the case and request for sanctions; further request that the Court allow further proceedings as to the validity of Appellant's legal arguments raised in his May 17, 2007 Application for leave to file a valid action against Judge John F. Bender pursuant to O.R.C. 2921.45 in this Court, *Instantly*, as well as all other relief this Court shall deem proper and just. See O.R.C. 2323.52(F), also see, Rule II (4) of the Ohio Supreme Court Rules for the Government of the Judiciary of Ohio, and also see, Article II (38) of the Ohio Constitution.

In the alternative, this Court should refer the relevant disciplinary matters of this case to the Ohio Disciplinary Counsel to determine whether Chief Justice Thomas J. Moyer, Justice Terrence O'Donnell, Justice Evelyn Lundberg Stratton, Justice Robert R. Cupp, Justice Paul E. Pfeifer, Justice Maureen O'Connor and Justice Judith Ann Lanzinger violated Canon 1 (judge shall uphold the integrity and independence of the

judiciary), Canon 2 (judge shall respect and comply with the law and shall at all times act in a manner that promotes public confidence in the integrity and impartiality of the judiciary), Canon 3(B)(1) (judge shall hear and decide matters assigned to the judge), and Canon 4(A) (judge shall not permit others to convey the impression that they are in a special position to influence the judge) of the Code of Judicial Conduct by denying Appellant's May 17, 2007 Application for leave to file a valid action against Judge John F. Bender pursuant to O.R.C. 2921.45 in this Court, *Instanter* and by failing to hear and decide Appellant's lawfully filed November 8, 2005 or valid motion to recuse the Ohio Supreme Court, motion to reinstate the case, and request for sanctions in Ohio Supreme Court Case No. 2003-1572 as ordered by Chief Justice Moyer which was filed within 10 days from the date of his entry in its May 21, 2007, Entry in violation of Canon 3(B)(1) (judge shall hear and decide matters assigned to the judge) of the Code of Judicial Conduct.

To facilitate this process, the Court should direct that the Ohio Disciplinary Counsel file a formal complaint against Judge Bender, Chief Justice Thomas J. Moyer, Justice Terrence O'Donnell, Justice Evelyn Lundberg Stratton, Justice Robert R. Cupp, Justice Paul E. Pfeifer, Justice Maureen O'Connor and Justice Judith Ann Lanzinger, for their judicial misconduct since judges are never immune from investigation and as appropriate, prosecution under the Code of Judicial Conduct, pursuant to V(4)(C) of the Ohio Rules for the Government of Bar.

Respectfully submitted,


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

Relator-Appellant, Pro-se

STATE OF OHIO

SS:

COUNTY OF LUCAS

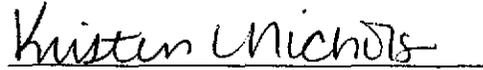
Gregory T. Howard, being duly sworn, according to law, deposes and says that he is the Claimant, pro-se herein, and duly authorized in the premises; that he has read the foregoing application/memoranda of law and attests to the fact that the injured worker is entitled to the benefits of R.C. Chapter 4123., including a determination of being permanently and totally disabled because of one or more allowed conditions in his two industrial claims, without reference to the vocational factors listed in Rule 4121-3-34(B)(3), included in the provision of O.A.C. rule 4121-3-34(D)(2)(a), and are made a part hereof 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 Part(ies) 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 29th day of May, 2007.



KRISTEN L. NICHOLSON
Notary Public, State of Ohio
My Commission Expires 02/15/2010


Notary Public

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 29th day of May, 2007 to:

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

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

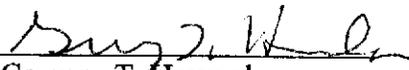
Ohio Attorney General Office
Shawn M. Wollam, Esq.
150 East Gay Street, 22nd Floor
Columbus, Ohio 43215

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

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

The Supreme Court of Ohio

FILED

MAY 25 2007

MARCIA J. MENGEL, CLERK
SUPREME COURT OF OHIO

State of Ohio ex rel. Gregory T. Howard

Case No. 2003-1572

v.

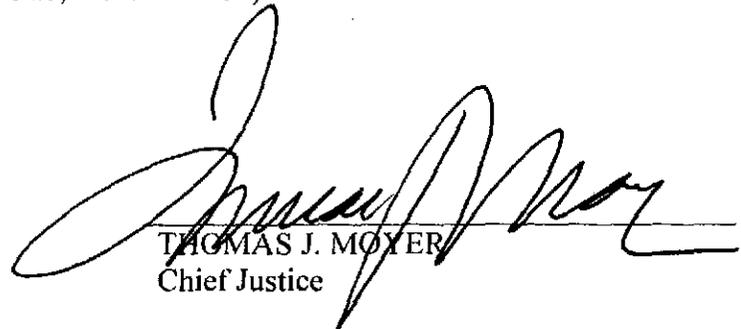
ENTRY

Industrial Commission of Ohio et al.

On September 24, 2004, this Court found appellant Gregory T. Howard to be a vexatious litigator under S.Ct.Prac.R. XIV(5)(B). This Court further ordered that appellant was prohibited from continuing or instituting legal proceedings in the Court without obtaining leave. On May 21, 2007, appellant filed a motion for leave to file documentation in support of valid complaint in mandamus and/or procedendo instante,

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

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



THOMAS J. MOYER
Chief Justice

FILED

MAY 25 2007

The Supreme Court of Ohio

MARCIA J. MENGEL, CLERK
SUPREME COURT OF OHIO

State of Ohio ex rel. Gregory T. Howard

Case No. 2003-1572

v.

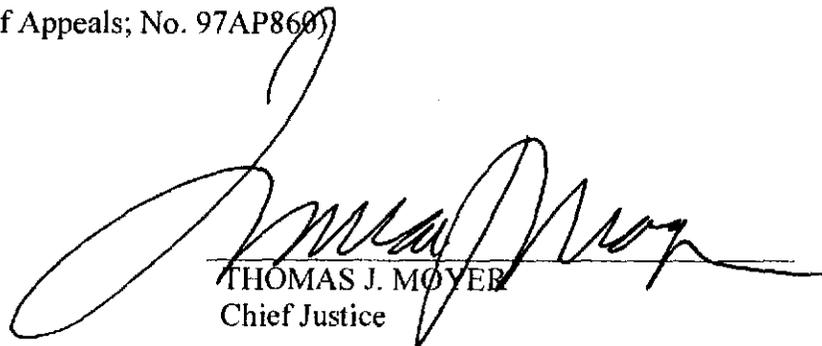
ENTRY

Industrial Commission of Ohio et al.

On September 24, 2004, this Court found appellant Gregory T. Howard to be a vexatious litigator under S.Ct.Prac.R. XIV(5)(B). This Court further ordered that appellant was prohibited from continuing or instituting legal proceedings in the Court without obtaining leave. On May 21, 2007, appellant filed a motion for leave to file a valid complaint in mandamus and/or procedendo instanter,

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

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



THOMAS J. MOYER
Chief Justice

U.S. Code collection

> > > § 401

§ 401. Power of court

A court of the United States shall have power to punish by fine or imprisonment, or both, at its discretion, such contempt of its authority, and none other, as—

*Search
this title:*

- (1) Misbehavior of any person in its presence or so near thereto as to obstruct the administration of justice;
- (2) Misbehavior of any of its officers in their official transactions;
- (3) Disobedience or resistance to its lawful writ, process, order, rule, decree, or command.

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