

ORIGINAL

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
JUL 02 2009
CLERK OF COURT
SUPREME COURT OF OHIO

APPLICATION FOR LEAVE AND MOTION TO RECONSIDERATION, 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 application for leave and motion to reconsideration, instanter. 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). This document also serves notice on this Court that the Appellant seeks appellate jurisdiction or to institute a writ of certiorari to the United States Supreme Court for review of this Court judgments of June 23, 24, 2009 as that term is used in 28 U.S.C. §1257.

RECEIVED
JUL 02 2009
CLERK OF COURT
SUPREME COURT OF OHIO

JUL 02 2009

MOTION TO RECONSIDERATION

Gregory T. Howard, an Ohio resident proceeding pro-se, appeals the Ohio State Supreme Court order denying his five separate motions for leave pursuant to 28 U.S.C. §1257. Seeking relief from the trial courts March 30, 2005 and October 9, 2008 judgments, Appellant filed a (1) Motion for leave to file a motion for court hearing pursuant to Ohio Revised Code 3123.05, on June 18, 2009; (2) motion for leave to file (redacted) exhibit showing that appellant's third and final 60 (B) motion to vacate the order of dismissal of March 30, 2005 was dismissed as a result of failure to obtain leave, etc., on June 22, 2009; (3) motion for leave to file exhibit showing that Appellant's motion to file a motion "motion for leave to file a O.R.C. §4123.512 appeal to the court of common pleas of Lucas County, Ohio," etc., on June 22, 2009; (4) Motion for Leave to file a motion to declare Franklin County Court of Common Pleas decisions to declare plaintiff a vexatious litigator unconstitutional pursuant to O.R.C. §2921.45, on June 22, 2009; and (5) motion for leave to expunge the court's records finding Appellant to be a vexatious litigator. Appellant filed a motion to reconsider this court's entry denying leave of court to file a motion for court hearing pursuant to Ohio Revised Code 3123.05, as filed on June 18, 2009 which invoked S. Ct. Prac. R. XI (2) (A). No named Appellees in this case have timely responded to any of the Appellant's motions for leave including any of them which remain pending.

This motion also invokes S. Ct. Prac. R. XI (2) (A). This Court denied Appellant permission to file the said four separate motions for leave on June 24, 2009. In his timely appeal to the U.S. Supreme Court, Appellant argues that this Court erred by: (1) denying his motion for leave on June 24, 2009; (2) denying his four separate motions for leave on June 24, 2009; (3) erred by failing to address his five separate meritorious said motions; and (4) that Appellant should be awarded damages in connection with an violation of a failure on the part of the

Governor of the State of Ohio to prevent the wrongs as described in 42 U.S.C. §1985 and a potential continued violation of the same federal law. See 28 U.S.C. §1343. The Appellant's continuing argument that the state statute governing vexatious litigators is repugnant to the Constitution, treaties, or laws of the United States is now a matter for appeal.

The United States Supreme court reviews *de novo* a state court's unlawful decision for unconstitutionality, pursuant to 28 U.S.C. §1257. Under 28 U.S.C. §1257, only the United States Supreme Court has jurisdiction to review, on an appellate basis, decisions of the State Courts which are allegedly in conflict with the Constitution or laws of the United States. See *Rooker v. Fidelity Trust Company*, 263 U.S. 413 (1923); *District of Columbia Court of Appeals v. Feldman*, 460 U.S. 462 (1983). The *Rooker-Feldman* doctrine encompasses a relatively simple concept. A losing party in state-court may file suit in federal Supreme Court after the state-court proceedings have ended complaining of an injury resulting from the state-court judgment and seeking review and rejection of that judgment. See *Exxon Mobil Corp. v. Saudi Basic Indus. Corp.*, 544 U.S. 280, 283 (2005); *Marbury v. Madison*, 5 U.S. 137 (1803). In such instances, the U.S. Supreme Court has subject matter jurisdiction to overturn the state-court judgment(s).

Upon review, the Appellant submits that because he has demonstrated exceptional circumstances in this action required for relief under 28 U.S.C. §1257, and substantiated it, his reasoning is sufficient under 28 U.S.C. §1257, thus the U.S. Supreme Court will undoubtedly conclude that this Court erred by: (1) denying his motion for leave on June 24, 2009; (2) denying his four separate motions for leave on June 24, 2009; (3) erred by failing to address his five separate meritorious said motions; and (4) that Appellant should be awarded damages in connection with an violation of a failure on the part of the Governor of the State of Ohio to prevent the wrongs as described in 42 U.S.C. §1985 and a potential continued violation of the

same federal law. See 28 U.S.C. §1343. Appellant asserts that he has a clear legal 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).

