

IN THE
Supreme Court of Ohio

MEMORADUM IN OPPOSITION

NOW COMES Petitioner(s), GREG P. GIVENS, *Pro se*, pursuant to Ohio law respectfully submits Memorandum in Opposition to Respondent(s) Motion to Dismiss (September 19, 2022), reviewed on September 22, 2022, (“Motion”), in his PETITION, with AFFIDAVIT(s)/Exhibit(s), OATH so attached.

Respondent(s)
Robert A. Newhart, Mayor,
Agent John Longwell, and
Solicitor Thomas Ryncarz

Greg P. Givens, *Pro se Petitioner/Relator*

September 22, 2022

1

SUMMARY

2

3 The Relator cannot obtain peace or rights guaranteed under the Constitution. Albeit,
4 to have due recourse at law, and to remain free from molestation to run for public office, and
5 to remain with citizenship in the Village of Shadyside, Ohio. Respondent(s) have wrongfully
6 captioned their Motion, as against the Village of Shadyside. NEWHART, and assigns, have
7 pledged to the State of Ohio and Belmont County Board of Elections, duty to leave political
8 opponents alone, and have acknowledge that DUTY, in accordance with law and by the Ohio
9 Revised Code to leave Petitioner alone. *See Appendix. Sic passim.*

10 Notwithstanding the actions in "Goodfellas", Local Crime Watch describes as,
11 "mafioso" in style, NEWHART, LONGWELL and RYNCARZ, through government counsel,
12 describes as "non sequiturs", Respondent(s) continue to target Petitioner, and all those
13 similarly situated, they feel are "an insult," and that they don't like.. Neither, the
14 Respondent(s) DENY any of the Petitioner's allegations or charges. Nor refute, with evidence,
15 that the Petitioner has "other remedies." The Respondent(s) CANNOT STOP retaliating against
16 Petitioner. Petitioner has never been to "target..." "Shadyside Officials", as Respondent wrongly
17 claims. *To Respondent(s), Relator is a "repeat offender."* And, exactly how has Respondent(s)
18 "suffered", at the hand of Petitioner?

19 Respondent(s) ROBERT A. NEWHART, MAYOR, ("NEWHART"), JOHN LONGWELL,
20 AGENT, ("LONGWELL"), AND THOMAS RYNCARZ, SOLICITOR, ("RYNCARZ"), have a "duty", and
21 to obey the law, and observe all matters under their authority, and so in the name of state, as
they are all duly represented by governed-sponsored counsel, including Respondent agent
deputy authority, John Longwell. Respondent(s) have given no recourse to appeal arbitrary
decision and actions taken in the name of the state, acting as privateer, an inferior tribunal,
incorporate, person, (an 'execution squad", against Relator, and those whom the
Respondent(s) politically or particularly, disagree, and others similarly situated. Respondent
Exhibit "A", is non-sequitur, and offers not clarity to this issue. Citing Motion; Petition,
Exhibit(s). *Sic passim.*

22 ~~~~~

Ownership in the property of Greg Givens, or the Givens family, or Respondent's instant Motion to Dismiss, have very little, if anything, to do with the assignment of this Writ. And is as much more than a fraud-ridden tax "sale." Rather, arbitrary acts, or omissions, on the part of the Respondent(s), allow no recourse at law, is irregular, unauthorized, and continues to plague Petitioner, and all those similarly situated, where there is neither recourse, or appeal, and duty neither provided by Respondent(s), or at law. *Appendix. Sic passim.*

Respondent offers fictitious claims as to the support of their Motion, is in noncompliance, and has Relator, and all those similarly situated, subject to future court and tribunal actions, contrary to what the Respondent(s) further claim.

Petition for Writ is appropriate, and for the reason(s) as stated and set forth below:

1

**THE MAYOR, HIS COURT, AND SOLICITOR HAVE
A DUTY TO MEDIATION, AND HAVE
THE DUTY TO MAINTAIN THE PEACE
A MANDATORY OBLIGATION UNDER THE LAW
WHERE WRIT IS APPROPRIATE**

Respondent(s) have wrongfully captioned their Motion, as against the Village of Shadyside. NEWHART, and assigns, have a DUTY to the Ohio Revised Code, §3517.21, et al, and by oath, not to interfere with the campaigns and candidacies of other candidates, i.e. Petitioner, and all those similarly situated. Contrary to what Respondent(s) claim, ACTION has been taken to “set aside the election.”

Respondent(s) NEWHART, and assigns, have a DUTY to the Constitution of the State of Ohio, and U.S. Constitution, by oath, and to uphold the law.

