

IN THE SUPREME COURT OF OHIO

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

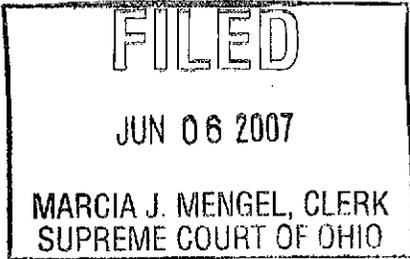
Case No. 03-1572
Trial Court Case No. 97AP-860

Appellant,

-vs-

SEAWAY FOOD TOWN, INC., et al.,

Appellees.



APPLICATION FOR LEAVE TO FILE THE ATTACHED MEMORANDUM IN
SUPPORT OF RECONSIDERATION OF THIS COURT'S JUNE 4, 2007, DENIAL
AND OR 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.

On January 11, 2005, Appellant brought an egregious conduct action in Franklin County Court of Common Pleas against the Ohio Supreme Court, asserting bias or prejudice, bad faith, Due Process Violations, abuse of discretion, negligence, 14th Amendment Violations, constitutional rights, Ohio Revised Code and Ohio Constitutional Violations as the Ohio Supreme Court presided over his cases. *Howard v. Supreme Court of Ohio* (decided: May 3, 2005), Franklin App. Nos. 04AP-1093 & 04AP-1272. R.C. Chapter 2305 and R.C. 2931.03 set forth the jurisdiction of the Court of Common Pleas. On August 3, 2005, Appellant filed a Notice of Lis Pendens, claiming his entitlement to a piece of real estate owned by the State of Ohio. In those actions, Appellant claimed, due to the Ohio Supreme Court's asserted bias or prejudice, bad faith, Due Process Violations, abuse of discretion, negligence, 14th Amendment Violations, constitutional rights, Ohio Revised Code and Ohio Constitutional Violations, he should be awarded \$11,924,646.54; the Court should order the Ohio Supreme Court or the State of Ohio to refrain from disposing of their assets; and the Court should grant any other appropriate relief. See Complaint. *Howard v. Ohio State Supreme Court*, Case No. 05CVH-01-398.

The Ohio Supreme Court filed a baseless motion to dismiss, arguing that-that Court lacked subject matter jurisdiction over the claims made by the Appellant and, in the alternative, to dismiss for failure to state a claim upon which relief could be granted. On

the same day, the Ohio Supreme Court filed a frivolous or malicious counterclaim seeking to have the Appellant declared a vexatious litigator under R.C. 2323.52. Ohio law has been well-settled for over a century that judges are not absolutely immune for their extra-judicial acts and that the Court of Claims lack jurisdiction to consider claims of including egregious conduct, constitutional and criminal violations by a state agency. See, O.R.C. 2743.02; *Truman v. Walton* (1899), 59 Ohio St. 517.

In Appellant's motion for default on amended complaint, and reply memoranda Appellant explained that the vexatious statute was unconstitutional because it violated his constitutional rights to access courts, and right to remedy for injury as prescribed by Article 1, Section 16 of the Ohio Constitution.

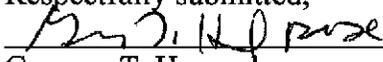
On May 10, 2005, Judge Travis of the Franklin County Court of Common Pleas order declared Appellant to be a vexatious litigator, requiring him to apply to that Court before instituting legal proceedings. On November 15, 2005 Appellant filed an application for leave to vacate the court's entry of May 10, 2005 and to reinstate the instant case based upon the fact that the court's May 10, 2005 order is void because it is based on a statute which has been repealed; and the court failed to expressly address whether subject matter jurisdiction existed regarding the Ohio Supreme Court. Indeed, the Court of Appeals has held that Court of Claims lack jurisdiction to consider claims of including egregious conduct, constitutional and criminal violations by a state agency. See, O.R.C. 2743.02; *Truman v. Walton* (1899), 59 Ohio St. 517. That Court wrongfully determined, that Appellant was a vexatious litigator, and wrongfully granted the Ohio Supreme Court's motion to dismiss, making of such action must be characterized as void.

On January 11, 2006, in *Howard v. Ohio State Supreme Court*, Case No. 05CVH-01-398, Judge Bender denied Appellant's motion for leave to file a motion to vacate Judge Travis fraudulent May 10, 2005 order before he was assigned to the case, thus Judge Bender acted in clear absence of all jurisdiction as he patently and unambiguously lacked jurisdiction to enter an order on January 11, 2006, depriving him of judicial immunity from a suit for civil damages. *State ex rel. Howard v. Supreme Court of Ohio* (decided: January 9, 2007), Franklin App. No. 06AP-1222; *Walk v. Ohio Supreme Court*, Franklin App. No. 03AP-205, 2003-Ohio-5343; *Stump v. Sparkman* (1978), 435 U.S. 349, 98 S. Ct. 1099. Consequently, Judge Bender is liable to the Appellant for monetary damages as he dealt with the Appellant in a personal or extra-judicial capacity. The State Court's opinion should be given preclusive effect in the civil case against Judge Bender. Therefore, Judge Bender should be precluded from claiming immunity because the issue had already been decided by the Court of Appeals, thereby triggering *res judicata*. Accordingly, Judge Bender lacked subject matter jurisdiction, and thus, his January 11, 2006 judgments are void. Consequently, *res judicata* applies. These arguments are meritorious. Accordingly, because the Appellant has asserted a set of facts that would entitle him to relief due to Judge Bender's lack of jurisdiction and the doctrine of judicial immunity, this Court was required to hold an evidentiary hearing before denying his Application for Leave to file a valid complaint in this Court against Judge Bender in this Court.