Appellant further submits that this Court has a duty and power to vacate its own judgments and to give the trial courts “appropriate directions.” See *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U.S.238; 64 S. Ct. 997; 1944 U.S. Lexis 1200. Appellant fully explained, in the four separate said pleadings how his valid claim regarding unconstitutionality applied to the Franklin County Court of Common Pleas decisions to declare him a vexatious litigator pursuant to O.R.C. §2921.45. That valid claim has a bearing on the motion to declare the Franklin County Court of Common Pleas decisions unconstitutional, pursuant to O.R.C. §2921.45.

The Court should have granted the four separate motions as meritorious based on the evidence that the said decisions that declared Appellant a vexatious litigator are void because the Franklin County Court of Common Pleas lacked subject matter jurisdiction over the Appellant’s case because the case was not assigned to Judge Bender at the time Appellant was declared to be a vexatious litigator because it was not transferred or assigned to him until January 18, 2006. See, Ohio Civil Rule 60(B). Previously, the Franklin County Court of Appeals and this Court unlawfully rejected Appellant’s argument that Judge Bender lacked subject matter jurisdiction when Appellant unsuccessfully sought a writ of mandamus and or procedendo in these courts. This decision is ripe for an appellate review and should be rejected. Because Appellant presented a valid reason for this Court to vacate, the trial courts unlawful, unjust and clearly erroneous decisions, this Court abused its discretion when it denied Appellant’s four separate

motions for leave filed herein on June 22, 2009. For these reasons, this Court should vacate its decisions denying Appellant's five separate motions for leave filed herein on June 18, and 22, 2009, and issue an order directing the Franklin County Court of Common Pleas to vacate its unlawful order declaring Appellant to be a vexatious litigator for the preceding reasons. Accordingly, Appellants asserts that he suffered prejudice because of the Court's failure to correct a clear error of law or to prevent a manifest injustice in this action. See Hendricks v. Office of Clermont County Sheriff, No. 03-CV-572, 2006 U.S. Dist. LEXIS 73393, 2006 WL 2850515, at *4-5 (S.D. Ohio Sept. 29, 2006). To the extent, that this Court's judgments are void on the basis of a clear mistake of law because this Court misapplied the law. Therefore, the instant motion to reconsider should be granted.

Finally, this Court should have accepted Appellant's four separate motions for leave because they were not an abuse of process and they stated reasonable grounds for the requested relief. Consequently, reasonable grounds existed for instituting or continuing with the four separate motions for leave. Thus, it will be impossible that the Respondents including this court can apply the unconstitutional statute to Appellant in the future. Because this Court and the Franklin County Court of Common Pleas decisions are unlawful, this Court nor the Court of Common Pleas will have the authority to declare the Appellant to be a vexatious litigator pursuant to either S.Ct. Prac. R. XIV §5(B) or to O.R.C. §2323.52. Further because the motions for leave and the subsequent pleadings were timely. Appellant's motions were timely under O.R.C. §2325.18 and this Court improperly denied them.

Appellant clarifies that he is also seeking a prospective injunctive relief that involves application of Sup. Ct. Prac. R. XIV(5) and O.R.C. §2323.52 as to him. Appellant further declares that such relief is being sought against the same Respondents originally named in his

petition for a writ of certiorari. For the reasons expressed by Appellant in the motions for leave and all subsequent pleadings, this Court has the duty and power to vacate its own judgments and to give the trial courts “appropriate directions,” such as to vacate its unlawful order declaring Appellant to be a vexatious litigator for the preceding reasons. See Hazel-Atlas Glass Co. v. Hartford-Empire Co., 322 U.S.238; 64 S. Ct. 997; 1944 U.S. Lexis 1200. Therefore, the Appellant’s petition for a writ of certiorari states a valid claim against this Court upon which relief can be granted. Accordingly, the U.S. Supreme Court’s review under these criteria amply demonstrates that each of Appellant’s motions for leave were filed in good faith and that the granting the various motions for leave would have not prejudiced the existing appellees by resolving all of the Appellant’s valid claims. As such, the Appellant prays that the U.S. Supreme Court grant his petition for a writ of certiorari, and to direct the clerk to prepare, sign, and enter an order to that effect and notify counsel of record and this court’s judgments whom he has asked that court to review, as those terms are used in U.S. Supreme Court Rule 16.2.