A mayor, his agents, and court, is an impartial mediator, and has a **MANDATORY DUTY** under the Ohio Revised Code, and to secure rights afforded under the Constitution to Petitioner.

1 In the present case, Petitioner is been denied these rights. However, just because a
2 person is a *Pro se*, this is not a slanderous name and does not mean that the person has their
3 lost their constitutional rights.

4 Article I, Bill of Rights. Ohio Constitution:

5 "All men are, by nature, free and independent, and have certain inalienable right, among
6 which are those of enjoying and defending life and liberty, acquiring, possessing, and
7 protecting property, and seeking and obtaining happiness and safety. All political power
8 is inherent in the people."

9 RESPONDENT(S) have so violated those Rights, without due course, and remedy
10 at law.

11 A. **The Respondent(s) lack jurisdiction and of underlying authority as to whether**
12 **Petitioner, and others similarly situated, should be forced out of their**
13 **hometown and abode, and not afforded rights as a victim of crime.**

14 The Ohio Constitution GUARANTEES, the RIGHTS AS THE VICTIM OF CRIME (even if that
15 crime is committed by a government official, or deputy assign:

16 "....Victims of criminal offenses should be accorded fairness, dignity, and respect in the
17 criminal justice process, and as the General Assembly shall define and provide by law,
18 shall be accorded rights to reasonable and appropriate notice, information, access and
19 protection and to a meaningful role in the criminal justice process...."

20 "(D) As used in this section, 'victim' means a person against whom the criminal offense
21 or delinquent act is committed or who is directly and proximately harmed by the
commission of the offense or act...."

22 Citing Article 1, Section 10a, Ohio Constitution.

23 The Petitioner, and all those similarly situated HAS REQUESTED/DEMANDED
24 THOSE RIGHTS, and so remains without due process of law.

25 The statute defines RETALIATION.

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2 “(B) No person, purposely and by force or by unlawful threat of harm to any person or
3 property, shall retaliate against the victim of crime because the victim filed or prosecute
4 criminal charges.

5
6 “(C) Whosoever violates this section is guilty of retaliation, a felony in the third degree.”

7
8 Citing Ohio Rev. Code §2921.05;

9
10 Such acts have done the Respondent(s), and must cease.

11
12 **B. The Respondent(s) have a DUTY that is codified:**

13
14 Further, Section 241 and 242 makes clear:

15
16 “It is unlawful for two or more persons to agree to injure, threaten, or intimidate a
17 person in the United States in the free exercise or enjoyment of any right or privilege
18 secured by the Constitution or laws of the United States or because of his or her having
19 exercised such a right.”

20
21 “Whosoever, under color of any law, statute, ordinance, regulation, or custom, willfully
22 subjects any person in any State, Territory, Commonwealth, Possession, or District in
23 the free exercise or enjoyment of any right or privilege secured to him by the
24 Constitution or laws of the United States, or because of his having so exercised the same;
25 or if two or more persons go in disguise on the highway, or on the premises of another,
26 with intent to prevent or hinder his free exercise or enjoyment of any right or privilege
27 so secured...”

28
29 Section 242, Title 18 U.S.C. makes it a crime for government officials, in including
30 law enforcement officers, and those acting under color of law, to subject any person to
31 a deprivation of rights.

32
33 “Whosoever, under color of any law, statute, ordinance, regulation, or custom,
34 willfully subjects any person in any State, Territory, Commonwealth, Possession, or
35 District to the deprivation of any rights, privileges, or immunities secured or protected
36 by the Constitution or laws of the United States, or to different punishments, pains, or
37 penalties, on account of such person being alien, or by reason of his color, or race, than
38 are prescribed for the punishment of citizens, shall be fined under this title or

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imprisoned not more than one year, or both; and if bodily injury results from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire, shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse, or an attempt to kill, shall be fined under this title, or imprisoned for any term of years or for life, or both, or may be sentenced to death.”

Further, Section 245 protects citizens who are engaging in federally protected activities, such as using a facility administered by the state, or the process of election.

Punishment is from fine up to \$1,000 or imprisonment of up to one year, or both, [per diem] and if bodily injury results, shall be fined up to \$10,000, or imprisoned up to ten years, or both, and if death results, shall be subject to imprisonment for any term of years or for life.

Citing United States Code Title 18, §§241, 242, and 245, Conspiracy against rights; Deprivation of rights under color of law; Federally protected activities.