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

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). Moreover, in *State ex rel. Howard v. Industrial Commission of Ohio, et al.*, Case No. 2003-1572 Chief Justice Moyer continued ruling after Appellant filed a 28 U.S.C. §1331 and other applicable legal provisions Complaint in the U.S. District Court, thereby acting in the clear absence of all jurisdiction and losing absolute immunity from a suit for civil damages. *State ex rel. Howard v. Supreme Court of Ohio* (decided: January 9, 2007), Franklin App. No. 06AP-1222; *Walk v. Ohio Supreme Court*, Franklin App. No. 03AP-205, 2003-Ohio-5343; *Stump v. Sparkman* (1978), 435 U.S. 349, 98 S. Ct. 1099.

Therefore, this Court lacked proper or adequate jurisdiction over the Appellant's case, and thus, this Court's order of June 5, 2007, denying Appellant's application for leave to file a valid complaint in this Court must be vacated and declared void for reason that this Court lacked proper or adequate jurisdiction over the Appellant's case to enter an order on June 5, 2007.

Pursuant to Article IV, Section 2 of the Ohio Constitution and 28 U.S.C. §1651(a) this Court never reviewed the merits of Appellant's proffered filings nor did it find that Appellant's filings were without merit as in another case which was before it. See, *In re Application for Leave to File Original Action in Mandamus against the Third Appellate District Judges*, 2007-Ohio-2710. Accordingly, as set forth above the Appellant asserts that this Court abused its discretion in refusing to allow his May 30, 2007 Application for Leave to file the attached Memorandum in Support of Reconsideration of the May 25, 2007 denial of May 21, 2007 Application for Leave to file a valid complaint in this Court and by not holding an evidentiary hearing before denying his Application for Leave to file a valid complaint in this Court against Judge Bender in this Court.

Appellant further says that on June 4, 2007, he filed a Motion for Leave to proceed *in forma pauperis* and a request to find Proposed Complaint well-taken and ordered granted for the relief demanded for in the Complaint pursuant to 42 U.S.C. §1983 and other applicable legal provisions against the Ohio Supreme Court, Franklin County Court of Common Pleas, Ohio, et al., Franklin County Court of Appeals, Ohio, et al., Eastman & Smith, Ltd., Industrial Commission of Ohio, and Ohio Bureau of Workers' Compensation in the U.S. District Court for the Southern District of Ohio, asserting the Ohio Supreme Court, et al. violated his civil rights, the Ohio Revised Code, and the Ohio

& U.S. Constitution as it presided over the workers' compensation case of *State ex rel. Howard v. Industrial Commission of Ohio, et al.*, Case No. 2003-1572. That case was assigned Case No. 2:07cv514 and was randomly assigned to Judge Marbley and Magistrate Judge Kemp. A copy of the Motion for Leave and Request without attachments has been attached hereto for this Court's review.

On the same date, Appellant submitted for filing a lawfully proper and adequate complaint for invasion of privacy and violation of civil rights, etc., with Affidavit and Praecipe that contained (1) a statement of the Court's jurisdiction over the Plaintiff and Defendants and facts of his case which supported his claims, (2) a statement of claims or causes of action against the Defendants as to what the Defendants did wrong to him, and (3) his requests for relief, injunctions or other action he wanted the Court to take. A true and accurate copy of that submitted document has been attached hereto for this Court review.

Also, Appellant submitted for filing a lawfully proper and adequate motion to amend the Complaint, which included: (1) a statement of the Civil Procedures which controls how an amended Complaint must be filed in the District Court; (2) a statement of meritorious facts which supported his claims; and (3) his request for relief or action he wanted the Court to take. A true and accurate copy of that submitted document has been attached hereto for this Court review.

In addition, Appellant submitted for filing a lawfully proper and adequate notice of intervention by the Federal Trade Commission, which included: (1) a notification of a fact which is prescribed by Statute, or the Federal Rules of Civil Procedure. A true and accurate copy of that submitted document has been attached hereto for this Court review.

As of this date, the Court has made no determination about the merits of that Complaint or motions, or notice. Accordingly, this Court is forbidden to issue any order because the filings in the U.S. District Court divests it of jurisdiction until final resolution of that matter.

Moreover, in *State ex rel. Howard v. Industrial Commission of Ohio, et al.*, Case No. 2003-1572, Chief Justice continued ruling after the Appellant filed a Complaint in the U.S. District Court, thereby acting in the clear absence of all jurisdiction and losing absolute immunity from a suit for civil damages in federal court. *State ex rel. Howard v. Supreme Court of Ohio* (decided: January 9, 2007), Franklin App. No. 06AP-1222; *Walk v. Ohio Supreme Court*, Franklin App. No. 03AP-205, 2003-Ohio-5343; *Stump v. Sparkman* (1978), 435 U.S. 349, 98 S. Ct. 1099. Therefore, this Court lacked proper or adequate jurisdiction over the Appellant's case, and thus, this Court's order of June 5, 2007 denying Appellant's application for leave to file a valid complaint in this Court must be vacated and declared void for the reason that this Court lacked proper or adequate jurisdiction over the Appellant's case to enter an order on June 5, 2007. *Wilson v. Nue* (1984), 12 Ohio St. 3d 102, 103, 12 OBR 147, 465 N.E. 2d 854.

