

IN THE SUPREME COURT OF OHIO

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

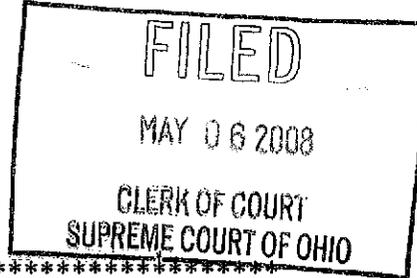
Case No. 03-1572
Trial Court Case No. 97AP-860

Appellant,

-vs-

SEAWAY FOOD TOWN, INC., et al.,

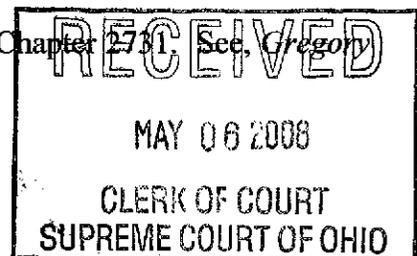
Appellees.



APPLICATION FOR LEAVE TO FILE AN ACTION AGAINST THE OHIO SUPREME COURT IN ORDER TO CHANGE THE RESULT IN *MAYER v. BRISTOW*, (2000), 91 OHIO ST. 3D 3; REQUEST FOR THE ATTORNEY GENERAL OF OHIO TO INITIATE CIVIL ENFORCEMENT ACTION OR CRIMINAL PROSECUTION AGAINST THIS COURT, PURSUANT TO OHIO REVISED CODE SECTION 109.02
INSTANTER

Appellant herein asks for permission to file an action against the Ohio State Supreme Court in order to challenge the constitutionality of this State's vexatious litigator statute and the vexatious litigator rule of this Court. See, Chapter 27 of the Ohio Revised Code. Determining the constitutionality of the statute or a rule is the function of the Court. *Id.* See, Ohio Constitution Article XVI §1. In addition, this Court has the power to declare laws of this State unconstitutional. See, *Carl L. Meier* 5 Cin L. Rev 293 (May 1931).

Upon information and belief, based upon Appellant's litigation dealings with the court, Appellant alleges that the court incorrectly determined that R.C. 2323.52 is constitutional. *Mayer v. Bristow* (2000), 91 Ohio St. 3d 3. As a matter of law, a lawsuit against the Ohio State Supreme Court can change that result. Appellant's instant motion must be granted as a matter of law on the authority of R.C. Chapter 2731, Sec. *Gregory*



T. Howard v. Supreme Court of Ohio, Case No. 02:07-cv-514; pending Sixth Circuit Court of Appeals, Case No. 08-3266.

Appellant invokes the authority of the Attorney General to initiate civil enforcement action or criminal prosecution against this Court based upon the claims made herein by Appellant that are supported by the pertinent and relevant law of this State. See, Ohio Constitution Article II, §38 and Ohio Revised Code §109.02. Section 109.02 of the Ohio Revised Code establishes that "...attorney general shall appear ... all civil causes ... in which the state is directly or indirectly interested ... the attorney general shall prosecute any person indicted for a crime." The authority to initiate state criminal complaints rest with a Ohio State Attorney General or a State grand jury.

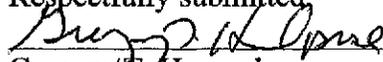
In the instant case, the office of the Ohio Attorney General is an Appellee in this case. Appellant submits a cause of action against this Court for allegedly violating R.C. 2921.13(A)(1), a criminal statute prohibiting falsification. As set forth above, the State Attorney General has lawful standing to bring a cause of action to recover monetary damages for an alleged criminal violation of R.C. 2921.13(A)(1). See *Howard v. Supreme Court of Ohio*, Franklin App. 04AP-1093, 2005-Ohio-2130.

As a result, Plaintiff's proposed complaint is warranted under existing law, is supported by a good faith argument for extension, modification or reversal of existing law, and is supported by a good faith argument for the establishment of new law and as a result Appellant has been unjustly enriched, all "in the sum of \$27,519,203.43 in actual damages, and \$27,519,203.43 in punitive damages together with interest caused by the Court's "falsification" herein in connection with the criminal charges that have been properly filed in the Franklin County Court of Common Pleas and the United States

District Court for the Southern District of Ohio Eastern Division. See Howard v. Supreme Court of Ohio, Franklin App. 04AP-1093, 2005-Ohio-2130; also see, *Gregory T. Howard v. Supreme Court of Ohio*, Case No. 02:07-cv-514 at Doc. No. 3; pending Sixth Circuit Court of Appeals, Case No. 08-3266. Consequently, the instant application for leave must be granted as a matter of law on the compelling authority cited herein because these proceedings are not an abuse of discretion and there are reasonable grounds for these requested proceedings.

WHEREFORE, Appellant demands judgment against the Ohio State Supreme Court, in the sum of \$27,519,203.43 in actual damages, and \$27,519,203.43 in punitive damages together with lawful interest at 8% from September 2, 2003, costs expended herein and all other proper relief. As a result, based upon the foregoing valid requested relief the Appellee Attorney General has the legal authority to initiate state criminal complaints rest within the purview of the Ohio State Attorney General or a State grand jury. *Marbury v. Madison*, 1 Cranch 137, 170, 2 L. Ed. 60 (1803), *instanter*.

There are reasonable grounds for the instant, application or motion and this motion or filing is not being interposed for the purposes of abuse of process of this Court.

Respectfully submitted,

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Relator-Appellant, Pro-se

PROOF OF SERVICE

This is to certify that a copy of the foregoing of Gregory T. Howard was sent via ordinary U.S. Mail or via facsimile this 5th day of May, 2008 to:

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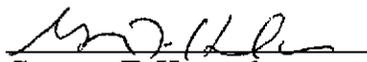
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James G. Carr, Chief Judge-Faxed to 419.213.5563

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-(713) 336-4301

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