Petitioner relative was murdered, as Petitioner was the “target” of the egregious acts, or omissions of Respondent(s), in violation of Petitioners due process rights, and privileges, under DUTY to the law by Respondent(s) NEWHART, LONGWELL, and RYNCARZ.

RESPONDENT(s) HAVE A DUTY TO THAT LAW. *Ibid. Sic passim.*

The statutory DUTY of the Mayor is to maintain the peace:

“...Such mayor shall be the chief conservator of the peace therein and shall have the powers and duties provided by law. He shall be the president of the legislative authority and shall preside at all regular and special meetings thereof, but shall have no vote except in case of a tie.”

Citing Ohio Rev. Code §733.24; §1901.17;

RESPONDENTS NEWHART, LONGWELL, RYNCARZ, have also a DUTY TO FEDERALLY PROTECTED ACTIVITIES OF PETITIONER, AND ALL THOSE SIMILARLY SITUATED:

Title 18, United States Code §245. Federally protected activities.

“... (b) Whoever, whether or not acting under color of law, by force or threat of force willfully injures, intimidates or interferes with, or attempts to injure, intimidate or interfere with — (1) any person because he is or has been, or in order to intimidate such person or any other person or any class of persons from — (A) voting or qualifying to vote, qualifying or campaigning as a candidate for elective office, or qualifying or acting as a poll watcher, or any legally authorized election official, in any primary, special, or general election; (B) participating in or enjoying any benefit, service, privilege, program, facility, or activity provided or administered by the United States; (C) applying for or enjoying employment, or any perquisite thereof, by any agency of the United States; (D) serving, or attending upon any court in connection with possible service, as a grand or petit juror in any court of the United States; (E) participating in or enjoying the benefits of any program or activity receiving Federal financial assistance; or

(2)any person because of his race, color, religion or national origin and because he is or has been — (A) enrolling in or attending any public school or public college; (B) participating in or enjoying any benefit, service, privilege, program, facility or activity provided or administered by any State or subdivision thereof; (C) applying for or enjoying employment, or any perquisite thereof, by any private employer or any agency of any State or subdivision thereof, or joining or using the services or advantages of any labor organization, hiring hall, or employment agency; (D) serving, or attending upon any court of any State in connection with possible service, as a grand or petit juror; (E)traveling in or using any facility of interstate commerce, or using any vehicle, terminal, or facility of any common carrier by motor, rail, water, or air; (F) enjoying the goods, service, facilities, privileges, advantages, or accommodations of any inn, hotel, motel, or other establishment which provides lodging to transient guests, or of any restaurant, cafeteria, lunchroom, lunch counter, soda fountain, or other facility which serves the public and which is principally engaged in selling food or beverages for consumption on the premises, or of any gasoline station, or of any motion picture house, theater, concert hall, sports arena, stadium, or any other place of exhibition or entertainment which serves the public, or of any other establishment which serves the public and (i) which is located within the premises of any of the aforesaid establishments or within the premises of which is physically located any of the aforesaid establishments, and (ii) which holds itself out as serving patrons of such establishments;..." and so forth.

1 The statutory DUTY of the Village Solicitor is legal advisor and attorney for the municipal
2 corporation:

3 "The village solicitor or city director of law shall act as the legal advisor to and attorney
4 for the municipal corporation, and for all officers of the municipal corporation in matters
5 relating to their official duties. He shall prepare contracts, bonds, and other instruments
6 in writing in which the municipal corporation is concerned, and shall indorse on each his
7 approval of the form and the correctness thereof. No contract with the municipal
8 corporation shall take effect until the approval of the village solicitor or city director of
9 law is indorsed thereon. He or his assistants shall be the prosecutor in any police or
10 municipal court, and shall perform such other duties and have such assistants and clerks
11 as are required or provided.

12 Citing Ohio Rev. Code §705.11;

13 RESPONDENT RYNCARZ, is, by virtue, and duty, a public official.

14 NEWHART, on days of the election, was incognito, on a scooter, KNOWING, WITH
15 INTENT, in violation of Section 245, Title 18, United States Code, saying "I want that", (invading
16 Petitioner's peace and enjoyment of citizenship in the Village of Shadyside, Ohio, and U.S. state
17 or territory). Citing Appendix, Affidavit(s).

18 The RESPONDENT(S) so haven given NO recourse, ability to appeal, or remedy, at
19 tribunal, especially in the course of death, or physical or mental harm, to Petitioner, and any or
20 all of those similarly situated.

21 Thereby is nothing in the statute that provides for the harassment, delegation or such
22 authority to persons or deputies for abuse of process, advantage or gain, against a citizen of the
23 village, or city, in which a public official or candidate as is running for public office lives, or
24 resides in the Village as a candidate for mayor, or council.