Consequently, as a matter of law the Defendants that the Appellant herein sued in the U.S. District Court for the Southern District of Ohio, on June 4, 2007, are not immune from liability for money damages, etc. and therefore, that Court should determine that the Appellant is legally entitled to the requested relief contained in his Complaint and Amended Complaint, such as money damages, injunction, or other action he wants the Court to take, as it incumbent upon that Court to interpret the law and to decide cases that are before it based on the law. *Truman v. Walton* (1899), 59 Ohio St. 517. Accordingly,

it is unquestionable that the U.S. District Court has jurisdiction to decide the Appellant's case which is currently before it, as a matter of law. 28 U.S.C. §1331 and Article III of the U.S. Constitution.

WHEREFORE, for all of the foregoing reasons, prior to final resolution by the U.S. District Court Appellant respectfully requests in aid of disposition of that case that this Court permit him to file *instanter* 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, *Instanter*, pursuant to Ohio S. Ct. Prac. R. XI, Section 2(A) and other applicable legal provisions and rule upon the merits of this action; 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 June 5, 2007, May 25, 2007, judgments 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, *Instante*, 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, *Instante* 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 5th day of June, 2007.

Alexis Prokup
Notary Public, State of Ohio
My Commission Expires. Sept 17, 2011



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 5th day of June, 2007 to:

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

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

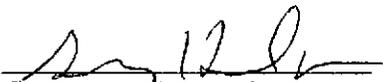
Governor Ted Strickland
77 High Street, 30th Floor
Columbus, Ohio 43215-6117

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

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

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 the Court without obtaining leave. On May 30, 2007, Howard filed a motion 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.

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

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

THOMAS J. MOYER
Chief Justice

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

Plaintiff-Pro-se

MEMORANDUM IN SUPPORT

I. INTRODUCTION/STATEMENT OF FACTS

Plaintiff presented or brought the instant action in the United States District Court for the Southern District of Ohio asserting his rights for invasion of privacy, violation of civil rights, etc., and wrongdoing on the part of the Ohio Supreme Court, Franklin County Court of Common Pleas, et al., Franklin County Court of Appeals, et al., Eastman & Smith, Ltd., the Industrial Commission of Ohio and the Ohio Bureau of Workers' Compensation to include their failure to follow instructions or behave in accordance with the law, rules, or orders of the Courts or made or promulgated by the legislature. See Complaint.

Plaintiff asserts that (1) the Defendants committed a crime by cheating Plaintiff out of his workers' compensation benefits that the Court of Appeals had previously granted his request for a writ of mandamus when in fact the Court of Appeals' final decision was unconstitutional in that it violated his due process of law rights, (2) the Defendants the Ohio Supreme Court, Franklin County Court of Common Pleas, et al., Franklin County Court of Appeals, et al., the Industrial Commission of Ohio and the Ohio Bureau of Workers' Compensation violated his statutory and or constitutional rights by denying his appeals, civil actions, or various actions he had initiated, all in violation of his statutory or constitutional rights, (3) the Ohio Supreme Court violated his statutory or constitutional rights by failing to follow instructions or behave in accordance with

statutory or constitutional law and by denying his mandamus or various other actions, (4) Eastman & Smith violated his privacy rights by invading his privacy, (5) The Defendant Judge Bender violated his statutory or constitutional rights by acting in the clear absence of all jurisdiction and various actions he had initiated, all in violation of his statutory or constitutional rights, and (6) and call for this Court to make various immunity determinations. Following this Complaint, Plaintiff submitted a letter of additional requests, including advising that Court that it had authority to make a determination on the irreparable harm committed by the Defendants against the Plaintiff. See attached letter. Clearly, Plaintiff's Complaint set out reasons for this legal action to proceed in this Court. Thus, this legal action is actionable pursuant to 42 U.S.C. §1983 and other applicable legal provisions.

Nevertheless, the Plaintiff has been wrongfully declared a vexatious litigator by the Ohio Supreme Court and is prohibited from instituting any legal action in the Ohio Supreme Court without first obtaining leave of that Court to proceed. See attached order(s). Also Plaintiff has been wrongfully declared a vexatious litigator by the Franklin County Court of Common Pleas and is prohibited from instituting any legal action in the Franklin County Court of Common Pleas without first obtaining leave of that Court to proceed as well. See attached order(s). There is no requisite leave to proceed required to proceed with this action, and for that reason alone, this case should be sustained without having to meet the requirements of the vexatious litigator statute. Not only are Plaintiff's claims of statutory or constitutional violations or within the subject matter jurisdiction of this Court, but all of the actions Plaintiff's complains of are not protected by absolute judicial immunity. Further, the Defendants named in this suit that Plaintiff complains of,

this Court has jurisdiction over the person or entities pursuant to Fed. Civ. R. 12(b)(2) and 28 U.S.C. §115(b)(2) because the Defendants are doing business in Franklin County, Ohio or practicing law in this State. Therefore, the Defendants can be sued in the United States District Court for the Southern District of Ohio under 42 U.S.C. §1983 and other applicable legal provisions.

