

IN THE
Supreme Court of Ohio

STATE ex rel.

GREG P. GIVENS
P.O. BOX 117
BELLAIRE, OH 43906

Petitioner(s),
vs.

VILLAGE OF SHADYSIDE, OHIO
50 EAST THRITY NINTH STREET
SHADYSIDE, OH 43947,

JOHN LONGWELL
3333 HART STREET
SHADYSIDE, OH 43947,

ROBERT A. NEWHART, MAYOR
3859 GRAND AVENUE
SHADYSIDE, OH 43947,

THOMAS RYNCARZ
3713 CENTRAL AVENUE
SHADYSIDE, OH 43947,

JUDGE JOHN A. VAVRA
101 WEST MAIN STREET
SAINT CLAIRSVILLE, OH 43950,

SHERIFF, BELMONT COUNTY, OHIO
68137 HAMMOND ROAD
SAINT CLAIRSVILLE, OH 43950,

SHERIFF-DEED CLERK,
68137 HAMMOND ROAD
SAINT CLAIRSVILLE, OH 43950,

AUDITOR, BELMONT COUNTY, OHIO
101 WEST MAIN STREET
SAINT CLAIRSVILLE, OH 43950,

Respondent(s).

No. 2022-1025

Original Jurisdiction

P E T I T I O N F O R W R I T

PROHIBITION, OR
IN THE ALTERNATIVE (MANDAMUS),
(PROCEDENDO),
AND/OR (QUO WARRANTO)

A M E N D E D

PETITION FOR WRIT OF PROHIBITION, OR
IN THE ALTERNATIVE (MANDAMUS) , (PROCEDENDO) ,
AND/OR (QUO WARRANTO)

NOW COMES Petitioner(s), GREG P. GIVENS, Pro se, pursuant to Ohio law and Original Jurisdiction, having no other recourse at law, respectfully petitions this Honorable Court to issues a Writ of Prohibition, or in the Alternative, Writ(s) of Mandamus, Procedendo, and/or Quo Warranto, to direct the Respondent(s), according to law and the judgment according to this Court, Ohio Civ.R., Ohio Jud.Cond.R., Local Rules, and duly enforce all appropriate underlying law which supports Petitioner, and in addition, according to Ohio Rev. Code §705; §733, et seq.; §1517; §1901.17, et seq.; Chapter §5301; §§5301.51, et seq.; and the National Historic Preservation Act, as Amended, Title 54 U.S. Code Annotated (formerly Title 16 United States Code); Attorney General R.C. §120.39, Opinions; Opinion 78-026; and all appropriate acts and authorities, in the underlying action(s), Belmont County, Ohio, Case No(s). 21-TF-004 (and petition/de novo review to reopen), 21-ES-595, 22-CV-206, 22-CV-207, 22-CV-208, order(s), decree(s), ordinance(s), resolution(s), and so forth, by Respondent(s), concerning Belmont County, **Parcel No. 17-00607.000**, also known as: **3735 Highland Avenue, Shadyside, Ohio**, and of those adjacent or surrounding areas that otherwise designate as part of an "historic district," inclusive of Belmont County Parcel No(s). **17-01825.000, 17-00270.000, and 17-00271.000**, (see map McGregor 2nd. Edition) and for other relief to be shown in this PETITION and APPENDIX, Exhibit(s), so attached:

PARTIES

Respondent(s), Village of Shadyside ("Village"), Agent John Longwell ("Longwell"), Mayor Robert Newhart ("Newhart"), Solicitor Thomas Ryncarz ("Ryncarz"), Judge John Vavra ("Vavra'), Sheriff,

1 Belmont County, Ohio ("Sheriff"), Sheriff Deed Clerk, ("Clerk"),
2 Auditor, Belmont County, Ohio ("Auditor"), collectively, or
3 individually, (Respondent(s));

4 SUMMARY

5 The law prohibits the destruction of historic property, and
6 the preservation of land significant to history, or designated as
7 historic places. It is the DUTY of officials maintain agreements
8 to the petitioner, and those similarly situated, and follow the
9 DUTY to preserve observe both federal and state law, and in their
10 duties of due diligence before any decision adversely affecting
11 those rights of those who are entitled. Sometime BEFORE
12 Respondent(s) even entered the picture, the property, and
properties surrounding 3735 Highland Avenue, Shadyside, Ohio, as
submitted for Nomination on the National Register of Historic
Places, would be afforded protections according to state and
federal law. Among other rights of the petitioner, and all those
similarly situated.

13 Respondent(s) seek the sale and immediate destruction of said
14 property and land, such as the law otherwise intends and deems to
15 be preserved as part of local, state and national historical
16 significance. Petitioner(s) seek relief, and such rights afforded
17 by statute, and under law, and that which preserves the *status*
quo, and significantly preserves the heritages and colonial
legacies, that otherwise would be forever lost as part of history
and preservation.