25 Respondent(s) are operating outside their bounds, authority and diction, and subject to
26 Writ.

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## Prohibition

“A person appointed as a mayor’s court magistrate under this division is entitled to hear and determine prosecutions and criminal causes in the mayor’s court that are within the jurisdiction of the mayor’s court, as set forth in section 1905.02 of the Revised Code.”

Citing Ohio Rev. Code §1905.01, §1905.05, et seq.;

Respondent(s) hold quasi-judicial POWER. RESPONDENT(S), RYNCARZ, LONGWELL, NEWHART, ACTING IN NATURE OF THE COURTS, ACT as “judge, jury, and executioner” over his political opponent(s), Petitioner, Respondent(s) have deprived Petitioner, and all those similarly situated of due process of law, and appeal. And should vacate that office, and any office deemed unfit, and should be enjoined. Citing the Constitution, Article IV of the State of Ohio, as Amended.

The Respondent(s) are holding an illegal “tribunal”, in a “mafioso” style court, that is unlawful, and will cause injury to Petitioner, in the form of death, or bodily injury \_\_\_\_ by such acts, or omissions, of those activities outlined in Petitioner Affidavit(s). A very “sequitur” act. See Petition for Writ; Appendices.

Respondent has MOTIVE, and substantially benefits from the demise of Petitioner, and all those similarly situated. Citing Appendix, and Petitioner Exhibit(s)

## Procedendo

If Respondent(s) feel that Petitioner, Givens, is a “walking time-bomb” of Village of Shadyside Ordinance, and customs “violations”, then the Respondent(s) have the DUTY to bring charges in Mayor’s Court. And, not utilized violent tactics of harm directed to Petitioner, and all those simarliy situated, to accomplish political ends, and means of a “playbook”, to further harm, or restrict the appellate rights of the Petitioner, and similarly situated. To Wit: \_\_\_\_\_ (three steps, pg. 4)

## Mandamus

The government has a DUTY to protect Petitioner rights. Respondent(s) RYNCARZ, LONGWELL, NEWHART have a legal duty to perform in their official capacities of that acts and for those of Petitioner rights, and processes. Relator has been proved NO plain and adequate legal remedy at law.

## Quo Warranto

Respondent(s) RYNCARZ, LONGWELL, NEWHART usurps, intrudes upon, and into, or unlawfully holds or exercises the authority of a public office. Petitioner has challenged Respondent(s) legal right to hold office, and under present conditions.

Respondent(s), acting into the role of "Goodfellas", and in tribunal "mafioso" style acts, have no right to occupy public office, executing deeds in the name of the state, and under pretense of fraud and harm to Petitioner, and to the public at large. Citing Appendix.

Respondent(s), WHERE THEY CANNOT BRING CHARGES, THE RETALIATED ILLEGALLY, IN OTHER WAYS, to the harm, and lack of remedy, upon the Petitioner. And where Arbitrary acts of the Respondent(s) are unappealable.

## Citing Petitioner, Appendix.

The Petitioner's Appendices, speaks to Respondent(s) MOTIVE.

On, or after, November 1, 2022, Respondent(s) have plans to usurp Petitioner by tribunal in their course of denial of rights and due process in further retaliation tactics against the Petitioner, and all those similarly situated, and namely, i.e. invasion, confiscation of property, and condemnation of the headquarters of candidate Greg Givens for the office of mayor, and other counsel candidates in Ohio, among other such acts.

All Respondent(s) do is KNOWINGLY decree hardships Petitioner, and those similarly situated, namely i.e. orchestrating the theft and stealing od campaign billboards and signs of the Petitioner, towing campaigns vehicles, and those similarly situated, outside of

Respondent(s) bounds, jurisdiction and authority. Specifically ordered by Respondent mayor, NEWHART, orders others to take campaign billboards of Petitioner down, and to destroy them, and agents or side-pieces to do anything and in any way to do further harm to Petitioner, and those similarly situated.

Respondent(s) fail to identify any “series of criminal and civil cases in which Mr. Givens is (or was) a party”, or SPECIFICALLY, identify any such “fanciful and embellished allegations,” by reference.” Rather, Respondent(s) rely on pure conjecture and hearsay”, and in reference to such Motion to Dismiss, and render conclusions of law, or to amendment of unqualified cases, that Respondent(s) have not referenced, or seen. Just with other “cases”, Respondent(s) in their Motion allude to, and irrelevant to the circumstances.