Furthermore, the Court has jurisdiction over criminal matters against the Defendants, as 18 U.S.C. §401 confers jurisdiction to this Court to consider and ultimately adjudicate criminal charges against the said Defendants. Also, in the current complaint, Plaintiff requests \$27, 519, 203.43, in actual damages, and \$27, 519, 203.43 in punitive damages and injunctive relief against the above named Defendants. Plaintiff now asks this Honorable Court for an additional \$500,000 in compensatory damages and \$1 million a year in punitive damages until the case is resolved.

Lastly, Plaintiff has represented to this Court that he is indigent and unable to pay filing fees in this action. See, Complaint & Affidavit at page 9. Plaintiff submits that his source of income is his disability and he is indigent. Therefore, Plaintiff files this affidavit of indigency in lieu of docket fees or security deposits. For these reasons, Plaintiff respectfully requests that his request to proceed *in forma pauperis* be granted and that his Complaint be found well-taken and ordered granted for the relief demanded for in his Complaint pursuant to 42 U.S.C. §1983 and other applicable legal provisions for the preceding reasons.

II. STANDARD OF REVIEW

The Court must construe the Complaint in a light most favorable to the Plaintiff, accept all factual allegations as true, and determine whether the Plaintiff undoubtedly can

prove no facts in support of his claims that would entitle him to relief. *Sistrunk v. City of Strongsville*, 99 F. 3d 194, 197 (6th Cir. 1996). The standard of review for subject matter jurisdiction pursuant to Fed. Civ. R. 12(b)(1) is whether any cause of action "cognizable by the forum" has been raised in the Complaint.

Presuming that all facts contained in the Plaintiff's complaint are true and construing all reasonable inferences in Plaintiff's favor Plaintiff has proven a set of facts in support of his claims which would entitle him to the requested relief therein and as such the Defendants named in this suit that Plaintiff complains of or the complaints made therein are cognizable by this forum.

III. LAW AND ARGUMENT

A. STATUTORY OR CONSTITUTIONAL VIOLATIONS ARE ACTIONABLE IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF OHIO

The Plaintiff's wrongful vexatious litigator status is inapplicable in this Court and thus, all of his claims must be found well taken and ordered granted for the relief demanded for in his valid complaint as a matter of law. 42 U.S.C. §1983 and other applicable legal provisions.

Plaintiff complains that, (1) the Defendants committed a crime by cheating Plaintiff out of his workers' compensation benefits that the Court of Appeals had previously granted his request for a writ of mandamus when in fact the Court of Appeals' final decision was unconstitutional in that it violated his due process of law rights, (2) the Defendants the Ohio Supreme Court, Franklin County Court of Common Pleas, et al., Franklin County Court of Appeals, et al., the Industrial Commission of Ohio and the Ohio Bureau of Workers' Compensation violated his statutory and or constitutional rights

by denying his appeals, civil actions, or various actions he had initiated, all in violation of his statutory or constitutional rights, (3) the Ohio Supreme Court violated his statutory or constitutional rights by failing to follow instructions or behave in accordance with statutory or constitutional law and by denying his mandamus or various other actions, (4) Eastman & Smith violated his privacy rights by invading his privacy, (5) The Defendant Judge Bender violated his statutory or constitutional rights by acting in the clear absence of all jurisdiction and various actions he had initiated, all in violation of his statutory or constitutional rights, and (6) and call for this Court to make various immunity determinations. See, Complaint page 1-9.

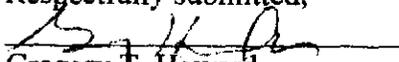
The United States District Court for Southern District of Ohio has subject matter jurisdiction to hear and decide these claims. The law on this matter is well-settled. "The district courts shall have original jurisdiction of all civil actions arising under the constitution, laws, or treaties of the United States." 28 U.S.C. §1331 and Article III of the United States Constitution. The asserted statutory or constitutional violations in this case constitutes a violation of Plaintiff civil or privacy rights arising under the U.S. Constitution and the laws of the United States and therefore, these valid causes of action can be brought against the Defendants in this action. These claims present a viable cause of action to be heard and decided in the United States Court for the Southern District Ohio. Therefore, Plaintiff's claims of statutory or constitutional violations, etc.on the part of the Defendants should be found well-taken and ordered granted for the relief demanded for in his complaint as a matter of law. Id.

IV CONCLUSION

Plaintiff's source of income is disability and he is indigent. Accordingly, his request to proceed *in forma pauperis* should be granted. The Complaint and accompanying documents in this case states several valid causes of action cognizable in this forum or claims on which the requested relief can be granted. For these reasons, the Plaintiff respectfully requests his Complaint and accompanying documents be found well-taken and be ordered granted for the relief demanded for in the Complaint as a matter of law pursuant to 42 U.S.C. §1983 and other applicable legal provisions as well as all other further relief this Court shall deem proper and just.

Dated: 06/04/2007

Respectfully submitted,


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

Plaintiff-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 4th day of June, 2007 to:

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

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

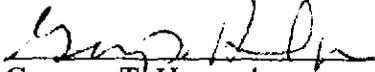
Governor Ted Strickland
77 High Street, 30th Floor
Columbus, Ohio 43215-6117

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

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

Judge John F. Bender
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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 & 10651814
Comptroller of the Currency #685430


Gregory T. Howard
Appellant-Claimant, pro-se

3. Jurisdiction and venue upon this Court is authorized pursuant to 5 U.S.C. §551, 18 U.S.C. §245, 18 U.S.C. §401, 42 U.S.C. §1983, 42 U.S.C. §1985, 42 U.S.C. §1988, and other applicable legal provisions.