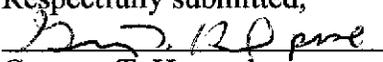
The Governor of this State is not immune from suit for these actions, and Appellant’s claims against him are meritorious. Appellant alleges that including but not limited to this Court that it conspired with the other respondents to deprive him of his Fourteenth Amendment rights and that Governor Strickland violated 28 U.S.C. §1343 by engaging in conduct prejudicial to the administration of justice and by failing to prevent the wrongs as described in 42 U.S.C. §1985 and by his continued violation of the same federal law. See 28 U.S.C. §1343.

Hence, this Court should disqualify itself from these proceedings because its “impartiality might reasonably be questioned,” because this court has a personal bias or prejudice against the Appellant or otherwise has personal knowledge of the disputed evidentiary facts concerning the instant proceeding, pursuant to Canon 3 (G)(1)(a) of the Code of Judicial Conduct. As a result,

the Appellant's motion for recusal, to reinstate the instant appeal and for appropriate sanctions filed herein on November 8, 2005 must be granted because the U.S. Supreme Court now has jurisdiction to hear Appellant's claims on the merits. Therefore, the Appellant challenges the constitutionality of Ohio's statute and rule governing vexatious litigator and asserts that 28 U.S.C. §1257 is the proper jurisdictional basis upon which to hear the claim regarding the constitutionality of O.R.C. §2323.52 and S. Ct. Prac. R. XIV (5). In addition, Appellant will require that this Court Clerk request the clerk of the court having possession of the record (e.g., *Howard v. State Ohio Supreme Court*, Franklin County Common Pleas Court Case No. 05CVH-01-398 ...) to certify and transmit it to the United States Supreme Court. See U.S. Supreme Court Rule 16.2. Under a separate cover, the Appellant contemporaneously herewith files his statement of necessary expenses and damages. See Sup. Ct. Prac. R. XI(5)(A)(3).

Moreover, because this motion is confined strictly to the reasonable grounds urged for reconsideration, further because this motion does not constitute an reargument of the instant case and is filed with respect to this Court's decision on the merits of the instant case. See Sup. Ct. Prac. R. XI(2)(A)(4). Therefore, this motion for reconsideration should be filed and granted. As such, this Court should not issue a mandate in accordance with Section 4 of Rule XI of the Supreme Court Rules of Practice until after the United States Supreme Court consider or reconsider this case and when the entry on reconsideration is filed with the Clerk. See Sup. Ct. Prac. R. XI(4)(A)(2).

For the foregoing reasons, this Court should reverse its decisions of June 23, and 24, 2009 and grant the instant motion for leave and the accompanying motion to reconsider in their entirety and all other just and proper relief in the premises.

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 1st day of July, 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

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).

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

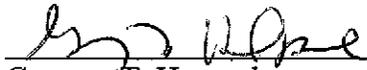

Gregory T. Howard
Appellant-Claimant, pro-se

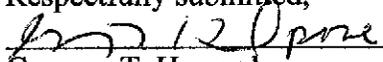
EXHIBIT 1

IN THE SUPREME COURT OF OHIO

STATE OF OHIO, ex rel., : Case No. 03-1572
GREGORY T. HOWARD : Trial Court Case No. 97AP-860
: Cause: 28 U.S.C. §1257 (appeal)
Appellant, : Case in another Court, Sixth Circuit
: Court of Appeals, No. 08-3266
-vs- :
SEAWAY FOOD TOWN, INC., et al., :
Appellees.

STATEMENT OF NECESSARY EXPENSES AND DAMAGES, INSTANTER

Postage	\$50.04
Necessary Expenses	
Mc Ginnis Associates, Inc. Reporting	
Attendance and Transcript	\$400.00
Court Costs (see Transcript at p. 13:15)	\$39,000
Attorney fees (see Transcript at p. 8:1)	\$1,322.00
Gregory T. Howard	
Necessary Damages	
(The claim references in <i>Howard v. Supreme Court of Ohio, et al.</i> , Case No. 02:07-cv-514 (Doc. No. 21)	\$27,519,203.43
	<hr/>
	\$27, 559,975.47

Respectfully submitted,

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

Relator-Appellant, Pro-se

**IN THE SUPREME COURT OF OHIO
PROOF STATEMENT OF NECESSARY EXPENSES**

CASE NO. 2003-1572

*Gregory T. Howard, Relator-Appellant v.
Seaway Food Town, Inc. (non-existent entity in the State of Ohio, since August of 2000)
Et al., Respondents-Appellees*