Relator, in Petition, argues that which as certain, may apply, which Respondent(s) fail to identify in their Motion to Dismiss. Although argued by Respondent(s) Motion, ownership in the property of Greg Givens, or the Givens family lawfully ordered inheritance, or Respondent's instant Motion to Dismiss, have very little, if anything, to do with the assignment of this Writ. And is as much more than a fraud-ridden tax heist, not "sale", of property grossly over-rated, not bought or auctioned and solely orchestrated by the Respondent(s) to do further harm to Petitioner, and "vulturnistic" in nature against those Respondent(s) don't like, namely, Petitioner, and surrounding the Givens' and campaign headquarters, with "torches", to drive Petitioner away, at the behest of the Respondent(s) tribunal, as reported to the authorities, and arbitrating authority to infiltrate and disconnect utilities and other services to that headquarters. As cited in their Motion, RESPONDENT(S) ARGUMENT HAS NOTHING DO WITH THE NATIONAL HISTORIC PRESERVATION ACT, which is NOT the CAUSE of THIS WRIT.

Illegal Action(s) of Respondent(s) are unauthorized by law, with the underlying quasi-judicial body, represented by NEWHART and the other Respondent(s).

Respondent make false statements to the contrary that “The several civil actions filed by Givens are without merit, and are intended to harass Shadyside Village Officials....” Yet,

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1 Respondent, through counsel, DOES NOT cite WHO these "Village Officials" that Petitioner  
2 allegedly "targets" by name. Citing Respondent, Motion [Pg.2].  
3

4 **II.**  
5

6 **UNDER CONDITIONS OF RESPONDENT(S),  
7 A WRIT OF MANDAMUS IS APPROPRIATE  
8 ADVERSELY AFFECTING THE RIGHTS OF ALL OHIOANS**

9  
10 A relator may not appeal, if his or her fundamental rights are being arbitrarily **DENIED**  
11 **to timely place documents on the record FOR APPEAL**, and is a direct assault of Constitutional  
12 Filings of the relator, or any past or future relator.  
13

14 Mandamus, or other writ, is appropriate where there are such conditions where the  
15 petitioner/relator will suffer irreparable harm for which there is no adequate remedy at law.  
16

17 A writ of Mandamus is available "to compel the performance of an act that the law requires as  
18 a duty resulting from an 'office, trust or station' or to control an arbitrary or capricious exercise  
19 of discretion."  
20

21 Writs of Prohibition and supersedes are "the counterpart of the Writ of Mandamus." It arrest  
22 the proceeding of any tribunal, corporation, board or person exercising judicial functions, when  
23 such proceedings are with that or in excess of the jurisdiction of such tribunal, corporation,  
24 board or person."  
25

26 Writs may be issued when no plane, speedy and adequate remedy exists in the ordinary course  
27 of law. The Ohio Supreme Court has held that writs are a recognizable remedy at law where no  
28 other remedy exists.  
29

30 Citing The Ohio Supreme Court.  
31

32 Givens, and all those similarly situated, will suffer irreparable injury for which there is  
33 no adequate remedy at law. Irreparable harm exists when there is a substantial threat of  
34 material injury that cannot be adequately compensated through monetary damages, namely  
35 the destruction of the Petitioner(s) rights, privileges liberties. Citing *Garono v. State* (1988), 37  
36 Ohio St.3d 171.  
37

38 **oooooooooooooooooooo**  
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IN THE CASE AT BAR, the material injury is Respondent(s) Village of Shadyside, Mayor Robert Newhart, Village Solicitor Thomas Ryncarz, Agent John Longwell, seek command of such conditions which are contrary to law, and do irreparable harm to Petitioner, and all those similarly situated.

IN THIS ACTION, there is a lack of remedy at law. The Respondent(s) have created conditions that have made it impossible for Petitioner/Relator, and those similarly situated, to comply. The Respondent has issued a *sua sponte* order(s), and forced arbitrary acts or omissions which is not appealable, for an unspecified determination of Petitioner/Relator record and procedure to terminate the fundamental rights to all those similarly situated, where Relator has no recourse or remedy. Writ is proper because Relator, and all other like him, will suffer irreparable harm for which there is no adequate remedy at law. Citing Petition for Writ.

