

IN THE SUPREME COURT OF OHIO

STATE OF OHIO, ex rel., : Case No. 03-1572
GREGORY T. HOWARD : Trial Court Case No. 97AP-860
: :
Appellant, : :
: :
-vs- : :
SEAWAY FOOD TOWN, INC., et al., :

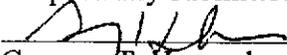
Appellees.

APPLICATION FOR LEAVE TO BE RELEASED FROM THIS COURT'S
PREVIOUS ENTRIES, *INSTANTER*

Relator-Appellant, respectfully requests leave that this Court, pursuant to Ohio App. R. 15, and S. Ct. Prac. R. XIV(4)(A) release him from this Court's previous entries, *instante*. 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. Relator submits because it appears that his Federal lawsuit or appeal are still pending in Federal Court, that these proceedings are not an abuse of discretion and that there reasonable grounds exist for these proceedings. The reasons for this motion are set forth in the accompanying memorandum in support.

Dated: 05/22/2008

Respectfully submitted,



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

Relator, Pro-se

FILED
MAY 25 2008
CLERK OF COURT
SUPREME COURT OF OHIO

MEMORANDUM IN SUPPORT

Appellant, Gregory T. Howard, was granted leave to file a motion to recuse the Ohio Supreme Court; motion to reinstate appeal and request for sanctions (a copy of this Court's Docket Page #6 for Case No. 2003-1572 is attached for your review).. Relator is required to seek leave to pursue his original action because he has been determined that he is a vexatious litigator by this Court.

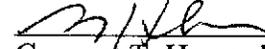
However, because it appears in Case No. 02:07-cv-514, Howard sued the Supreme Court of Ohio, the Franklin County Court of Common Pleas, the Franklin County Court of Appeals, Eastman & Smith, Ltd., the Industrial Commission of Ohio, and the Ohio Bureau of Workers' Compensation. The filing of the lawsuit divested the courts or state agencies of jurisdiction to consider any matters that are necessarily included in the lawsuit. The determination that Relator is a vexatious litigator and the outstanding motions to recuse the Ohio Supreme Court; to reinstate appeal and request for sanctions is included in the lawsuit. Therefore, Howard's lawsuit divested the court(s) and state agencies of authority to act on his pending motions to recuse the Ohio Supreme Court; to reinstate appeal and request for sanctions. Accordingly, the underlying courts cannot act on Howard's several pending applications for leave to proceed in the individual courts or his pending motions to recuse the Ohio Supreme Court; to reinstate appeal and request for sanctions. Howard has appealed Judge Marbley's January 14, 2008 dismissal to the United States Court of Appeals for Sixth Circuit and that case was assigned case number 2008-3266 (R.#206).

Hazel-Atlas Co. v. Hartford Co. (1944), 322 U.S. 238, 244, divest this Court of jurisdiction to proceed to judgment while the federal court action is pending and

therefore, this Court nor the Respondent Courts or state agencies has authority to act in this matter or over the subject matter of this action. Accordingly, the instant motion must be granted as a matter of law.

WHEREFORE, Appellant, respectfully requests leave that this Court, pursuant to Ohio App. R. 15, and S. Ct. Prac. R. XIV(4)(A) release him from this Court's previous entries, *instanter* as well as any and all other relief that this Court shall deem proper and just. 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,


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

Relator-Appellant, Pro-se

PROOF OF SERVICE

This is to certify that a copy of the foregoing of Gregory T. Howard was sent via ordinary U.S. Mail or via facsimile this 22nd day of May, 2008 to:

(419) 247-1777
Eastman & Smith, Ltd.
C/O Thomas A. Dixon, Esq.
One Seagate, 24th Floor
Toledo, Ohio 43699-0032

(614) 466-9354
Governor Ted Strickland
77 High Street, 30th Floor
Columbus, Ohio 43215-6117

The Federal Trade Commission:
Privacy-Steering-Committee
Federal-Trade-Commission

(614) 752-2538
Ohio Attorney General Office
William R. Creedon, Esq.
150 East Gay Street, 22nd Floor
Columbus, Ohio 43215

(614) 728-7592
Assistant Attorney General
Kent M. Shimeall, Esq.
State Office Tower
30 East Broad Street, 16th Floor
Columbus, Ohio 43266-0410

