

The Supreme Court of Ohio

In re Disqualification of Hon. David Eric Stucki

Supreme Court Case No. 20-AP-085

JUDGMENT ENTRY AND DECISION

ON AFFIDAVIT OF DISQUALIFICATION in *Vivian Chukwuani v. Okwudili Chukwuani*, Cuyahoga County Court of Common Pleas, Domestic Relations Division, Case Nos. DR 11 338367 and DR 18 371176.

Defendant Okwudili Chukwuani, M.D., has filed another affidavit pursuant to R.C. 2701.03 seeking to disqualify Judge David E. Stucki, a retired judge sitting by assignment from the above-referenced domestic-relations cases. Dr. Chukwuani has filed four prior affidavits of disqualification against Judge Stucki regarding these matters. His previous affidavits were all denied. *See* Supreme Court case Nos. 19-AP-103, 19-AP-107, 19-AP-113, and 19-AP-142.

Dr. Chukwuani alleges that in a recent decision, Judge Stucki found that Dr. Chukwuani had failed to file proposed findings of fact and conclusions of law, although the docket proves that he timely filed those proposed findings.

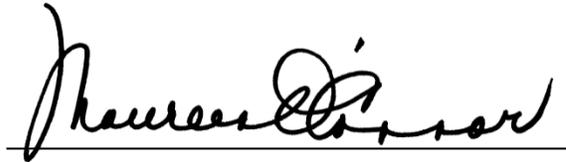
As previously explained to Dr. Chukwuani, an affidavit of disqualification is not the appropriate forum to decide substantive or procedural issues in a case. *See In re Disqualification of Solovan*, 100 Ohio St.3d 1214, 2003-Ohio-5484, 798 N.E.2d 3, ¶ 4 (an affidavit of disqualification “is not a vehicle to contest matters of substantive or procedural law”). Therefore, it is outside the scope of this proceeding to determine whether Judge Stucki failed to properly consider Dr. Chukwuani’s proposed findings of fact and conclusions of law. “Adverse rulings, without more, are not evidence that a judge is biased or prejudiced.” *In re Disqualification of*

Russo, 110 Ohio St.3d 1208, 2005-Ohio-7146, 850 N.E.2d 713, ¶ 5. If Dr. Chukwuani believes that Judge Stucki erred, he may have other remedies, including appeal. But reviewing alleged legal errors is not the role of chief justice in deciding an affidavit of disqualification.

The affidavit of disqualification is therefore denied.

“The statutory right to seek disqualification of a judge is an extraordinary remedy not to be used in a frivolous manner. Indeed, the filing of frivolous, unsubstantiated, or repeated affidavits of disqualification is contrary to the purpose of R.C. 2701.03 and a waste of judicial resources.” *In re Disqualification of Browne*, 136 Ohio St.3d 1279, 2013-Ohio-4468, 996 N.E.2d 944, ¶ 8. Dr. Chukwuani has now filed five meritless affidavits of disqualification regarding the underling cases. The chief justice previously explained to him that a judge’s adverse legal rulings are not grounds for disqualification. *See* judgment entries and decisions in Supreme Court case Nos. 19-AP-103, 19-AP-107, and 19-AP-142. The chief justice also warned him that the filing of any further affidavits challenging Judge Stucki’s legal rulings will result in the imposition of sanctions. *See* 19-AP-142. This admonition, however, has been ignored. Accordingly, it is sua sponte ordered that Dr. Chukwuani is prohibited from filing any further affidavits of disqualification relating to *Chukwuani v. Chukwuani*, case Nos. DR 11 338367 and DR 18 371176, without first obtaining leave. Any request for leave shall be submitted to the clerk of this court for the chief justice’s review.

Dated this 9th day of October, 2020.

A handwritten signature in black ink, appearing to read "Maureen O'Connor", written over a horizontal line.

MAUREEN O'CONNOR
Chief Justice

Copies to: Sandra H. Grosko, Clerk of the Supreme Court
Hon. David E. Stucki
Nailah K. Byrd, Clerk
Okwudili Chukwuani
John Lawson
Kevin Starrett