FIRST CLAIM FOR RELIEF

4. Plaintiff complaint alleges unprofessional, extra-judicial, etc. action taken by Defendants in the circumstances set forth in his four claims violating the statutory and constitutional provisions in multiple instances:

5. That the Defendants and or their agents willfully, maliciously and intentionally inflicted emotional distress upon the Plaintiff without just cause with intent of harming the Plaintiff and as a direct and proximate cause of Defendants and or their agents actions, the Plaintiff was in fact irreparably harmed by the Defendants and or their agents.

6. By failing to follow Ohio law with regard to safeguarding the Plaintiff's privacy rights the Defendant the Ohio Supreme Court violated 42 U.S.C. §1983 [no public servant, under color of his office, employment, or authority, shall knowingly deprive, or conspire or attempt to deprive any person of a statutory or constitutional right]; 28 U.S.C. §372 [a judge or justice shall not engage in conduct that is prejudicial to the administration of justice]; 28 U.S.C. §455 [a justice shall disqualify himself or herself in a proceeding in which the justice impartiality might reasonably be questioned, including but not limited to instances where: (a) the justice has a personal bias or prejudice concerning a party or a party's lawyer, or personal knowledge of disputed evidentiary facts concerning the proceedings].

7. By refusing to timely disqualify itself and in assisting upon conducting the November 29, 2005 hearing after a motion to disqualify or of bias and prejudice had been filed, the Defendant Ohio Supreme Court violated 28 U.S.C. §455 [a justice shall disqualify himself or herself in a proceeding in which the justice impartiality might reasonably be questioned, including but not limited to instances where: (a) the justice has a personal bias or prejudice concerning a party or a party's lawyer, or personal knowledge of disputed evidentiary facts concerning the proceedings]. A true and accurate copy of the Ohio Supreme Court Appearance Docket for Case No. 2003-1572 attesting to the fact that the Ohio Supreme Court never ruled on his November 8, 2005 Motion to recuse the Ohio Supreme Court, Motion to Reinstate appeal and request for sanctions is attached hereto as Exhibit 1 for this Court's review.

8. That the Defendant the Ohio Supreme Court and or their agents have intentional, maliciously, and without just cause, slandered the Plaintiff's name, and reputation in the community by making knowingly false, malicious and intentional statements about the Plaintiff. Plaintiff's family and scholastic endeavor and as a direct and proximate cause thereof the Defendant and or their agents have irreparably harmed the Plaintiff and scholastic endeavor and his credit file.

SECOND CLAIM FOR RELIEF

9. By knowingly engaging, depriving, or conspiring or attempting to deprive the Plaintiff of a statutory or constitutional right, the Defendants Supreme Court of Ohio, Franklin County Court of Common Pleas, Ohio et al., Franklin County Court of Appeals Ohio, et al., Eastman & Smith, Ltd., Industrial Commission of Ohio, and the Ohio Bureau of Workers' Compensation, violated 42 U.S.C. §1983 [no public servant, under color of

his office, employment, or authority, shall knowingly deprive, or conspire or attempt to deprive any person of a statutory or constitutional right]; 28 U.S.C. §372 [a judge or justice shall not engage in conduct that is prejudicial to the administration of justice]; 18 U.S.C. §245 [no person whether or not acting under color of law, by force or threat of force willfully injures, intimidates or interferes with, or attempts to injure, intimidate or interfere with any benefit, service, privilege, program, facility, or activity provided or administered by the United States].

THIRD CLAIM FOR RELIEF

10. The right of privacy is "the right to be let alone; the right of a person to be free from unwarranted publicity." *Swinton Creek Nursery v. Edisto Farm Credit, ACA*, 514 S.E. 2d 126, 130 (S.C. 1999) (quoting *Holloman v. Life Ins. Co. of Virginia*, 7 S.E. 2d 169, 171 (S.C. 1940). That the Defendant the Eastman & Smith, Ltd. and or their agents have intentional, maliciously, and without just cause, invaded Plaintiff's privacy or wrongfully intruded into the Plaintiff's private affairs by publicizing the Plaintiff's private affairs knowingly making false, malicious and intentional statements about the Plaintiff. Plaintiff's family and scholastic endeavor and as a direct and proximate cause thereof the Defendant and or their agents have irreparably harmed the Plaintiff and scholastic endeavor and credit file. The Defendant knowingly or intentionally committed public disclosure of private highly offensive facts about the Plaintiff without just cause with intent of harming the Plaintiff and as a direct and proximate cause of Defendants and or their agents actions, the Plaintiff was in fact irreparably harmed by the Defendants and or their agents. *Snakenberg v. Hartford Cas. Ins. Co.*, 383 S.E. 2d 2, 5 (S.C., App. 1989).

FOURTH CLAIM FOR RELIEF

11. By failing to follow Ohio law in *Howard v. Ohio Supreme Court*, Case No. 05-CVH-01-398 and or with regard to safeguarding the Plaintiff's privacy rights and other legal rights the Defendant Franklin County Court of Common Pleas, Ohio et al., Franklin County Court of Appeals Ohio, et al., violated 42 U.S.C. §1983 [no public servant, under color of his office, employment, or authority, shall knowingly deprive, or ~~conspire or attempt to deprive any person of a statutory or constitutional right~~]; 28 U.S.C. §372 [a judge or justice shall not engage in conduct that is prejudicial to the administration of justice]; 28 U.S.C. §455 [a justice shall disqualify himself or herself in a proceeding in which the justice impartiality might reasonably be questioned, including but not limited to instances where: (a) the justice has a personal bias or prejudice concerning a party or a party's lawyer, or personal knowledge of disputed evidentiary facts concerning the proceedings].

