

ORIGINAL

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JUN 24 2009
CLERK OF COURT
SUPREME COURT OF OHIO

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

FILED
JUN 24 2009
CLERK OF COURT
SUPREME COURT OF OHIO

APPLICATION FOR LEAVE AND MOTION TO DISMISS ANY AND ALL
DECLARATIONS OF THE APPELLANT *EVER* BEING A VEXATIOUS LITIGATOR,
FILED PURSUANT TO O.R.C. §2325.18 AND OTHER APPLICABLE LEGAL
PROVISIONS, 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.

In full compliance with that decision and as a matter of right, contemporaneously herewith the Relator files this motion to dismiss any and all declarations of the Appellant *ever* being a vexatious litigator, filed pursuant to O.R.C. §2325.18 and other applicable legal

provisions, instanter. The Appellant asks leave to file the accompanying motion to dismiss without prepayment of costs and to proceed *informa pauperis*. The grounds for this application are that this motion has an “arguable basis either in law or in fact.” See *Brown v. Bargery*, 207 F. 3d 863, 866-67 (6th Cir. 2000).

MOTION TO DISMISS

This motion to dismiss is being filed pursuant to R.C. §2325.18. Specifically, Appellant’s motion should be granted on the grounds that this action is brought within ten years from which the Judgments of September ~~1994~~²⁰⁰⁴, May 10, 2005, January 11, 2006, and March 14, 2008 became dormant. As such, Appellant is entitled to bring this action within ten years after those said judgments. Therefore, Appellant’s motion to dismiss is timely and is based on arguments that are subjects of dismissal (e.g., void or temporarily inactive).

First of all, the grounds for the motion are that the September 24, 2004 order that *sua sponte* declared Appellant to be a vexatious litigator pursuant to S. Ct. Prac. R. XIV, Section 5(B) and that prohibited him from continuing any legal proceeding which he has instituted in this Court is void because the Appellant disputes that the numerous meritorious actions he filed against his former employer, former spouse, various attorneys, state agencies, state officers and judicial officers in the course of their duties, that have been rejected by the courts are without reasonable grounds. Further Appellant asserts that the decisions of this Court and the Court of Appeals which dealt with his cases, were erroneously decided. To the extent, that the Appellant asks this Court to find that those decisions including the other courts which have ruled against him were incorrectly decided. It is well established that this Court has the power to review its own decisions, the Court of Appeals, the trial courts and to declare invalid those decisions under

Article 1 Section 16 of the Ohio Constitution and the Fourteenth Amendment of the United States Constitution for violations of due process and equal protection of the law.

In support of this motion to dismiss, is a copy of the clearly erroneous Judgment Entry prohibiting the Appellant from continuing or instituting legal proceedings in this Court without first obtaining leave, etc., filed on September 24, 2004. Based on this evidence, the record is now clear that Appellant did not, as found by this Court, engage in frivolous conduct as defined by S. Ct. Prac. R. XIV, Section 5(A) and that this Court improperly determined him to be a vexatious litigator under S. Ct. Prac. R. XIV, Section 5(B) in violation of his civil rights under O.R.C. §2921.45. Consequently, Appellant's leave to proceed reveals that there are reasonable grounds for his motion to dismiss. Accordingly, Appellant's motion to dismiss as it relates to this Court's order of September 24, 2004, must be granted as a matter of fact or law.

Secondly, the grounds for the motion are that the May 10, 2005 order that erroneously declared Appellant to be a vexatious litigator pursuant to O.R.C. 2323.52 (D)(1)(b) and that prohibited him from continuing any legal proceeding which he has instituted in that Court is void because Judge Alan Travis of the Franklin County Court of Common Pleas May 10, 2005 order is void because Judge Travis May 10, 2005 decision is based on a statute which has been repealed (e.g., references to R.C. §2323.54 in his May 10, 2005 order). In support of this motion to dismiss, is a copy of Judge Travis May 10, 2005 decision which refers to various sections of the repealed statute of R.C. §2323.54. Based on this evidence, the record is now clear that Judge Travis May 10, 2005 rulings made on May 10, 2005 are void. Consequently, Appellant's leave to proceed reveals that there are reasonable grounds for his motion to dismiss. Accordingly, Appellant's motion to dismiss must be granted as a matter of fact or law.