MAUMEE PO MAUMEE, Ohio 435379998 3800870381 -0097 (800)275-8777			
06/24/2009			05:57:00 PM
Product Description	Sales Receipt Qty	Unit Price	Final Price
\$1 Wisdom PSA	2	\$1.00	\$2.00
59c Hearts PSA	1	\$0.59	\$0.59
COLUMBUS OH 43215 Zone-2 First-Class Large Env 10.90 oz.			\$2.58
Issue PVI:			\$2.58
COLUMBUS OH 43266 Zone-2 First-Class Large Env 10.90 oz.			\$2.58
Issue PVI:			\$2.58
WASHINGTON DC 20543 Zone-4 Priority Mail 7 lb. 8.4 oz.			\$13.10
Delivery Confirmation Label #:			\$0.70
		03073330000208095654	
Issue PVI:			\$13.80
Total:			\$21.55
Paid by:			
Cash			\$21.55

U.S. Postal Service™ Delivery Confirmation™ Receipt

Postage and Delivery Confirmation fees must be paid before mailing.
 Article Sent To: (to be completed by mailer)

(Please Print Clearly)
 U.S. Supreme Court
 20543-0001

POSTAL CUSTOMER:
 Keep this receipt. For Inquiries:
 Access Internet web site at
 www.usps.com®
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CHECK ONE (POSTAL USE ONLY)

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(See Reverse)

DELIVERY CONFIRMATION NUMBER: 4595 4080 2000 0002 0809 5654

Postmark
 JUN 24 2009
 MAUMEE OHIO POST OFFICE

PS Form 182, May 2002

Order stamps at USPS.com/shop or call 1-800-Stamp24. Go to USPS.com/clicknship to print shipping labels with postage. For other information call 1-800-ASK-USPS.

Bill#: 1000301916432
 Clerk: 06

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IN THE SUPREME COURT OF OHIO
 PROOF STATEMENT OF NECESSARY EXPENSES

CASE NO. 2003-1572

Gregory T. Howard, Relator-Appellant v.

Seaway Food Town, Inc. (non-existent entity in the State of Ohio, since August of 2000)

Et al., Respondents-Appellees

MAUMEE PO
 MAUMEE, Ohio
 435379998
 3800870381 -0096
 06/25/2009 (800)275-8777 02:51:54 PM

Product Description	Sales Qty	Receipt Unit Price	Final Price
69c Okefenokee Swamp GA/FL PSA	2	\$0.69	\$1.38
1c Tiffany Lamp PSA COLUMBUS OH 43266 Zone-2 First-Class Large Env 3.70 oz.	1	\$0.01	\$0.01
Issue PVI:			\$1.39
WASHINGTON DC 20543 Zone-4 Priority Mail 2 lb. 1.00 oz. Delivery Confirmation Label #:			\$7.10
Label #:		03080660000082404838	\$0.70
Issue PVI:			\$7.80
Total:			\$10.58
Paid by:			
Cash			\$10.60
Change Due:			-\$0.02

Order stamps at USPS.com/shop or call 1-800-Stamp24. Go to USPS.com/clicknship to print shipping labels with postage. For other information call 1-800-ASK-USPS.

Bill #: 1000401568430
 Clerk: 27

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Supreme Court
Wash DC 20543



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www.usps.com®
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PS Form 152, May 2002

**IN THE SUPREME COURT OF OHIO
PROOF STATEMENT OF NECESSARY EXPENSES**

CASE NO. 2003-1572

*Gregory T. Howard, Relator-Appellant v.
Seaway Food Town, Inc. (non-existent entity in the State of Ohio, since August of 2000)
Et al., Respondents-Appellees*

TOLEDO MAIN PO
TOLEDO, Ohio
436019610
3800870103 -0096
06/26/2009 (419)245-6828 03:27:51 PM

Product Description	Sales Receipt Qty	Unit Price	Final Price
COLUMBUS OH 43266 Zone-2 First-Class Large Env 10.50 oz.			\$2.58
Issue PVI:			=====
			\$2.58
\$1 Wisdom PSA	2	\$1.00	\$2.00
28c Polar Bear	1	\$0.28	\$0.28
10c American Clock PSA	3	\$0.10	\$0.30
WASHINGTON DC 20543 Zone-4 Priority Mail 6 lb. 15.60 oz.			\$12.05
Delivery Confirmation			\$0.70
Label #: 03090330000112403085			=====
Issue PVI:			\$12.75
Total:			\$17.91
Paid by:			
Cash			\$20.00
Change Due:			-\$2.09

Order stamps at USPS.com/shop or call 1-800-Stamp24. Go to USPS.com/clicknship to print shipping labels with postage. For other information call 1-800-ASK-USPS.