12. That the Defendant Judge John Bender of the Franklin County Court of Common Pleas and or his agents have intentionally, maliciously engaged in a violation of Due Process and Equal Protection of the law, and malicious fraud that were calculated to harm the Plaintiff and as a direct and proximate cause thereof, the Plaintiff has been irreparably harmed. 42 U.S.C. §1983 [no public servant, under color of his office, employment, or authority, shall knowingly deprive, or conspire or attempt to deprive any person of a statutory or constitutional right]; 28 U.S.C. §372 [a judge or justice shall not engage in conduct that is prejudicial to the administration of justice].

On January 11, 2006, as a matter of law Defendant Judge Bender of the Franklin County Court of Common Pleas lacked subject matter jurisdiction to make a

determination, over the claims made against the Plaintiff or to declare the Plaintiff a vexatious litigator because the case (05-CVH-01-0398) was not transferred or assigned to him until January 18, 2006. Plaintiff further filed an unsuccessful state mandamus and/or procedendo petition in the Defendants courts, wherein he asserted that Judge Bender lacked subject matter jurisdiction to make a determination, over the claims made against the Plaintiff or to declare the Plaintiff a vexatious litigator because the case (05-CVH-01-0398) was not transferred or assigned to him until January 18, 2006. A motion for leave to file a valid action against Judge John F. Bender in the Ohio Supreme Court but that motion was also denied (see Exhibit 1).. *Stern v. Mascio* (C.A. 6, 2001), 262 F. 3d 600. Defendant Judge Bender acted in the clear absence of all jurisdiction and he does not enjoy judicial immunity from a suit for money damages. Id.

13. Pro-se pleadings are to be liberally construed, *Boag v. MacDougall*, 454 U.S. 364, 365 (1982) (per curiam); *Haines v. Kerner*, 404 U.S. 519, 520 (1972), the District Court is required to sustain an action under 42 U.S.C.§1983 and other applicable legal provisions where there is an arguable basis in law or fact contained in a claim(s) for relief like in Plaintiff's case. *Neitzke v. Williams* 490 U.S. 319 (1989). Consequently, like Plaintiff and or because Plaintiff is legally entitled to bring this lawsuit because it is well-grounded in that the Defendants violated his civil rights or privacy rights or conspired against him in violation of 42 U.S.C.§1983 and other applicable legal provisions, the District Court is required to sustain his action under 42 U.S.C.§1983 and other applicable legal provisions. In this original action, the Defendants have denied Plaintiff of the United States Constitutional civil rights to due process and equal protection in violation of 42 U.S.C.§1983. 28 U.S.C. §1331 [nature of suit #440].

WHEREFORE, PREMISES, FURTHER CONSIDERED Plaintiff demands a judgment of and from the Defendants in the sum of \$27,519,203.43 in actual damages, and \$27,519,203.43 as punitive damages together with interest and other applicable costs as allowed by law; and/or grant relief that was sought in original petition; or remand back to state court for fair and impartial adjudication of Plaintiff's claim(s) on the merits; and or any other appropriate relief this Court deems necessary and just.

~~WHEREFORE, PREMISES, FURTHER CONSIDERED~~ Plaintiff further pray that this Court will issue a temporary injunction against the Defendants preventing said Defendants and their agents from continuing harm Plaintiff in the manner set out above in that Plaintiff have no other remedy in law or equity and will be irreparably harmed should said injunction not be issued; grant permanent reparative relief as follows:

1. Order the Defendants to restore the Plaintiff to the position and status that the Plaintiff occupied before the underlying Court committed the wrong.
2. Grant the Plaintiff recovery of the cost of this action expenses, cost and award of any attorney fees

Plaintiff pray for such other relief as in law or equity that he may be entitled and a sanction including a period of actual suspension is required to protect the public from their further unethical conduct..

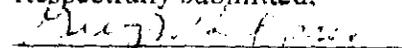
This the 31st Day of May 2007.

JURY DEMAND

Pursuant to Fed. R. Civ. P. 38, Plaintiff hereby demands trial by jury.

Dated: 05/31/2007

Respectfully submitted,



Gregory T. Howard
P.O. Box 3096

Toledo, Ohio 43607-0096
(419) 450-3408

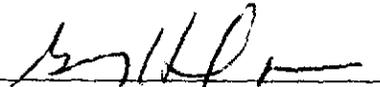
Plaintiff-Pro-se

STATE OF OHIO

SS:

COUNTY OF LUCAS

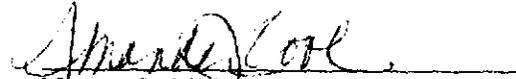
Gregory T. Howard, being duly sworn, according to law, deposes and says that he is the Plaintiff, pro-se herein, and duly authorized in the premises; that he has read the foregoing Complaint for negligence/bad faith, etc.; that he is indigent and unable to pay filing fees in this action and this Military Affidavit, and that the facts stated, and allegations contained therein are true as he verily believes; he further deposes and says that the Defendant(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 31 day of May, 2007.



