

ORIGINAL

# The Supreme Court of Ohio

65 SOUTH FRONT STREET, COLUMBUS, OHIO 43215-3431



THOMAS J. MOYER, CHIEF JUSTICE  
PAUL E. PFEIFER  
EVELYN LUNDBERG STRATTON  
MAUREEN O'CONNOR  
TERRENCE O'DONNELL  
JUDITH ANN LANZINGER  
ROBERT R. CUPP

PAUL E. PFEIFER  
JUSTICE

(614) 387-9020

February 9, 2010

David R. Pheils, Jr.  
26883 West River Road  
Perrysburg, OH 43551

**Re: Case No. 2010-0054, Pheils v. Palmer, et al.**

Dear Mr. Pheils,

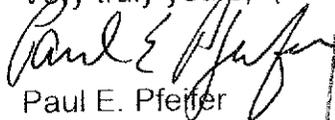
On February 5, 2010, I received an unsolicited, *ex parte* email communication from David Palmer, who is representing himself *pro se* in the above-styled case. A copy of the email is enclosed.

Rule 2.9(B) of the Ohio Code of Judicial Conduct addresses how judges should respond to *ex parte* communications: "If a judge receives an unauthorized *ex parte* communication bearing upon the substance of a matter, the judge shall make provision promptly to notify the parties of the substance of the communication and provide the parties with an opportunity to respond."

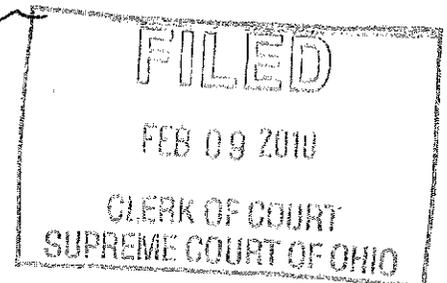
Mr. Palmer likely did not realize that a person seeking jurisdiction in this court should not communicate personally with a justice concerning his or her case. I am providing this opportunity to all counsel to advise me whether it is in the interest of your client to request that I recuse myself from participation in the case.

Should no party request my recusal by February 23, 2010, I will direct court staff to choose at random judges from Ohio courts of appeals to fill the spots vacated by justices that have recused themselves in this matter.

Very truly yours,

  
Paul E. Pfeifer

PEP/js



**Dave Palmer re: wholesale disqualification by Supreme Court Justices - Sp. Ct. Case No. 2010-0054**

noethics1@aol.com [noethics1@aol.com]

Sent: Friday, February 05, 2010 2:20 AM

To: Pfeifer, Paul

Dear Justice Pfeifer:

As I suspect you know by now there has been a "wholesale," voluntary-disqualification" of Supreme Court Justices, including Chief Justice Thomas Moyer for "provable and admitted bias" as set forth in my motions/letters submitted earlier this week.

Below is the URL that contains a copy of a letter for your consideration regarding this "en masse" disqualification for admitted bias, which I have published on my web site at [www.noethics.net](http://www.noethics.net) earlier this date (Feb. 4, 2010 - Pacific Time).

I as well as others, including but not limited to the masses that visit my web site on a daily basis, which would of course include interested members of the media, anxiously await your prompt response.

With all due respect and in the interest of expediency, I would appreciate a reply via email at: [Noethics1@aol.com](mailto:Noethics1@aol.com).

Thanks for your time and attention to this matter and your anticipated prompt reply.

Dave Palmer  
The Watchdawg  
Folsom, CA

**Letter to OH Justice Paul Pfeifer re: Recusal of Ohio Supreme Court Justices in case involving "The Watchdawg"**  
<http://tinyurl.com/yhtc3wb>

# The Committee to Expose Dishonest and Incompetent Judges, Attorneys and Public Officials

Enclosures

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**Letter to OH Justice Paul Pfeifer re:Recusal of Ohio Supreme Court Justices in case involving "The Watchdawg"**

Attorney

Misfits

Below is a "verbatim" copy of a letter sent via email to Ohio Supreme Court Justice Paul Pfeifer regarding the wholesale rcusal (aka, voluntary withdrawal) of Justices of the Ohio Supeme Court, including Chief Justice Thomas Moyer from pending appeals involving "The Watchdawg."