On January 11, 2006, Judge John F. Bender filed an erroneous Decision. The grounds for the motion are that the January 11, 2006 order that erroneously declared Appellant to be a vexatious litigator pursuant to O.R.C. 2323.52 (D)(1)(b) and that prohibited him from continuing any legal proceeding which he has instituted in that Court is void because Judge Bender acted without authority. Appellant asserts that on January 11, 2006, in Case No. 05CVH-01-398, Judge Bender of the Franklin County Court of Common Pleas declared him to be a vexatious litigator without authority. In support of this motion to dismiss, are a copy of Judge John F. Bender Oath of Office and a copy of the Judgment Entry transferring Case No. 05CVH-01-398 to him on January 18, 2006. Based on this evidence, the record is now clear that Judge Bender acted without authority and that his rulings made on January 11, 2006 are void. See *Washington Mutual Bank, F.A., v. Spencer*, Franklin App. No. 05AP-1209, 2006-Ohio-3807 (citations omitted). Consequently, Appellant's leave to proceed reveals that there are reasonable grounds for his motion to dismiss. Accordingly, Appellant's motion to dismiss must be granted as a matter of fact or law.

Lastly, on March 14, 2008, Judge John P. Bessey filed a clearly erroneous decision and entry which denied Appellant's 32 pending applications for leave to file various meritorious actions. The grounds for the motion to dismiss are that the March 14, 2008 order that clearly erroneously denied Appellant's 32 pending applications for leave to file various meritorious actions is that the January 11, 2006 clearly erroneous order that declared Appellant to be a vexatious litigator pursuant to O.R.C. 2323.52 (D)(1)(b) and that prohibited him from continuing any legal proceeding which he has instituted in that Court is void because Judge Bender acted without authority. In support of this motion to dismiss see *Gregory T. Howard v. Ohio State Supreme Court*, Franklin County Court of Common Pleas, No. 05CVH-01-398 (Mar. 14, 2008,

decision). Based on this evidence, the record is now clear that Judge Bessey lacked subject matter jurisdiction over the case, as asserted here, because his order was based on a statute which has been repealed and further based on a decision of which Judge Bender wherein he acted without authority. It is well established that a court must have subject matter jurisdiction in order to act. Any action taken by a court that lacks subject matter jurisdiction is void. Courts do not have the power to enact or make laws. Clearly, Judge Bessey conclusively erroneously determined Judge Bender's void decision to be the law of the case, as explained in his order which can clearly be changed by this Court. As such, Judge Bessey's said decision does not apply to the Appellant because it is void. Consequently, Appellant's leave to proceed reveals that there are reasonable grounds for his motion to dismiss. Accordingly, Appellant's motion to dismiss must be granted as a matter of fact or law.

Moreover, Appellant asserts that the said courts acted in a wanton, willful, and reckless manner, in violation as those terms are used in O.R.C. §9.86, violated his constitutional rights, and acted in bad faith. R.C. §2325.18 confers jurisdiction to this Court to consider and adjudicate actions to revive a judgment and to calculate interest due on a revived judgment for alleged violations and for purely legal reasons. Therefore, Appellant's application for leave to dismiss those erroneous decisions must be granted as a matter of fact or law.

Accordingly, the Appellant respectfully requests that this Court permit him to file *instanter* this motion to dismiss any and all declarations of the Appellant *ever* being a vexatious litigator, filed pursuant to O.R.C. §2325.18 and other applicable legal provisions, *instanter*

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 June, 2009 to:

(419) 247-1777

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

(614) 752-2538

Ohio Attorney General Office
William R. Creedon, Esq.
150 East Gay Street, 22nd Floor
Columbus, Ohio 43215

¹(614) 466-9354

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

(614) 728-7592

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

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

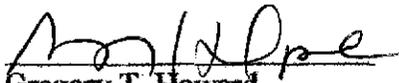
Comptroller of the Currency #685430-(713) 336-4301

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

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).