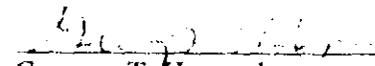
AMANDA COOL
Notary Public - State of Ohio
My Commission Expires Jan. 8, 2009


Notary Public, Lucas County, Ohio

PRAECIPE

To the Clerk:

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


Gregory T. Howard
Plaintiff, pro-se

The Supreme Court of Ohio

CASE INFORMATION

GENERAL INFORMATION

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

Filed: 09/02/2003

Case is disposed

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

PRIOR JURISDICTION

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

PARTIES and ATTORNEYS

Gregory T. Howard; Appellant, Appearing Pro Se

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

DOCKET ITEMS

09/02/03 Notice of appeal of Gregory T. Howard
Filed by: Gregory T. Howard

09/02/03 Affidavit of indigency
Filed by: Gregory T. Howard

09/02/03 Motion to vacate judgment of August 26, 2003
Filed by: Gregory T. Howard
 10/31/03 Denied

09/02/03 Affidavit to vacate court of appeals judgment of August 26,
 2003
Filed by: Gregory T. Howard

09/02/03 Motion to consolidate case with case no. 03-636
Filed by: Gregory T. Howard
 10/31/03 Denied

09/03/03 Copy of notice of appeal sent to clerk of court of appeals

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

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

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

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

09/19/03 Record

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12/10/03 Issuance of mandate

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Filed by: Industrial Commission of Ohio

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

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

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

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

05/25/05 Denied

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

05/25/05 Denied as moot

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

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

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

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

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

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

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

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

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

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

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

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

11/03/05 Denied

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

11/03/05 Granted

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

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

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

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

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

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

08/24/06 Granted

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

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

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

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

08/24/06 Granted

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

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

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

01/05/07 Denied

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

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

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

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
Filed by: Gregory T. Howard

01/05/07 Denied

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

11/30/06 Motion for leave to file response to sixth notice of failure of payment and motion to initiate contempt proceedings
Filed by: Gregory T. Howard

01/05/07 Denied

01/02/07 Motion for leave to file a complaint for a writ of madamus
Filed by: Gregory T. Howard

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 Motion for leave to file a motion for reconsideration instantner
Filed by: Gregory T. Howard
- 01/11/07 Amended motion for leave to file a motion for reconsideration instantner
Filed by: Gregory T. Howard
- 01/23/07 Denied
- 01/17/07 Motion for leave to file exhibit in support of amended motion for reconsideration instantner
Filed by: Gregory T. Howard
- 01/18/07 Seventh notice of Seaway Food Town, Inc., of failure of appellant Gregory T. Howard to pay sanctions
Filed by: Seaway Food Town, Inc.
- 01/22/07 Motion for leave to file response to seventh notice of failure of payment
Filed by: Gregory T. Howard
- 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 Status report of Seaway Food Town, Inc. pursuant to the Court's 3/28/07 entry
Filed by: Seaway Food Town, Inc.
- 04/10/07 Motion for leave to file a response to status report and to orders issued 12/14/05, 1/5/07, and 3/28/07
Filed by: Gregory T. Howard
- 05/04/07 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, instantner
Filed by: Gregory T. Howard
- 05/11/07 Denied
- 05/10/07 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, instantner
Filed by: Gregory T. Howard
- 05/14/07 Denied
- 05/17/07 Motion for leave to file a valid action against Judge John F. Bender in this Court, instantner
Filed by: Gregory T. Howard
- 05/22/07 Denied
- 05/17/07 Motion for leave to file a motion for reconsideration of this Court's denial of appellant's application for leave to pursue a valid action against Ohio Bureau of Workers' Compensation in this Court
Filed by: Gregory T. Howard
- 05/22/07 Denied
- 05/21/07 Motion for leave to file the attached valid complaint in mandamus and/or procedendo instantner
Filed by: Gregory T. Howard
- 05/25/07 Denied
- 05/21/07 Motion for leave to file the attached documentation in support of valid complaint in mandamus and/or procedendo instantner
Filed by: Gregory T. Howard
- 05/25/07 Denied
- 05/24/07 Motion for leave to file the attached memorandum in support of why this court should be held in contempt of court

Filed by: Gregory T. Howard

05/29/07 Motion for leave to file the attached memorandum in support of reconsideration of this Court's denial of application for leave to file a valid action against Judge John F. Bender in this Court, Instanter

Filed by: Gregory T. Howard

05/30/07 Motion for leave to file a motion for reconsideration of this Court's denial of appellant's motion for leave to file the attached valid complaint in mandamus and/or procedendo instanter and motion for leave to file the attached documentation in suppo

Filed by: Gregory T. Howard

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

I HEREBY CERTIFY this document to
be a true and correct copy of the
document of the Supreme Court of
Ohio for case number 03-1512

MARSHALL JENKINS, Clerk

By Gregory T. Howard, Deputy,
on this 30th day of July, 2007

RECEIVED

JUN 04 2007

JAMES BONINI, CLERK
COLUMBUS, OHIO

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO

2:07 cv 514

Gregory T. Howard,

H

Case No.

Plaintiff,

H

H

JUDGE MARRLEY

-vs-

H

H

Ohio Supreme Court, Et al.,

H

MAGISTRATE JUDGE KEMP

Defendants.