Bill#: 1000401295844
Clerk: 20

All sales final on stamps and postage
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Thank you for your business

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Article Sent To: (to be completed by mailer)

U.S. Supreme Court
(Please Print Clearly)

DELIVERY CONFIRMATION NUMBER: 5RDE 0421 1000 DEED 40E0



20543-0001

POSTAL CUSTOMER:

Keep this receipt. For Inquiries:
Access internet web site at
www.usps.com
or call 1-800-222-1811

CHECK ONE (POSTAL USE ONLY)

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- First-Class Mail® parcel
- Package Services parcel

(See Reverse)

PS Form 152, May 2002

IN THE SUPREME COURT OF OHIO
PROOF OF STATEMENT OF NECESSARY DAMAGES

CASE NO. 2003-1572

*Gregory T. Howard, Relator-Appellant v.
Seaway Food Town, Inc. (non-existent entity in the State of Ohio, since August of 2000)
Et al., Respondents-Appellees*

See, accompanying 10 pages of documents from related case: Case No. 2:07-cv-00514-ALM-TPK, Document No. 21, filed 07-02-2007

07/02/07 2:01:25

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

Gregory T. Howard,	H	Case No. 2:07-cv-00514
	H	Judge Marbley
Plaintiff,	H	Magistrate Judge Kemp
	H	
-vs-	H	
	H	
Ohio Supreme Court, et al.,	H	
	H	
Defendants.	H	

**PLAINTIFF'S STATEMENT FOR REIMBURSEMENT OF \$27,519,203.43 IN
 ACTUAL DAMAGES INTEREST AND OTHER APPLICABLE COSTS AS
 ALLOWED BY LAW AS WELL AS ALL OTHER RELIEF THAT THE COURT
 SHALL DEEM PROPER AND EQUITABLE**

I, Gregory T. Howard, do swear or declare that:

1. On August 22, 2003, my vexatious litigator order pursuant to R.C. 2323.52, had expired, and that the Franklin County Court of Appeals filed a Final Entry denying my right to file an Opposition/Reply to the Appellees' filing(s) on August 26, 2003, pursuant to Ohio Civil Rule 58, rendering this issue moot.
2. On September 2, 2003, I filed a Notice of Appeal from a 10th District Court of Appeals final decision denying my right to file an opposition/reply to the Appellees' filing(s) pursuant to O.R.C. 2505.02 and O.R.C. 2505.04 in the Ohio Supreme Court.
3. During the interim, counsel for Seaway Food Town, Inc., and counsel for the Bureau of Workers' Compensation and the Industrial Commission of Ohio filed a motion to dismiss and on October 31, 2003, the Ohio Supreme Court improperly granted their Motions to Dismiss my appeal.

4. The sufficient and applicable information for consideration and final determination of the undersigned dispute on the above-captioned matter is the following data:

