

# The Supreme Court of Ohio

ORIGINAL

February 11, 2010

Timothy C. James  
Lorri J. Britsch  
Ritter, Robinson, McCready & James  
405 Madison Ave., Suite 1850  
Toledo, Ohio 43614

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

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

Dear Counsel:

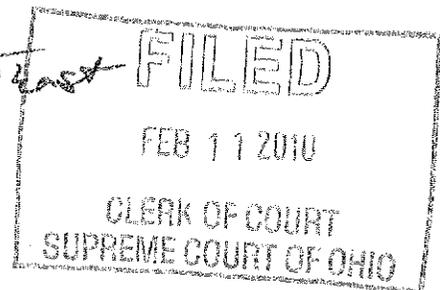
On February 5, 2010, Justice Cupp received an *ex parte*, unsolicited email communication from David Palmer, who is representing himself in the above-styled case. A copy of the email is enclosed.

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."

On behalf of Justice Cupp, this letter is to notify all counsel and pro se parties in this case of the communication from Mr. Palmer and to provide an opportunity to any party to request that Justice Cupp recuse from participation in the referenced case. Any such request should be filed with the Clerk of the Supreme Court by February 25, 2010.

Sincerely,

  
Kristina D. Frost  
Clerk of the Court



## Kudela, Justin

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**From:** Cupp, Robert  
**Sent:** Wednesday, February 10, 2010 3:20 PM  
**To:** Frost, Kristina  
**Cc:** Kudela, Justin  
**Subject:** FW: dave palmer re: wholesale disqualification by Supreme Court Justices - Sp. Ct. Case No. 2010-0054

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**From:** noethics1@aol.com [mailto:noethics1@aol.com]  
**Sent:** Friday, February 05, 2010 2:12 AM  
**To:** Cupp, Robert  
**Subject:** dave palmer re: wholesale disqualification by Supreme Court Justices - Sp. Ct. Case No. 2010-0054

Dear Justice Cupp:

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) and sent out on my Twitter account.

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 Ohio Justice Robert Cupp re: recusal of OH Supreme Court Justices involving "The Watchdawg"**  
<http://tinyurl.com/y1fp5v7>

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

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Letter to Ohio Justice Robert Cupp re: recusal of OH Supreme Court Justices involving "The Watchdawg"



## Letter to Ohio Justice Robert Cupp re: recusal of OH Supreme Court Justices involving "The Watchdawg"

Below is a verbatim copy of a letter sent via email to Ohio Supreme Justice Robert Cupp in regards to the **wholesale (voluntary disqualification)** of over 50% of the justices (Chief Justice Thomas Moyer, and Justices Terrence O'Donnell, Judith Ann Laninger,, Maureen O'Connor and Judith Ann Lanzinger.

A pending demand that Justice Evelyn Stratton recuse herself is ending; however it is anticipated that based on her admitted bias she has exhibited v. The Watchdawg that it won't be long before she joins in with her fellow justices in admitting that irrefutable evidence of her "actual bias" exists.



**Dave Palmer**  
**The Watchdawg**  
Folsom, California (*Permanently vanquished from Ohio by order Chief Justice Thomas Moyer in 2001*)

February 4, 2010

Justice Robert Cupp  
Ohio Supreme Court  
Columbus, Ohio

**Re: En masse (wholesale) Voluntary Disqualification of Ohio Supreme Court Justices**

**Dear Justice Cupp:**

I trust that you are aware of the wholesale (voluntary) disqualifications of Chief Justice Thomas Moyer and Justices O'Donnell, O'Connor and Lanzinger due to irrefutable evidence of "actual bias" in regards to me and/or my permanently disabled spouse (ca. Jan. 1987)

I have spent an inordinate amount of time, effort and/or expense in attempting to determine whether you harbor the same animus for me as admittedly exhibited by Chief Justice Thomas Moyer beginning in 1987 and continuing unabated through 2010.

That time-consuming research of your public record and/or curriculum vitae has not to this date evidenced an inherent bias against me and/or my spouse.

As I suspect you know, I have dedicated the last 15 or more years as a well-documented "freelance investigative reporter" dedicated to exposing Judicial/Attorney and/or Public Official Misfits. Evidence of my ongoing endeavors can be found by visiting my web site at [www.noethics.net](http://www.noethics.net) under the categories, Judicial Misfits, Attorney Misfits, Public Official Misfits and/or articles I've published in the Category titled "Ohio Reporter."