H

H

H

PLAINTIFF AMENDED COMPLAINT

MEMORANDUM IN SUPPORT

LEGAL ARGUMENT

Comes now Plaintiff Gregory T. Howard, pro-se pursuant to Fed. Civ. R. P. 15(a) and other applicable legal provisions and reasserts his claims of invasion of privacy and civil rights violations committed by Defendants in the circumstances set forth in his four claims for relief violating the civil rights under statute of 42 U.S.C. §1983 in multiple instances and hereby moves this Honorable Court to amend that complaint to include the following circumstances that include a request to invalidate the law prohibiting vexatious conduct, even by incarcerated persons, on the following grounds:

Fed. Civ. R. P. 15(a) provides for amendment of a party's pleading "once as a matter of course at any time before a responsive pleading is served ***." In the instant case, the Plaintiff has suggested several judges or justices in the other cases in the State

Court engaged in conflict of interests and have identified what action he wants this Court to take in response. Accordingly, Plaintiff moves this Court to amend his Complaint to include a request to invalidate the law prohibiting vexatious conduct, even by incarcerated persons, on the reasonable grounds outlined below.

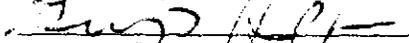
First of all, the Plaintiff states that the State of Ohio has unconstitutionally interfered with the right to access courts and right to remedy in enacting and or enforcing the vexatious statute under S. Ct. Prae. R. XIV, Section 5 and O.R.C. 2323.52. See, S.D. Ohio Civ R. 10.1 and *Griswold v. Connecticut*, 381 U.S. 479 (1965). Plaintiff says that the General Assembly, the legislative body authorized by Article II of the Ohio Constitution, who has the power to make the laws are not a party to this action and hereby notifies the court of this claim of unconstitutionality of the statute O.R.C. 2323.52. The Plaintiff further states that there are terms that "All courts shall be open, and every person, for an injury done him in his land, goods, person, or reputation, shall have remedy by due course of law, and shall have justice administered without denial or delay" created by fundamental constitutional guarantees under the Fifth Amendment and the due process and equal protection guarantees in the Fourteenth Amendment to the U.S. Constitution that includes the right to access courts, and right to remedy for injury. See, Ohio Constitution Article I, Section 16 and Article III to the U.S. Constitution. Therefore, the Plaintiff has a clear legal right to challenge the constitutionality of the State Statutes, thus, the nature of this suit falls within the definition of 28 U.S.C. §1343 and other applicable legal provisions.

WHEREFORE, the Plaintiff moves this Honorable Court to grant his motion to amend his complaint to include his request to invalidate the law prohibiting vexatious

conduct, even by incarcerated persons, pursuant to Fed. Civ. R. P. 15(a) and other applicable legal provisions for the preceding reasons as well as all other relief this Court shall deem proper and just.

Dated: 06/04/2007

Respectfully submitted,



Gregory T. Howard

P.O. Box 3096

Toledo, Ohio 43607-0096

(419) 450-3408

Plaintiff-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 4th day of June, 2007 to:

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

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

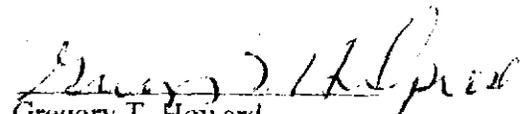
Governor Ted Strickland
77 High Street, 30th Floor
Columbus, Ohio 43215-6117

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

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 & 10651814
Comptroller of the Currency #685430



Gregory T. Howard

Appellant-Claimant, pro-se

RECEIVED

JUN 04 2007

JAMES BONINI, CLERK
COLUMBUS, OHIO

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO

Gregory T. Howard,

Plaintiff,

-vs-

Ohio Supreme Court, Et al.,

Defendants.

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Case No. **2:07 cv 514**

JUDY HE WADLEY

MAGISTRATE JUDGE KOMP

PLAINTIFF'S NOTICE OF INTERVENTION BY THE FEDERAL TRADE
COMMISSION

To Defendants and their Attorneys:

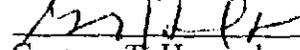
You are hereby notified that the Federal Trade Commission may intervene in the above entitled case as a matter of right. See Fed. Civ. R. P. 24(a). As you know, pursuant to Titles 5 & 15 of the United States Code and other applicable legal provisions the Federal Trade Commission is an independent agency charged with preventing unfair or deceptive trade practices, etc. Although the FTC has no authority to punish violators, it may monitor compliance with trade laws, conduct legal investigations, issue cease-and-desists orders, convene public hearings presided over by an administrative law judge,

request formal injunctions from or file civil suits in U.S. district courts, and ensure that court orders are followed. Furthermore, the FTC seeks to protect consumers by regulating among other things interference with or violations of a consumer's privacy rights by preventing these types of occurrences.

In addition, to performing those quasi-judicial and quasi-legislative functions, the FTC promotes voluntary compliance through a variety of cooperative procedures, such as ~~issuing industry guides and writing advisory opinions~~, and advocates in the courts and among legislature and government agencies for the support of free and fair trade. Consequently, in aid of disposition of this action Plaintiff's instant Motion to Amend the Complaint must be granted as a matter of law for the preceding reasons as well as all other relief this Court shall deem proper and just.

Dated: 06/04/2007

Respectfully submitted,



Gregory T. Howard

P.O. Box 3096

Toledo, Ohio 43607-0096

(419) 450-3408

Plaintiff-Pro-se

PROOF OF SERVICE

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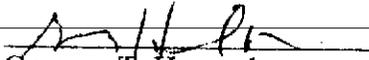
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Gregory T. Howard
Appellant-Claimant, pro-se