- Eastman & Smith a law firm that is shown as of record as representing Seaway Food Town, Inc. gave incorrect information to the Ohio Supreme Court as to what their costs and legal fees were and could not charge those expenses to Seaway Food Town, Inc., because Seaway Food Town, Inc., was no longer doing business in the State of Ohio as of August of 2000 as wrote by its predecessor Spartan Stores, Inc. on November 25, 2003;
- I was never an employee of Spartan Stores, Inc., as certified by Spartan Stores, Inc. on November 25, 2003;
- I had an unsatisfactory outcome in terms of what I believed that I was entitled to from the Industrial Commission of Ohio or the Bureau of Workers' Compensation and thus I filed in the Ohio Supreme Court against them challenging specifically the Industrial Commission of Ohio orders pursuant to R.C. Chapters 4121 and 4123 and other applicable legal provisions;
- Because Seaway Food Town, Inc., no longer exists in the State of Ohio it is the responsibility of the Workers' Compensation Fund to pay any benefits to or on my behalf; the State-Insured, refused to pay the undersigned BWC Claims, the BWC Claims were closed by the Industrial Commission of Ohio; and the Bureau of Workers' Compensation has not paid any benefits to or on behalf of the Plaintiff since October 10, 2003; See Exhibit 1.
- The Franklin County Court of Common Pleas and the Ohio Supreme Court willfully or wrongfully equated the standard for the vexatious litigator statute or rule, failed to proceed to judgment on several pending motions or filings which remains pending in their each individual courts and violated Plaintiff's Sixth Amendment Right by holding a criminal contempt hearing on 11-29-2005, without assistance of counsel for his defense, abridged his First Amendment Right to petition the Government for a redress of grievances and his Fourteenth Amendment due process Right by not ruling on his still pending motions without holding a hearing. Accordingly, this Court should decide the First, Sixth & Fourteenth Amendment issues on the merits because the Defendants clearly violated the law in ruling as it did or simply by not acting at all in some circumstances. *Morse, supra*. The record is clear and the evidence supports that the Plaintiff has been harmed by the Defendants illegal conduct or will suffer irreparable harm if the Defendant(s) are not enjoined from issuing vexatious litigator orders and this Court prohibited from enforcing 42 U.S.C. 1983 in the public interest.
- That there is sufficient cause to warrant further investigation, consideration and final resolution of this matter in favor of the Plaintiff;
- The undersigned has contacted the National Crime Victim Bar Association and has requested a contingency fee base civil crime victims attorney; that he may hire him or her to represent him in the above-captioned case. Someone from that Office may contact the folks involved in the above-captioned action; See Exhibit 2.

- Attorney Dixon of Eastman & Smith in a 1995 wrote a letter to an Industrial Commission of Ohio Hearing Officer which I adamantly believe was put forth in bad faith in that it made a false statement regarding my medical data and Attorney Hines of the Industrial Commission of Ohio conduct was unethical as he acted in bad faith because of his refusal to discipline Attorney Dixon for his said false and unreasonable statements pursuant to R.C. 4123.06(D). There is evidence to support my claim that unethical conduct was put forth in bad faith in violation of R.C. 9.86 and other applicable legal provisions.
- I believe that the action which Judge Bender of the Franklin County Court of Common Pleas took on January 11, 2006, in Case No. 05CV000398 before he was actually assigned to the case was improper; on or about 11th day of January 2006 at the City of Columbus, Ohio the accused Judge Bender unlawfully committed the offence of violation of my civil rights-contrary to 42 U.S.C. 1983 or the Criminal Code. See Complaint.
- I believe that the action which the Ohio Supreme Court took on or before December 14, 2005, in Case No. 2003-1572 before it ruled on or not ruled upon certain motions of Plaintiff was improper; on or about 29th day of November 2005 at the City of Columbus, Ohio the accused the Ohio Supreme Court unlawfully committed the offence of violation of my civil rights-contrary to 42 U.S.C. 1983 or the Criminal Code.
- This Court has original jurisdiction to hear a claim(s) asserting that a person, lawyer, judge, justice or magistrate violated the Civil Rights Act or the Criminal Code and to decide whether the claim is warranted. See, 28 U.S.C. §1331 and 42 U.S.C. §1983. If the Court determines that the claim is warranted, or the evidence favors a plaintiff's argument it will issue a judgment in the plaintiff's favor. It is also clear from the record or evidence that judicial immunity does not apply to the parties herein personally or the State itself. Based upon the averments of Plaintiff's complaint(s), it is clear that the Court can exercise its jurisdiction in this matter and render judgment in favor of the Plaintiff. It is also clear that the Defendants Supreme Court of Ohio and other courts or tribunals are not protected from liability for monetary damages under the doctrine of judicial immunity.
- For the foregoing reasons, Plaintiff's case must be sustained, for the relief demanded for in the Complaints, court costs must be assessed against the Defendants as well as all other relief this Court shall deem proper and equitable.

5. On or about June 26, 2007, Plaintiff contacted TV 10 Television Station in Columbus, Ohio and commented to it in regards to the above-captioned case.

6. On or about April 7, 2006, Plaintiff executed a Final Notice, placing the account for collections, asking The Supreme Court of Ohio to pay the principal sum of \$11,924,646.54 to Plaintiff with interest at 10%. Principal and interest of the Account were to be paid within 7 days of its receipt of the correspondence. See, Exhibit 3.