600-Pennsylvania-Avenue,N.W.
Washington,DC-20580

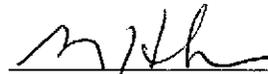
Office of the Ohio Senate
Fax: (614) 644-5208

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

Faxed to telephone: (614) 469-5240
Assistant United States Attorney
Mark T. D'Alessandro for Southern District of Ohio,
303 Marconi Boulevard, Suite 200,
Columbus, Ohio 43215-2401

(614) 462-6012
Patrick J. Piccininni
Assistant Prosecuting Attorney
373 South High Street, 13th Floor
Columbus, Ohio 43215



Gregory T. Howard
Appellant-Claimant, pro-se

	in contempt <i>Filed by:</i> Industrial Commission of Ohio
	09/06/05: Granted; response due 10 days from the date of this entry
09/06/05	Response of Industrial Commission filed per Court's 9/6/05 entry <i>Filed by:</i> Industrial Commission of Ohio
10/24/05	Motion for leave to file request to bring court reporter to hearing scheduled for 11/29/05 at 9:00 a.m. <i>Filed by:</i> Howard, Gregory
	10/27/05: Granted; appellant shall file request within ten days of the date of this entry
10/25/05	Motion for leave to file a motion to strike appellee's memorandum in response to show cause order <i>Filed by:</i> Howard, Gregory
	11/03/05: Denied
10/27/05	Request to bring a court reporter to hearing scheduled for November 29, 2005 <i>Filed by:</i> Howard, Gregory
	11/03/05: Granted
11/01/05	Motion for leave to file a motion to recuse the Ohio Supreme Court, to file motion to reinstate the case, and request for sanctions <i>Filed by:</i> Howard, Gregory
	11/07/05: Granted; appellant shall file the motions within 10 days from the date of this entry
11/08/05	Motion for leave to read and/or submit argument in written form for the November 29, 2005, contempt hearing <i>Filed by:</i> Howard, Gregory
	11/17/05: Granted; appellant shall file any written argument he intends to present by Nov. 22, 2005, and shall serve a copy of the written argument on the appellees. Appellant still required to appear before this Court on Nov. 29, 2005, at 9 a.m.
11/08/05	Motion to recuse the Ohio Supreme Court <i>Filed by:</i> Howard, Gregory
11/08/05	Motion to reinstate appeal and request for sanctions <i>Filed by:</i> Howard, Gregory
11/10/05	Motion for leave to subpoena documents and/or the appearance of the Bureau of Workers' Compensation administrator to the hearing scheduled for November 29, 2005 <i>Filed by:</i> Howard, Gregory
	11/17/05: Denied
11/17/05	Memo of Industrial Commission of Ohio opposing motion to recuse the Ohio Supreme Court <i>Filed by:</i> Industrial Commission of Ohio
11/17/05	Memo of Industrial Commission of Ohio opposing motion to reinstate appeal and request for sanctions <i>Filed by:</i> Industrial Commission of Ohio
11/17/05	Memo of Industrial Commission of Ohio opposing motion for leave to subpoena documents and/or the appearance of the Bureau of Workers' Compensation administrator to the hearing scheduled for November 29, 2005

The Supreme Court of Ohio

FILED

MAY 09 2008

CLERK OF COURT
SUPREME COURT OF OHIO

State of Ohio ex rel. Gregory T. Howard

Case No. 2003-1572

v.

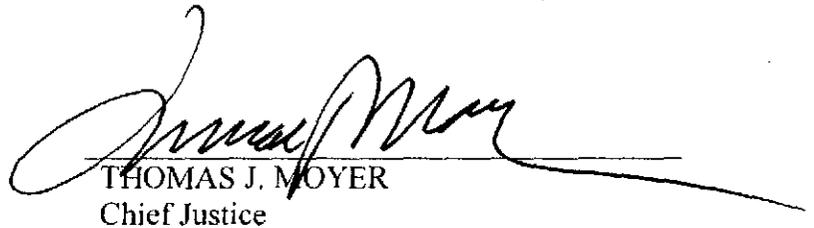
ENTRY

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 6, 2008, Howard filed a motion for leave to file an action against the Ohio Supreme Court in order to change the result in Mayer v. Bristow.

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

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



THOMAS J. MOYER
Chief Justice