**RESPONDENTS ARE NOT JUSTIFIED IN THEIR ACTS OR OMISSIONS AS ILLEGAL, ARBITRARY OR CAPRICIOUS, IN EXERCISE OF THEIR DISCRETION:**

- 1) Relator HAS NOT BEEN DETERMINED to be “targeting...Shadyside Officials” under any Section of the Ohio Revised Code IN ANY CASE;**
- 2) RESPONDENT(S) ARE “PUBLIC OFFICIALS”, IN SERVICE TO THE ACCUSED, HOLDING A DUTY TO PERFORM THE LAW, UNDER OATH OF PUBLIC OFFICE.**
- 3) RELATOR IDENTIFIES SPECIFIC ACTS THAT THE RESPONDENT(S) ARE REQUIRED TO PERFORM, DENYING RELATOR REMEDY AT LAW:**

**Respondent(s)** Mayor Robert Newhart, Village Solicitor Thomas Ryncarz, Agent John Longwell, are acting in the name of the state in an inferior tribunal, a corporation, board, or person, commanding the performance of an act which the law specifically enjoins. *Ibid. Sic passim.*

## **Ohio Rules of Criminal Procedure, Rule §2 Definitions, declare:**

## Serving the public:

1 (H) "State" means this state, a county, city, village, township, other political subdivision,  
2 or any other entity of this state that may prosecute a criminal action."

3 \_\_\_\_\_  
4 Relator has, on no less than several occasions, as presented by Oath now heretofore,  
5 formal document(s), with the Secretary of the State of Ohio, and the Belmont County Board of  
6 Elections, are in violation of Ohio Revised Code. Case Law: Respondent(s) represent "an office,  
7 trust or station." Citing also *Ibid. Sic Passim.*

8 **Relator is a PARTY TO CRIMINAL CASE involving acts of the Respondent(s), by virtue  
of Respondent(s) arbitrary and illegal acts, or omissions.**

9 By such arbitrary actions against the Relator, by the Respondent(s) in invoke criminal  
10 cases, involving the Respondent(s), **cannot adhere to other even basic APPORTIONED or  
11 APPOINTED duties under the law**, AND is in further violation of the Ohio Revised Code.

12 Case Law: Standards for Practice Law without a License. *Ibid. Sic passim.*

13 **Under Rule VII of the Supreme Court Rules for the Government of the Bar of Ohio**

14 By critiquing, or otherwise arbitrarily rendering legal briefing, or thus summarily  
15 'holding out,' or ignoring, Relator's properly and timely prepared pro se motion(s), paper(s)  
16 and pleading(s), Respondent(s) acts are, by act or omission, "representing Relator," and in  
17 essence serving as the Relator's defense and objector, on behalf of Relator, in all matters  
18 presented for filing, and, by virtue, is thereby, practicing law without a license, in violation of  
the Revised Code. *Ibid. Sic Passim.*

19 "Unauthorized practice of law" means:

20 "(a) "The rendering of legal services for another by any person not admitted to practice in Ohio  
21 under Rule I of the Supreme Court for the Government of the Bar unless the person is:

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- (i) Certified as a legal intern under Gov. Bar R. II and rendering legal services in compliance with that rule;
- (ii) Granted corporate status under Gov. Bar R. VI and rendering legal services in compliance with that rule
- (iii) Certified to temporarily practice in legal services, public defender, and law school programs under Gov. Bar. R. IX and rendering legal services in compliance with that rule;
- (iv) Granted permission to appear *pro hac vice* by a tribunal in a proceeding in accordance with Gov. Bar R. XII and rendering legal services in that proceeding;
- (v) Rendering legal services in accordance with Rule 5.5 of the Ohio Rules of Professional Conduct (titled “Unauthorized Practice of Law; Multijurisdictional Practice of Law”).”

Citing Article VII, §31,(J)(1)(a), et seq. Ohio Sup. Ct. Gov. Bar R.

Practice of law means:

“[Any person], ‘holding out’ to the public or otherwise representing oneself as authorized to practice law in Ohio by a person not authorized to practice law by the Supreme Court Rules for the Government of the Bar or Prof. Cond. R. §5.5.”

(2) "For purposes of this section, 'holding out' includes conduct prohibited by divisions (A)(1) and (2) and (B)(1) of section §4705.07 of the Revised Code."

Citing Article VII, §31,(J)(1)(c); §31,(J)(2) Ohio Sup. Ct. Gov. Bar R.

Examples of the unauthorized practice of law include drafting of a deed or filing of a complaint by someone Mayor Robert Newhart, Village Solicitor Thomas Ryncarz, Agent John Longwell, who is not an attorney for the Petitioner, or denial of acceptance of *appeal*, by *defacto*, or *de jure*, determination of the Rights and stratagems of the defendant, as in cases represented by Respondent(s).