It should be noted that this "freelance investigative reporter" does not and will never publish articles based on (a) rank hearsay, (b) innuendo, (c) rumors, and/or (d) unsubstantiated grievances submitted to this Watchdawg by unhappy litigants.

Suffice it to say Justice Cupp, in every case there is a "winner and loser." Therefore, it goes

without saying that the losers are for the most part "barking up the wrong tree."

However, Justice Cupp, there are those instances, wherein judges and/or justices for varying self-serving reasons, have decided to "dispense with justice" rather than abide by their Oath of Office mandating that they actually "dispense justice."

I am hereby stating on the record that I do not possess any evidence that do in fact harbor "ill will and/or animus" towards me despite your documented association/friendship with Chief Justice Thomas J. Moyer and/or Associate Justices Terrence O'Donnell, Judith Ann Lanzinger, Maureen O'Connor and/or

Suffice it to say Justice Cupp; this Ol' Watchdawg is merely demanding that he receive the "due process" afforded by the U.S. and Ohio Constitutions to have his case determined on the merits by "unbiased jurist."

As you well know Justice Cupp, this was the case when Ohio Supreme Court Justices of yesteryear afforded "Thomas Licavoli," (infamous Toledo/Cleveland Mafia Godfather) that was associated with the Purple Gang in Detroit responsible for running the rackets in Toledo, Columbus, Akron and Cleveland

Seemingly, Justice Cupp, Chief Justice Thomas Moyer and those of his ilk, would readily equate this investigative reporter's ongoing exposes of public corruption to be analogous to "Jimmy "The Weasel" Fratiannio," (celebrated made member of the Cleveland Mafia with ties to the Purple Gang in Detroit and the Mob in Toledo) to be analogous the despicable conduct of this freelance investigative reporter in outing Misfits such as Chief Justice Thomas Moyer, et al.

Based on my investigation of your past history Justice Cupp, I cannot fathom that you would or could agree with Chief Justice Thomas Moyer's opinion that I am nothing more than an "angry man" as he stated "on the record" in the past to a reporter for the Columbus Dispatch./

I will now as I have in the past Justice Cupp that I'm an "angry man," with the caveat that I would be more than happy to attend a class titled: "Victim Appreciation," due to the fact that I did not do well during my initial training.

Justice Cupp, this Ol' Judicial Watchdog is merely seeking the dispensation of justice for the benefit of his "permanently disabled/scarred" wife (ca. Jan. 20, 1987). Put simply, this Ol' Dawg was and is more than capable of defending the abuses visited upon him by the likes of Chief Justice Thomas Moyer, et al. (ca. 1996-2007); however, when cowards such as Chief Justice Thomas Moyer and/or his compliant lackeys (aka, bootlickers, ass-kissers, apple-polishers) such as retired judges Richard McQuade, Jr., Joseph Cirigliano, Richard Markus, Bruce Huffman and/or Robert Wilson, all of whom were specifically selected and appointed by Chief Justice Thomas Moyer to adjudicate cases I and/or my wife were involved in (ca. 1994-2009)

With all due respect Justice Cupp, in your years as a jurist have you ever been witness to a case wherein a State Chief Justice has personally appointed six (6) visiting judges who have previously been exposed for defrauding Ohioans by submitting sham wage and/or travel expense claims, and then assert over and over and over again that said appointed judges were not biased against this "Watchdog" for exposing their felonious thefts-in-office.

I hereby sincerely apologize for running on Justice Cupp, but it is extremely important to me to come to the conclusion that you are able to render a fair and impartial ruling concerning my disabled wife. As to me, I'm a big boy and more than capable of defending myself Justice Cupp. However, when the "powers-to-be" in Ohio (Chief Justice Thomas Moyer, et al.) find it acceptable to punish my daughters and/or even my grandsons) in an overt attempt to "get even" with me, then these folks have forever crossed the line. I'm confident that you are in total agreement, right?

In closing Justice Cupp, I would offer my sincerest apologies for droning on. My sole intent in

commiserating with you this date was to assure myself and more importantly my wife that you were capable of adjudicating this pending appeal despite your prior association with Chief Justice Thomas Moyer and/or Justices O'Donnell, O'Connor, Lanzinger and/or Stratton.

Thanks for your attention to this serious matter and I anxiously await your prompt response. Hopefully, said response will be received by the close of *bid-ness*, (I admitedly stole this from the late author Molly Ivins of Texas.

Dave Palmer

The Watchdawg  
Folsom, California

cc" Attorney David **Romain** Pheils, Jr. of Toledo at: drpj@acesstoledo.com

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