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in the News

David Palmer  
Aka, The Watchdog  
Folsom, California

February 4, 2010

Re: En Masse recusals (withdrawals) for "actual bias" from Case Ohio Supreme Court Case No. 20100-0054

Justice Paul Pfeifer  
Ohio Supreme Court  
65 South Front Street  
Columbus, OH 43215

Re: En Masse Recusals from Pending Appeal - No. 2010-00524

Dear Justice Pfeifer:

As I suspect you know, Chief Justice Thomas Moyer, along with Justices O'Donnell, O'Connor and Lanzinger have acceded to my recent demands that they recuse themselves due to "actual bias" pursuant to the mandates of the Ohio code of Judicial Conduct as set forth in motions and/or letters recently (ca. Feb. 1, 2010) submitted to them.

Members of the media and/or others (whose names will not be disclosed herein) have questioned why I did not request your recusal in this matter given the fact that in the past I filed complaints and/or have authored articles about you on my web site.

In the past, I've but one personal experience in witnessing your conduct on the Court, and that involved an appeal filed by ex-attorney Elsebeth Baumgartner. Your conduct in that hearing convinced me that despite Ms. Baumgartner's personal attacks on your integrity, you were able to put that issue aside and adjudicate the matter on the merits.

Any judge and/or justice that is able to so act, is worthy of my accolades as an honest and unbiased jurist. Kudos to you for so acting!

As to the matter at hand, it would be frivolous to the nth degree for me to assert that you harbor any overt ill will towards me and/or my permanently disabled spouse.

Clearly, for any judge/lawyer and/or public official that I have exposed over the past thirty or more years to proclaim that they are not biased against me wouldn't pass the involuntary laugh test, which I suspect you are in total agreement with me, right? I'm convinced that you agree with me that everyone despite their ethnicity, race, religious belief, social standing, gender and/or sexual preference are constitutionally entitled to have their legal disputes adjudicated by unbiased jurists. And this would of course include freelance investigative reporters dedicated to exposing public corruption, right?



Obviously, I am not a certified soothsayer; therefore, I cannot and will not opine on whether you can treat me and/or my permanently disabled/scarred spouse in an unbiased manner. However, based on my experiences with you in the past, I am convinced that you are an honorable jurist who calls it like you see it.

In my reading over the years of your self-imposed ethical standards is erroneous, and then I suppose I deserve any untoward rulings you may cast that is based on actual bias against me. Put simply, one could rightfully say I deserve such treatment for taking naiveté to a new and as yet unseen level.

For what's its worth Justice Pfeifer, I am at this stage in my life (certified senior citizen) confident that you will render a decision based on the facts and law as presented to you.

Lastly, over the years, I have been personally advised by several judges/attorneys in Ohio, and law professors from OSU, UC Berkley and/or Harvard (names that I will not disclose) who have universally opined after reviewing the injustices visited upon me my wife, that if one, and I mean only one, honest judge presided over these cases over the years (ca. 1988-2010) I would not at this late date be communicating with you.

Is this Ol' Watchdawg entitled to special treatment by Ohio's judiciary? Of course he isn't! All this Ol' Dawg has ever demanded is that he be afforded the same due process that Jeffrey Dahmer and Timothy McVeigh received from the jurists in their cases.

If a "freelance investigative reporter" such as I has forever forfeited his constitutional right to have his case adjudicated by unbiased jurists, then so be it. If my demands to be treated fairly and equitably are "over-the-top" so to speak, then I guess I will receive the mistreatment that Chief Justice Thomas Moyer believes I rightfully deserve.

Thanks for your time and attention and I await your prompt response, which I would appreciate that you convey via email to Noethics1@aol.com .

Sincerely yours,

\_\_\_\_\_  
Dave Palmer (aka, the Watchdawg)  
Folsom, California

cc: Attorney David Romain Pheils, Jr. at drpj@acesstoledo.com  
Attorneys Tim James/Lorri Britsch

Valid XHTML and CSS.

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