By arbitrary DENIAL of the acceptance of filing of a duly prepared *pro se* document or pleading by Mayor Robert Newhart, Village Solicitor Thomas Ryncarz, Agent John Longwell, is by therefore denial, *de jure*, rendering the practice of law on behalf of the criminal defendant, *defacto* in its rejection, and by its denial by the Respondent(s) arbitrary judgment, off the

record. And by definition, “Misconduct”, by under Ohio law, and each of the fundamental Rights guaranteed by the Ohio and Federal Constitutions.

Under the SAME WATCH, SAME RESPONDENT, Mayor Robert Newhart, Village Solicitor Thomas Ryncarz, Agent John Longwell, , affects the Official Docket Record, and where the Ohio Supreme Court had to appoint a special presiding judge to oversee Belmont County, Eastern Division, (Case No. 19-CV-H-00335W, WITHOUT RESULT—ONLY A ‘PROMISE’ BY Respondent to ‘observe the law in the future,’ as represented through the office of Respondent(s) counsel, J. Kevin Flanagan, VAVRA, by proxy, overseen by the SAME Respondent, Chief Clerk, Eastern Division (which REFUSES to give up her name).

Furthermore, A contentious CIVIL RIGHTS VIOLATIONS, and CRIMINAL MATTER, persists against the Respondent, STILL, before the U.S. DEPARTMENT OF JUSTICE for Federal civil rights violations against Ohio citizens for prior acts or omissions.

It is clear. Respondent Mayor Robert Newhart, Village Solicitor Thomas Ryncarz, Agent John Longwell, does not represent Relator, and is, in effect to Relator, practicing law for him, without a license, by arbitrarily Relator, rendering defense strategy, determining what Relator (can, and cannot, file), in relation to his merit or defense, and in the unfair and arbitrary determination of pleading(s) on the record to deny appeal. *Ibid.*

Respondent, Mayor Robert Newhart, Village Solicitor Thomas Ryncarz, Agent John Longwell, abused THEIR discretion without plain and adequate remedy at law by an action by the state, under constitutional and due process standards violations, by refusing to accept pleading(s) intent on by cases cited by Respondent VAVRA Motion to BAR ANY FUTURE PLEADINGS of Petitioner, and subsequent injury to appeal by refusal to accept/receive the same; in effect, patent and arbitrary denial of due process, affecting all Ohioians, and all those held in Relator's condition.

The Respondent(s) must compel to the specific act of service and due process upon Petitioner, and all those similarly situated, for which he is has a legal obligation to perform. A public official, or one acting in such quasi-capacity cannot ignore existing Ruling and law, tear down ones homestead, history and heritage, without due recourse and notice upon the same.

1 or in defiance of state or federal law. *Cunningham v. Lucci*, 11 th. Dist. Lake No 2006-L-052,
2 2006-Ohio-4666.

3 Ohio law is not being followed. Relator has no existing recourse or remedy at law. *Ibid*.

4 III.

5 A WRIT OF PRCEDENDO IS APPROPRIATE

6 Respondent, Mayor Robert Newhart, Village Solicitor Thomas Ryncarz, Agent John
7 Longwell, a quasi state judicial body, abused his discretion without plain and adequate remedy
8 at law by an action by the state authority, under constitutional and due process standards, by
9 not allowing Belmont County Probate Case No.21-ES-0595 (WHICH IS RIPE FOR APPEAL) to
10 proceed – a clear right to allow the trial court to proceed, a clear legal duty on the part of the
11 trial court to proceed, and the lack of an adequate remedy in the ordinary course of the law.
12 Again, no due process notice was ever given to Petitioner, or others similarly situated, facing
13 irreparable harm, where the judgment was in FAVOR of the Petitioner, which the
14 Respondent(s) with authority, denied the judgment upon Plaintiff/Petitioner, in this instance.

15 TO WIT: As magistrate in mayor court:

16 "... a judge requires a course of decision-making which protects the constitutional rights of
17 every person, regardless of his or her station in life. This obligation does not stop even when
18 confronted ... "

19 Case Law: Standards for Arbitrary Refusal of Pleadings. Citing *State v. Gipson*, 80 Ohio St.
20 3d 626 (1998);

21 Case Law: Constitutional Rights Prevail. Citing *State v. Bradly*, 42 Ohio St.3d 136 (1989).

22 "Failure to rule on motion' and 'Time for holding issue under advisement; delay of entering a
23 judgment' but are commonly known as the 'lazy judge' rules. Trial court clerks perform an
24 important duty under these rules, and there are significant differences in procedures between
25 the two rules."

