

**IN RE DISQUALIFICATION OF BREAU.**

**GARRETT v. PAX MEDICAL ASSOCIATES, INC.**

**[Cite as *In re Disqualification of Breaux*, 158 Ohio St.3d 1233,  
2019-Ohio-5454.]**

*Judges—Affidavits of disqualification—R.C. 2701.03—Affiant failed to  
demonstrate bias or prejudice—Disqualification denied.*

(No. 19-AP-114—Decided October 9, 2019.)

ON AFFIDAVIT OF DISQUALIFICATION in Summit County Court of Common Pleas,  
General Division, Case No. CV-2018-05-2032.

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**O’CONNOR, C.J.**

{¶ 1} Bruce D. Taubman, attorney for the plaintiff, has filed an affidavit pursuant to R.C. 2701.03 seeking to disqualify Judge Alison M. Breaux from the above-referenced medical-malpractice case.

{¶ 2} Mr. Taubman alleges that an appearance of impropriety exists because prior to taking the bench, Judge Breaux represented Chimezie Amanambu, M.D., one of the underlying defendants, in a different matter.

{¶ 3} Judge Breaux has submitted a response to the affidavit and denies bias for or against any party or attorney. Judge Breaux acknowledges that in an unrelated 2003 matter, she briefly represented two clients that were codefendants of Dr. Amanambu. Judge Breaux further states, however, that she has no recollection of representing, meeting, speaking with, or deposing Dr. Amanambu in that prior litigation. In addition, Judge Breaux states that her name appeared on only two pleadings in the prior matter and that her former law firm was no longer involved in the case when it settled.

{¶ 4} “A judge’s prior representation of a party in matters wholly unrelated to a matter pending before the judge does not compel the judge’s disqualification, unless there is a specific showing of actual bias on the part of the judge.” *In re Disqualification of Serrott*, 134 Ohio St.3d 1245, 2012-Ohio-6340, 984 N.E.2d 14, ¶ 6. Mr. Taubman has made no attempt to show that Judge Breaux harbors bias in favor of Dr. Amanambu stemming from the judge’s representation of Dr. Amanambu’s codefendants in an unrelated matter 16 years ago. And based on Judge Breaux’s response, nothing in the record here suggests that she had a professional relationship with Dr. Amanambu that would cause an objective observer to question her ability to remain impartial in the underlying litigation. *See In re Disqualification of Lewis*, 117 Ohio St.3d 1227, 2004-Ohio-7359, 884 N.E.2d 1082, ¶ 8 (setting forth the test for disqualifying a judge based on an appearance of impropriety).

{¶ 5} The affidavit of disqualification is denied. The case may proceed before Judge Breaux.

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