7. Pursuant to the terms of the letter, failure by Defendant to make any payment within thirty days or seven days after the same is due constitutes default and upon default Plaintiff may declare the entire unpaid principal balance of the account immediately due

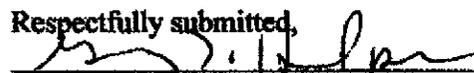
and payable. The account is in default by its terms and the entire balance of the principal amount of \$11,924,646.54 and interest of \$1,192,464.60 is currently due to Plaintiff Gregory T. Howard from Defendant in the amount of \$13,117,111.04; plus interest at a rate of 10% per annum until paid in full; plus court costs of \$350.00; and any other fees this Court deems proper.

WHEREFORE, Plaintiff Gregory T. Howard demands judgment against Defendant in the amount of \$13,117,111.04, which consist of the principle and interest on the account and \$350.00 for court costs; plus interest at a rate of 10% per annum on the unpaid principle amount of the account of \$11,924,646.54 until paid in full as well as all other relief this Court shall deem proper and just.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 21st day of June, 2007.

Respectfully submitted,


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

Appellant-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 or via facsimile this 27th day of June, 2007 to:

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

(614) 728-9535
Ohio Attorney General Office
Shawn M. Wollam, Esq.
150 East Gay Street, 22nd Floor
Columbus, Ohio 43215

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

(614) 728-7583
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

Judge John F. Bender
Fax: (614) 462-2462

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

Chief-Justice-Thomas-Moyer J.
Fax:(614) 387-9019
Office of the Ohio Senate
Fax: (614) 644-5208

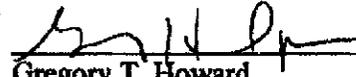
Attn: Deputy Director, Office of the Executive Director

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



Gregory T. Howard

Appellant-Claimant, pro-se

006940811

IN THE COURT OF APPEALS OF OHIO
TENTH APPELLATE DISTRICT

State of Ohio ex rel.
Gregory T. Howard,

Relator,

v.

Sewmay Foodtown, Inc.,
Administrator, Ohio Bureau of
Workers' Compensation, and The
Industrial Commission of Ohio,

Respondents.

No. 97AP006-860

(REGULAR CALENDAR)

JOURNAL ENTRY OF JUDGMENT

For the reasons stated in the memorandum decision of this court rendered hereir on July 14, 1998, the objection to the magistrate's decision is overruled, the decision of the magistrate is approved and adopted by the court as its own, and it is the judgment and order of this court that a writ of mandamus issue ordering respondent Industrial Commission of Ohio to vacate the staff hearing officer's order of December 14, 1995, dismissing relator's permanent total disability application, and to process that application according to the rules of the commission. Costs are assessed against respondent.

Within three (3) days from the filing hereof, the clerk of this court is hereby ordered to serve upon all parties not in default for failure to appear notice of this judgment and its date of entry upon the journal.

Cynthia C. Lazarus
Judge Cynthia C. Lazarus

John C. Young
Judge John C. Young

Gary J. Glick
Judge G. Gary Glick

Plaintiff's Ex. 1

INDUSTRIAL COMMISSION OF OHIO
DEC 21 AM 11:35
REGISTRATION OFFICE
CLERK OF COURTS
15 PM 3:25

THE STATE OF OHIO }
COUNTY OF [] }
I, JOHN O'GRADY, CLERK
OF THE COURT OF APPEALS
ARTICLE IV, § 3, OF THE CONSTITUTION
DO HEREBY CERTIFY THAT THE ABOVE IS A TRUE AND CORRECT COPY OF THE
ORIGINAL FILED IN THE COURT OF APPEALS OF OHIO, TENTH APPELLATE DISTRICT,
ON [28] [March] [1998]
JOHN O'GRADY, Clerk
[Signature]

BWC

Bank with you to meet.

882992-22

1267321

GREGORY T HOWARD
97APD08-880
PO BOX 3088
TOLEDO OH 43607-0088

W. Me

CLAIMS DEPT. 30 W SPRING ST. COLUMBUS OH 43266-0881
WARR # 1267321 CLAIM 882992-22 POLICY 20003158-0

0111099116 041885 081399 NOTICE OF AWARD

THE FOLLOWING NOTICE OF PAYMENT IS MADE FROM THE BUREAU OF WORKERS' COMPENSATION STATE INSURANCE FUND.