26 "The general rule provides:

27 "The court must either set a motion for hearing or, if a hearing is not required, enter a ruling
28 on the motion within thirty (30) days after the filing ..."

29 ~~oooooooooooooooooooo~~

1 "Once a court holds a hearing on a motion the court has thirty (30) days to rule of the motion.
2 [sic] Id. Allowing parties time to file post-hearing briefs or findings does not extend the court's
time to rule, without an agreement on the record by all parties."

3 Citing *Procedural Issues, Failure to Rule on a Motion and Delay of Judgments, Trial Rules*, by
4 Aaron Johnson (7/1/2021).

5 *Quod est superius est sicut quod inferius.*

6 **IV.**

7 **A WRIT OF QUO WARRANTO IS APPROPRIATE**

8 In terms of Quo Warranto, Respondent, Mayor Robert Newhart, Village Solicitor Thomas
9 Ryncarz, Agent John Longwell, has usurped, intruded, and unlawfully held or exercises a public
10 office, and works for forfeiture of his office when he presumes the authority of another judge,
11 or official. Citing Relator, Memo, Exhibit "A"; Belmont County Case No. 21-ES-595;

12 **Rule §40 – Review of Cases; Dismissal; Rulings on Motions and Submitted Cases**

13 (1) "Each trial judge shall review, or cause to be reviewed, all cases assigned to the judge. Cases
14 that have been on the docket for six months without any proceedings taken in the case, except
15 cases waiting trial assignment, shall be dismissed, after notice to counsel of record, for want
16 of prosecution, unless good cause is shown to the contrary."

17 (2) "All cases submitted for determination after a court trial shall be decided within ninety days
18 from the date the case was submitted."

19 (3) "All motions shall be ruled upon within one hundred twenty days from the date the motion
20 was filed, except as otherwise noted on the report forms."

21 Citing *Ohio R. Prac. Law. Jud.*, Rule §40, et seq., as Amended (1/25/22);

22 By every American legal standard, by definition, Respondent NEWHART, is a "lazy magistrate":

23 Respondent(s) Mayor Robert Newhart, Village Solicitor Thomas Ryncarz, Agent John
24 Longwell, have failed their DUTIES, allowing Relator, and all others situated in Relator's place,
25 hardship insufficient to overcome, without the issuance of writ.

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1 Citing *Cardona*, 942 F.Supp. at 975-977; *G.F. Industries*, supra, 245 N.J.Super, at 16-17, 583 A.2d
2 at 770

3 In terms of American Jurisprudence, Respondent(s) have allowed both an atmosphere of
4 denial of hearing, and created, by definition, conditions of shared confidences, and no
5 confidence, that Petitioner, and all those similarly situated, to suffer irreparable harm.

6

7 **V.**
8 **CONCLUSION & PRAYER FOR RELIEF**

9 Case Law: Standards of dismissal: A foregoing Civ.R. 12(B)(6) motion, in applying Civ.R.
10 12(C) standard, "judgment on the pleadings may be granted where there are no material
11 factual issue exists and the moving party is entitle to judgment as a matter of law." Citing *State*
ex rel. Pirman v. Money, 69 Ohio St.3d 591. 635 NE 2d 26 (1994); *McCormac, Ohio Civil Rules*
Practice (2 Ed. 1992) 154, §6.31. A dismissal action is, in effect, a rule operating "as an
12 adjudication on the merits." Citing S.Ct.Prac.R. §12.07(B)(3).

13 THEREFORE, Petitioner seeks and prays for relief.

14 Dated: September 22, 2022.

15 Respectfully Submitted,

16 

17 GREG P. GIVENS, pro se, Petitioner/Relator
18 P.O. BOX 117
19 BELLAIRE, OH 43906
turthtojustice@aol.com

20 *Petition — Memorandum in Opposition to Respondent(s) Motion to Dismiss;
21 Appendix with Certificate*

22 

1

CERTIFICATE OF SERVICE

2

3

True copies of all documents filed in this Court, addressed to the Clerk, Supreme Court of
Ohio, and served on ALL opposing parties, or their known appearance of counsel, in accordance
with Supreme Court Rule.

4

5 Erik A. Schramm (#0071690), and
6 Kyle W. Bickford (#0086520),
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14 ATTORNEY FOR RESPONDENTS
15 Village of Shadyside, John Longwell,
Robert A. Newhart, Mayor, and
Thomas Ryncarz

16

17 Respectfully submitted,

18 September 22, 2022.

19 

20 GREG P. GIVENS, Petitioner, *Pro-se*

21

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