(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

ON COMPUTER-RV

100-237

The Supreme Court of Ohio

FILED

SEP 24 2004

State of Ohio ex rel. Gregory T. Howard,
Appellant,

Case No. 03-1572

MARCIA J. MENGEL, CLERK
SUPREME COURT OF OHIO

v.
Industrial Commission of Ohio et al.,
Appellees.

ENTRY

This cause came on for further consideration of appellant's response to this Court's July 27, 2004, show cause order. Upon consideration thereof, the Court finds the following:

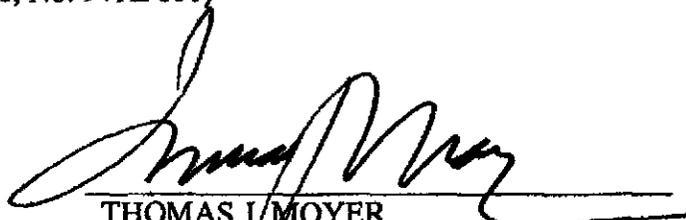
On September 9, 2003, in Case No. 03-1061, this Court placed filing restrictions on appellant for engaging in frivolous litigation. In addition, the Court ordered that the continued filing of frivolous actions or documents by respondent would result in additional sanctions. Appellant has continued to habitually, persistently, and without reasonable cause, engage in frivolous conduct, as defined by S. Ct. Prac. R. XIV, Section 5(A). Accordingly,

IT IS ORDERED by the Court, *sua sponte*, that appellant Gregory T. Howard is found to be a vexatious litigator under S. Ct. Prac. R. XIV, Section 5(B).

IT IS FURTHER ORDERED by the Court, *sua sponte*, that Gregory T. Howard is prohibited from continuing or instituting legal proceedings in this Court without first obtaining leave. Any request for leave shall be submitted to the Clerk of this Court for the Court's review.

IT IS FURTHER ORDERED by the Court that all previous orders sanctioning appellant remain in effect, including the March 3, 2004, order in this case requiring appellant to pay appellees' attorney fees. In addition, appellant shall pay any additional attorney fees and expenses appellees' have incurred since the date of that order. Appellees shall file a revised statement of attorney fees and expenses within 10 days of the date of this order; appellant may file a response within 10 days of the filing of the statement; and appellees may file a reply within 5 days of the filing of the response.

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


THOMAS J. MOYER
Chief Justice

FINAL APPEALABLE ORDER

IN THE COURT OF COMMON PLEAS
FRANKLIN COUNTY, OHIO

GREGORY T. HOWARD,

CASE NO. 05-CVH-01-398

PLAINTIFF,

JUDGE A. TRAVIS

v.

OHIO STATE SUPREME COURT,

TERMINATION NO.	13
BY:	SS 5/9/05

DEFENDANT.

FINAL JUDGMENT ENTRY AND ORDER

This cause came before the Court for consideration of Defendant Supreme Court of Ohio's Motion to Dismiss Plaintiff's Complaint and corresponding Counterclaim, seeking only to have Plaintiff declared a "vexatious litigator." The Court, being fully advised, in a Decision rendered April 28, 2005, finds that the Supreme Court of Ohio's Motion to Dismiss and Counterclaim are WELL-TAKEN and is therefore GRANTED in their entirety.

Furthermore, pursuant to R.C. §2323.52, the State of Ohio has defended against the habitual and persistent vexatious conduct of Plaintiff Gregory T. Howard in various courts across the state. Thus, this Court hereby specifically finds that Howard is a "vexatious litigator" within the meaning of the statute, and intends that the prohibitions contained in R.C. §2323.52 shall operate to the fullest extent. Pursuant to R.C. §2323.52, Howard has repeatedly engaged in vexatious conduct in various civil actions he has brought, including but not limited to those against the Supreme Court of Ohio, as a pro se plaintiff. This Court finds that Howard's conduct has overwhelmingly not been warranted under existing law and has not been supported by a good-faith argument for an extension, modification or reversal of existing law.