TYPE OF COMPENSATION	TOTAL AWARD	WEEKLY RATE	FROM DATE	TO DATE
MISC EXPENSE	\$ 111.35	\$ 0.00	01-08-99	01-08-99

INDUSTRIAL COMMISSION
TOLEDO REGIONAL OFFICE
OCT 21 10 24 AM '99

IF YOU HAVE MOVED OR ARE IN THE PROCESS OF MOVING, PLEASE CONTACT THE NEAREST BWC OFFICE AND YOUR LOCAL POST OFFICE TO PREVENT AN INTERRUPTION IN YOUR BENEFITS.

CLAIMANT: 22882992 GREGORY T HOWARD OSIF 4540000
PLEASE DIRECT ANY INQUIRES REGARDING THIS AWARD TO THE ABOVE ADDRESS

00

PLEASE SIGN AT PERFORATION BEFORE CASHING CHECK

WARRANT #



WARRANT NUMBER: 1267321 08/16/99
MATCH AMOUNT IN MEMBERS WITH AMOUNT IN WORDS

VOID AFTER 11/14/99

*****111.35*

ONE HUNDRED ELEVEN DOLLARS AND 35/100*****

THE ORDER OF: 882992-22 - 800990812673211689

GREGORY T HOWARD
97APD08-880
PO BOX 3088
TOLEDO OH 43607-0088

[Signature]
Terry W. Cooper
Chief Financial Officer

Plaintiff's Exhibit

#00001115# 804007174800990812673211689

MAIL

Date: Tue, 26 Jun 2007 13:00:55 -0400
From: "The National Crime Victim Bar Association" <VictimBar@ncvc.org>
To: hwrdrgrgy@yahoo.com
Subject: Re: Finding a Contingency base civil crime victims attorney for S.D. Ohio Court Case No. 02:07-cv-514

Gregory,

Thank you for contacting the National Crime Victim Bar Association. In order to assist you, we need more information about your specific situation. Please feel free to give us a call toll-free at 1-800-FYI-CALL (1-800-394-2255). Someone is available Monday through Friday 8:30AM to 8:30PM, eastern standard time.

Best Wishes,
Keri

>>> gregory howard < > 06/14/07 02:57PM >>>
To Whom It May Concern:

Can you locate me a contingency fee base civil crime victims attorney in the Toledo, Ohio area who can represent me in the S.D. Ohio Court Case No. 02:07-cv-514 case? If so, can you email me back or otherwise provide me with that pertinent information, at the address or telephone listed below?

I thank you advance for your consideration of this issue.

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

Pinpoint customers who are looking for what you sell.

Plaintiff's EX. 2

Friday, April 07, 2006

VIA HAND-DELIVERY

Supreme Court of Ohio
C/O Chief Justice Moyer
65 South Front Street, 8th Floor
Columbus, Ohio 43215

Re: Gregory T. Howard v. The Supreme Court of Ohio
Case No. 05CVH-01-398
U.S. Supreme Court Record No. 05-9049

Dear Chief Justice Moyer:

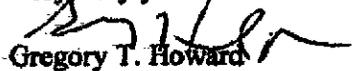
This letter constitutes **Final Notice**. (See attached Judgment Entry dated 11/12/2004). You must pay the total amount due within 7 days. Please make payment by certified check or money order, payable to Gregory T. Howard and forward to the address below. Include the Court Case number(s) directly on the certified check or money order to avoid delays in the processing of your payment.

If you fail to make payment or contact me within 7 days, further action will be initiated.

If I proceed to litigate to collect this amount, your wages and bank accounts may be attached, a sheriff's sale of your personal/the State's property may be held, and a foreclosure action against any real estate owned by you/State may be initiated.

If you have any questions or would like to discuss this matter, please contact me at (419) 450-3408. Thank you for your cooperation in this matter.

Very truly yours


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

Enclosures

cc: Governor Bob Taft (w/enc.) ✓
Honorable Jeff Atkins Chief Clerk of the U.S. Supreme Court (w. enc.) ✓
Stephen P. Carney (w/enc.) ✓
Rene' L. Rimelspach (w/enc.) ✓
Franklin County Prosecutor's Office (w/enc.) ✓
Judge John F. Bender (w/enc.) ✓
Velda K. Hofacker (w/enc.) ✓

Plaintiff's EX. 3

Gregory T. Howard
Case No. 05CVH-01-398
April 07, 2006

CREDITOR	AMOUNT	INTEREST	TOTAL
GREGORY T. HOWARD	\$11,924,646.54	\$1,192,464.60	\$13,117,111.04
TOTAL	\$11,924,646.54	\$1,192,464.60	\$13,117,111.04

¹ The interest rate is 7 10% of the amount demanded.