

IN THE SUPREME COURT OF OHIO

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

Appellant,

-vs-

SEAWAY FOOD TOWN, INC., et al.,

Appellees.

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

RECEIVED
JUN 22 2009
CLERK OF COURT
SUPREME COURT OF OHIO

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JUN 22 2009
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SUPREME COURT OF OHIO

APPLICATION FOR LEAVE TO EXPUNGE THE COURT'S RECORDS FINDING
APPELLANT TO BE A VEXATIOUS LITIGATOR UNDER S. CT. PRAC. R. XIV, SECTION
5(B) AND R.C. SECTION 2323.52, PURSUANT TO R.C. 2953.32, INSTANTER

On September 24, 2004, this Court improperly found that Appellant, Gregory T. Howard has continued to habitually, persistently, and without reasonable cause, engage in frivolous conduct, as defined by S. Ct. Prac. R. (5)(A) and 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. Also, ordered that any request for leave be submitted to the Clerk of this Court for this Court's review. This Court further ordered the Appellant to pay Appellees' attorney fees associated with this case. The Appellant has fully complied with that portion of the Court's decision as it relates to payment of Appellees' attorney fees associated with this case.

In compliance with the first portion of that decision and as a matter of right, contemporaneously herewith the Relator files this motion for leave to expunge the Court's records finding Appellant to be a vexatious litigator under S.Ct. Prac. R. XIV, Section 5(B) and

R.C. Section 2323.52, pursuant to R.C. Section 2953.32 instanter. The Court's own record supports the request to expunge the Court's records finding Appellant to be a vexatious litigator under S.Ct. Prac. R. XIV, Section 5(B) and R.C. Section 2323.52. The record references that the Appellant is indigent and that he has fully complied with that portion of the Court's decision as it relates to payment of Appellees' attorney fees associated with this case.

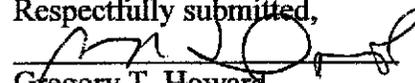
Upon information and belief, the Appellant alleges that he is not guilty, as alleged by this Court of continued habitually, persistently, and without reasonable cause, of engaging in frivolous conduct, as the terms are used by S. Ct. Prac. R. (5)(A) and that he is not a vexatious litigator as the term is used by S. Ct. Prac. R. XIV (5)(B). As such, Appellant submits that this Court improperly found that Appellant, Gregory T. Howard has continued to habitually, persistently, and without reasonable cause, to engage in frivolous conduct, as defined by S. Ct. Prac. R. (5)(A) and to be a vexatious litigator under S. Ct. Prac. R. XIV (5)(B). Based on this evidence, the record is now clear that pursuant to R.C. Section 2953.32 having the records pertaining to Appellant's declarations sealed is not against the legitimate needs of the State, or Local government to maintain those records.

For all of the above stated reasons, the Appellant requests that pursuant to division (C)(1) of Section 2923.32 of the Ohio Revised Code, that this Court determine that all official records pertaining to the said declarations be sealed, all index references to those declarations deleted and further requests dismissal of the declarations in those cases as those terms are used under R.C. §2953.32 (C)(1)(e)(2).

Accordingly, the Appellant respectfully requests that this Court permit him to file instanter this motion for leave to expunge the Court's records finding Appellant to be a vexatious

litigator under S.Ct. Prac. R. XIV, Section 5(B) and R.C. Section 2323.52, pursuant to the factors contained in R.C. Section 2953.32, **instanter**.

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 19th day of June, 2009 to:

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The Federal Trade Commission:
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Federal-Trade-Commission
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Washington,DC-20580

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James G. Carr, Chief Judge-Faxed to 419.213.5563

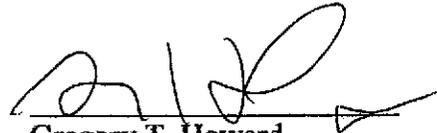
Attn: Deputy Director, Office of the Executive Director
Re: Eastman & Smith, et al.
State of Ohio Office of the Attorney General Complaint #: 327061 & 330421

¹ Appellant asserts that he has a right to recover damages from any person who fails to prevent or aid in preventing any wrongs as the terms are used in 42 U.S.C. §1985 which he had knowledge were about to occur and power to prevent. 28 U.S.C. §1343(a)(2).

Federal Trade Commission Complaint # 10010756,10299071 & 10651814
Comptroller of the Currency #685430-(713) 336-4301

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Gregory T. Howard
Appellant-Claimant, pro-se