CLERK OF COURTS
 COURT NO. 10
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ATTORNEY GENERALS OFFICE

EX. 1

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Therefore, it is hereby **ORDERED** that Howard is prohibited from doing any of the following without first obtaining leave of this Court to Proceed:

1. Howard shall not institute any legal proceeding, nor make any application, other than an application to this Court for leave to proceed under division (F) of R.C. §2323.52, in the Ohio Court of Claims, or in any county court of common pleas, municipal court, or other county court of Ohio.
2. Howard shall not continue in any legal proceeding that he has instituted in the Ohio Court of Claims, or in any court of common pleas, municipal court, or other county court of Ohio prior to the date of the Entry of this Order.
3. Howard shall not institute a legal proceeding in any court of appeals, or continue any legal proceeding already instituted in a court of appeals prior to entry of this order, other than an application for leave to proceed under division (F) of R.C. §2323.52.

Pursuant to R.C. §2323.54(E), this Order shall remain in force indefinitely.

Pursuant to R.C. §2323.54(F), only this Court may grant Howard leave for institution or continuance of, or making of an application in, legal proceedings in the Ohio Court of Claims, or in any court of common pleas, municipal court, or any county court in Ohio. This Court will only grant such leave if it is satisfied that the proceedings or application are not an abuse of process of the court in question, and that there are reasonable legal grounds for the proceeding or application. If leave is granted, it will be in the form of a written order by this Court. Pursuant to R.C. §2323.52(D)(3), only the relevant court of appeals may grant Howard leave to institute or continue an action in the relevant court of appeals.

Additionally, if Howard requests this Court to grant him leave to proceed as described in R.C. §2323.54(F), the period of time commencing with the filing with this Court of an application for the issuance of an order granting leave to proceed and ending with the issuance of

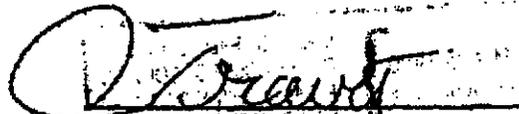
an order of that nature shall not be computed as part of an applicable period of limitations within which the legal proceedings or application involved generally must be instituted or made.

Pursuant to R.C. §2323.54(G), no appeal by Howard shall lie from a decision of this Court if this Court denies Howard, under R.C. §2323.54(F), leave for the institution or continuance of, or the making of an application in, legal proceedings in the Ohio Court of Claims or in any court of common pleas, municipal court, or county court in Ohio.

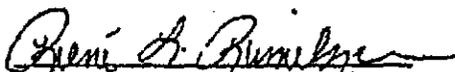
Pursuant to R.C. §2323.54(H), the Franklin County Common Pleas Clerk of Courts shall immediately send a certified copy of this Order to the Ohio Supreme Court for publication in a manner that the Supreme Court determines is appropriate and that will facilitate the clerk of the Court of Claims and clerks of all courts of common pleas, municipal courts, or any county courts in Ohio in refusing to accept pleadings or other papers submitted for filing by Howard if he has failed to obtain leave under R.C. §2323.54(F) to proceed.

Pursuant to R.C. §2323.54(I), whenever it appears by suggestion of parties or otherwise that Howard has instituted, continued, or made an application in legal proceedings without obtaining leave to proceed from this Court, the court in which legal proceedings are pending shall immediately dismiss the proceeding or application of Howard.

IT IS SO ORDERED.


Judge A. Travis

Submitted by:


René L. Rimelspach (0073972)
Counsel for Defendant, Supreme Court of Ohio

Pursuant to Civ. R. 53(B), the Clerk is directed to serve upon all parties not in default for failure to appear, notice of this judgment and its date of entry upon the journal.

IN THE COURT OF COMMON PLEAS, FRANKLIN COUNTY, OHIO
CIVIL DIVISION

Gregory T. Howard,

Plaintiff,

v.

Ohio State Supreme Court,

Defendant.

Case No. 05CVH-01-398

Judge John F. Bender

FILED COURT
CLERK OF COURTS
2006 JAN 11 AM 10:06
OHIO

DECISION AND ENTRY
DENYING MOTION OF PLAINTIFF FOR LEAVE TO FILE
A MOTION TO VACATE THE COURT'S ENTRY OF 5/10/2005
Filed November 15, 2005.

And
DENYING MOTION FOR LEAVE TO FILE
AN ACTION AGAINST A SELF-INSURED EMPLOYER
Filed December 19, 2005

RENDERED THIS ____ DAY OF JANUARY 2006

BENDER, J.

Plaintiff's November 15, 2005 Motion

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MARCIA J. MENGEL, CLERK
SUPREME COURT OF OHIO

On November 15, 2005, Plaintiff Gregory T. Howard filed a motion for leave to file a motion to vacate the court's entry of May 10, 2005 and to reinstate the instant case. Contemporaneously, Plaintiff proceeded to file without leave his motion to vacate the court's May 10, 2005 entry.

This court's May 10, 2005 order declared Plaintiff to be a vexatious litigator, requiring him to apply to this court before instituting legal proceedings. Plaintiff's motion to vacate is based largely on his claim that the court's May 10, 2005 order is void because it is based on a statute which has been repealed. While it is true that the May

10, 2005 decision refers to various sections of R.C. 2323.54, and that R.C. 2323.54 has been repealed, the references to R.C. 2323.54 are clearly typographical errors, albeit repeated ones. The court's analysis precisely tracks the various sections of R.C. 2323.52. Accordingly, the court will issue a nunc pro tunc entry correcting these typographical errors.

This court "shall not grant a person found to be a vexatious litigator leave for the institution or continuance of, or the making of an application in, legal proceedings in the court of claims or in a court of common pleas, * * * unless the court of common pleas that entered that order is satisfied that the proceedings or application are not an abuse of process of the court in question and that there are reasonable grounds for the proceedings or application." Upon review, the court finds that there are not reasonable legal grounds for this motion. Accordingly, Plaintiff's motion for leave to file a motion to vacate the court's May 10, 2005 entry is overruled.

Plaintiff's December 19, 2005 Motion

In his December 19, 2005 motion, Plaintiff seeks leave to file an action against his former employer, claiming that his former employer "harassed" him in retaliation for filing a mandamus action in the Tenth District Court of Appeals, Case No. 97AP-860. Plaintiff submits a letter to him from the Bureau of Workers' Compensation, which Plaintiff claims supports his need to file another lawsuit.

Plaintiff states he seeks to file a claim pursuant to R.C. 4123.90. A claim pursuant to R.C. 4123.90 "shall be forever barred unless filed within one hundred eighty days immediately following the discharge, demotion, reassignment, or punitive action taken, and no action may be instituted or maintained unless the employer has received

written notice of a claimed violation of this paragraph within the ninety days immediately following the discharge, demotion, reassignment, or punitive action taken." Plaintiff's mandamus action was filed in 1997. Plaintiff has not alleged that he gave the required notice within 90 days of the allegedly retaliatory action, as he must before he can sue under the statute. Further, Plaintiff has not alleged that he sought to file the action within 180 days of the allegedly retaliatory action, as he must in order to sue under the statute. Plaintiff has not demonstrated there are reasonable grounds for his application to proceed. His application is therefore overruled.

SO ORDERED.



John F. Bender, Judge

Copies to:

Gregory T. Howard
P.O. Box 3096
Toledo, Ohio 43607-0096
Plaintiff pro se

Rene L. Rimelspach, Esq.
Assistant Attorney General, Constitutional Offices
30 East Broad Street, 16th Floor
Columbus, Ohio 43215
Counsel for Defendant Supreme Court of Ohio

Franklin County Prosecutor's Office
373 South High Street, 14th Floor
Columbus, Ohio 43215

Supreme Court of Ohio
65 South Front Street, 8th Floor
Columbus, Ohio 43215

IN THE COURT OF COMMON PLEAS, FRANKLIN COUNTY, OHIO
CIVIL DIVISION

Gregory T. Howard,

Plaintiff,

v.

Ohio State Supreme Court,

Defendant.

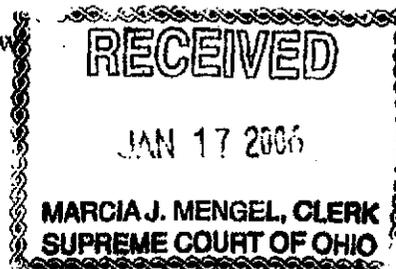
Case No. 05CVH-01-398

FILED COURT
CLERK OF COURTS
2006 JAN 11 AM 10:05
COURT OF COMMON PLEAS
FRANKLIN COUNTY
OHIO

**NUNC PRO TUNC
FINAL JUDGMENT ENTRY AND ORDER**

This cause came before the court for consideration of Defendant Supreme Court of Ohio's Motion to Dismiss Plaintiff's Complaint and corresponding Counterclaim, seeking only to have Plaintiff declared a "vexatious litigator." The court, being fully advised, in a Decision rendered April 28, 2005, finds that the Supreme Court of Ohio's Motion to Dismiss and Counterclaim is **WELL-TAKEN** and is therefore **GRANTED** in its entirety.

Furthermore, pursuant to R.C. §2323.52, the State of Ohio has defended against the habitual and persistent vexatious conduct of Plaintiff Gregory T. Howard in various courts across the state. Thus, this Court hereby specifically finds that Howard is a "vexatious litigator" within the meaning of the statute, and intends that the prohibitions contained in R.C. §2323.52 shall operate to the fullest extent. Pursuant to R.C. §2323.52, Howard has repeatedly engaged in vexatious conduct in various civil actions he has brought, including but not limited to those against the Supreme Court of Ohio, as a pro se plaintiff. This Court finds that Howard's conduct has overwhelmingly not been warranted under existing law and has not been supported by a good-faith argument for an extension, modification, or reversal of existing law.



Therefore, it is hereby **ORDERED** that Howard is prohibited from doing any of the following without first obtaining leave of this Court to Proceed:

1. Howard shall not institute any legal proceeding, nor make any application, other than an application to this Court for leave to proceed under division (F) of R.C. §2323.52, in the Ohio Court of Claims, or in any county court of common pleas, municipal court, or other county court of Ohio.
2. Howard shall not continue in any legal proceeding that he has instituted in the Ohio Court of Claims, or in any court of common pleas, municipal court, or other county court of Ohio prior to the date of the Entry of this Order.
3. Howard shall not institute a legal proceeding in any court of appeals, or continue any legal proceeding already instituted in a court of appeals prior to entry of this order, other than an application for leave to proceed under division (F) of R.C. §2323.52.

Pursuant to R.C. §2323.52(E), this Order shall remain in force indefinitely.

Pursuant to R.C. §2323.52(F), only this Court may grant Howard leave for institution or continuance of, or making an application in, legal proceedings in the Ohio Court of Claims, or in any court of common pleas, municipal court, or any county court in Ohio. This court will only grant such leave if it is satisfied that the proceedings or application are not an abuse of process of the court in question, and that there are reasonable grounds for the proceeding or application. If leave is granted, it will be in the form of a written order by this Court. Pursuant to R.C. §2323.52(D)(3), only the relevant court of appeals may grant Howard leave to institute or continue an action in the relevant court of appeals.

Additionally, if Howard requests this Court to grant him leave to proceed as described in R.C. §2323.52(F), the period of time commencing with the filing with this Court of an application for the issuance of an order granting leave to proceed and ending with the issuance of

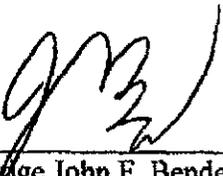
an order of that nature shall not be computed as part of an applicable period of limitations within which the legal proceedings or application involved generally must be instituted or made.

Pursuant to R.C. §2323.52(G), no appeal by Howard shall lie from a decision of this Court if this Court denies Howard, under R.C. §2323.52(F), leave for the institution or continuance of, or the making of an application in, legal proceedings in the Ohio Court of Claims or in any court of common pleas, municipal court, or county court in Ohio.

Pursuant to R.C. §2323.52(H), the Franklin County Common Pleas Clerk of Courts shall immediately send a certified copy of this order to the Ohio Supreme Court for publication in a manner that the Supreme Court determines is appropriate and that will facilitate the clerk of the Court of Claims and clerks of all courts of common pleas, municipal courts, or any county courts in Ohio in refusing to accept pleadings or other papers submitted for filing by Howard if he has failed to obtain leave under R.C. §2323.52(F) to proceed.

Pursuant to R.C. §2323.52(I), whenever it appears by suggestion of the parties or otherwise that Howard has instituted, continued, or made an application in legal proceedings without obtaining leave to proceed from this court, the court in which legal proceedings are pending shall immediately dismiss the proceeding or application of Howard.

IT IS SO ORDERED.



Judge John F. Bender

Submitted by:

/s/

Rene L. Rimelspach (0073972)
Counsel for Defendant, Supreme Court of Ohio

IN THE COURT OF COMMON PLEAS, FRANKLIN COUNTY, OHIO

GREGORY T. HOWARD
Plaintiff.

87094F17

-vs-

OHIO STATE SUPREME COURT
Defendant.

Case No. 05 CV-398

**ENTRY
RECUSAL/TRANSFER**

I hereby recuse myself from the above-styled cause for the following reason:

WHEN I WAS AN ASSISTANT PROSECUTOR, I WAS COUNSEL OF RECORD IN A FEDERAL CASE BROUGHT BY MR HOWARD AGAINST THE COUNTY.

I hereby request that this case be reassigned by the Administrative Director to another judge of the Franklin County Court of Common Pleas.

[Signature] 11/20/05
Judge

FILED
COMMON PLEAS COURT
FRANKLIN COUNTY
OHIO
06 JAN 18 PM 3:48
CLERK OF COURTS - CV

Recusal is approved. Said case is ordered transferred to Judge Bender.

It is further ordered that Case No. 05CVH-03-3069, styled BZ MANAGEMENT -vs- CRAMPSH VAID ET AL be transferred from Judge Bender to Judge Sheeran as a replacement for the recused case.

[Signature] 1-18-06
Administrative Judge

Amended Case Scheduling Order: YES _____ NO X

cc: Judges

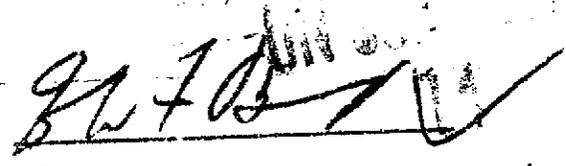
EX. "2"

74647A02

OOMS 03 91.

OATH OF OFFICE

I, John F. Bender, do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Ohio, and that I will administer justice without respect to persons, and faithfully and impartially discharge and perform all duties incumbent upon me as Judge, Franklin County Court of Common Pleas, to which I have been appointed, according to the best of my ability and understanding.

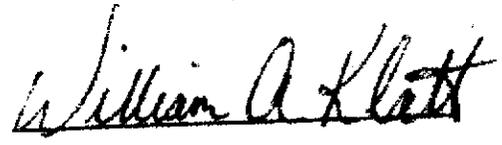


John F. Bender

STATE OF OHIO

COUNTY OF Franklin SS:

Sworn to before me and subscribed in my presence this 19th day of April, 2000.



WILLIAM A. KLATT
ATTORNEY-AT-LAW
NOTARY PUBLIC - STATE OF OHIO
LIFETIME COMMISSION

FILED
FRANKLIN COUNTY
CLERK OF COURTS-CV
00 APR 21 PM 2:02
FRANKLIN CO. OHIO

EX. 13"

§ 2325.18. Limitation; interest.

(A) An action to revive a judgment can only be brought within ten years from the time it became dormant, unless the party entitled to bring that action, at the time the judgment became dormant, was within the age of minority, of unsound mind, or imprisoned, in which cases the action may be brought within ten years after the disability is removed.

(B) For the purpose of calculating interest due on a revived judgment, interest shall not accrue and shall not be computed from the date the judgment became dormant to the date the judgment is revived.

HISTORY: RS § 5368; 73 v 148, § 1; 83 v 74, 75; GC § 11648; Bureau of Code Revision. Eff 10-1-53; 150 v H 212, § 1, eff. 6-2-04.