18 Citing Petitioner, APPENDIX, so attached.
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I.

RELIEF SOUGHT BY PETITIONER(S)

1) An Order directing the Respondent(s) to stay/vacate any/all adverse action(s), determination(s), condemnation(s), improvement(s), abatement, citation(s), alteration, and/or demolition of 3735 Highland Avenue, Shadyside, Ohio, pending full review by the National Register of Historic Places, and appropriate state, government, and private historical review authorities, to preserve a state and national historic landmark, and historic district or significance;

2) An Order directing the Respondent(s), the Honorable Judge John A. Vavra to reverse and order(s), or unwind any/all "sale" of the Belmont County Parcel No. 17-00607.000 to Respondent, John Longwell, recognize Petitioner(s) rights, and enforce the law impacting estate of Joseph V. and Mary M. Givens, and according to Jud.Cond.R., in the underlying action(s), and for other relief shown in this **PETITION**, of the property, and land located at: 3735 Highland Avenue, Shadyside, Ohio 43947;

3) An Order subjecting all legal agreements, decrees, anticipatory, demolition, or application for loan(s), guarantee(s), permit(s), license(s), or other assistance intentionally and/or significantly adversely affecting the historical property and land, and so forth between local authorities Respondent(s), agent(s), and developers, and

1 that would otherwise be subject to Sections 101, 106
2 (NHPA) review of the property of 3735 Highland Avenue,
3 Shadyside, Ohio 43947, and so forth;

4
5 4) An Order directing Respondent(s) accordingly for other
6 relief as may be shown in this Petition;

7 **II.**

8 **ISSUES PRESENTED**

9 1. Did His Honor, Mayor Robert Allen Newhart, Sr., along
10 with other Actors, act in an arbitrary and/or
11 capricious manner subject his direct political
12 opponent, Greg P. Givens, to forced eviction, and/or
13 denials of his historic family heritage and home;

14 2. Did His Honor Judge Vavra act in an arbitrary and/or
15 capricious manner upon adverse ruling(s) involving
16 Petitioner(s), and Petitioner(s) interests, as set
17 forth by the court in the underlying action(s)?

18 3. Did the Village of Shadyside, Solicitor Thomas
19 Ryncarz, and/or Other Actor(s), act in an arbitrary
20 and/or capricious manner, when Respondent(s) deprived
21 Petitioner of the due course of law;

1 4. Did the Auditor of the County of Belmont, act in an
2 arbitrary and/or capricious manner, when Respondent(s)
3 deprived Petitioner of the due course of law;

4 5. Did the Sheriff of Belmont County, Ohio, and the
5 Sheriff-Deed Clerk, act in an arbitrary and/or
6 capricious manner, when Respondent(s) deprived
7 Petitioner of the due course of law;

8 6. Did the Sheriff Deed Clerk of Belmont County, Ohio,
9 and the Sheriff-Deed Clerk, act in an arbitrary and/or
10 capricious manner, when Respondent(s) deprived
11 Petitioner of the due course of law;

12 7. Did Respondent(s) abuse their discretion, in the
13 underlying actions against named Petitioner, and
14 person(s), as may be shown in this **ACTION/PETITION?**
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17 **III.**

18 **STATEMENT OF THE FACTS**

19 Petitioner, Greg P. Givens is the direct heir, executor,
20 and commissioner of the Estate of Joseph V. and Mary M. Givens,
21 direct descendants of historical landmark, known as 3735
Highland Avenue, Shadyside, Ohio, and surrounding areas.

1 An open Belmont County, Probate Case No. 21-ES-595, is an
2 open case involving the real and personal property, rest,
3 residue and remainder of the Estate of Joseph V. and Mary M.
4 Givens, and Belmont County, Ohio, Parcel No. 17-00607.000.

5 Parcel No. 17-00607.000, owned by the Joseph V. and Mary M.
6 Givens of 3735 Highland Avenue, Shadyside, OH 43947, was ORDERED
7 distributed, by authority of the Commissioner, by the Court, to
8 be sold, Petitioner, Greg P. Givens, NOT the Respondent(s), John
9 D. Longwell. But to the direct descendant, heir, and historical
10 legacy.

11 Before Respondent(s) John D. Longwell, came into the
12 picture, under pretense of fraud and deception, the property,
13 and properties surrounding 3735 Highland Avenue, Shadyside,
14 Ohio, are as submitted for Nomination on the National Register
15 of Historic Places, for preservation and restoration.
16 Petitioner was under court order to distribute said property in
17 Belmont County, Case No. 21-ES-595.

18 A recorded, standing agreement between the Belmont County
19 Auditor, and successor, Greg P. Givens, to the Estate of Joseph
20 V. and Mary M. Givens, exists as to any encumbrance upon
21 aforesaid parcel and property for any outstanding debts.

The Sheriff, Sheriff Deed Clerk of Belmont County, Ohio did
not fulfill their DUTIES to do due diligence in the research and
issuance of a sheriff's deed, in the fraudulent processes that
surround the properties and Estate of Joseph Vadala Givens and
Mary Mildred Givens.

1 On July 6, 2022, An agent, bearing NO PAPERS, NOR EVER
2 BEFORE, and representing the interests of the Respondent(s)
3 NEWHART, VILLAGE OF SHADYSIDE, RYNCARZ, under pretense of fraud,
4 LONGWELL lied to the authorities, posing as a basis to "shut-
5 off" basic utility services, and to Petitioner, GREG GIVENS,
6 when Respondent LONGWELL approached Mr. Givens, about 3735
7 Highland Avenue, Shadyside, OH 43947, on July 6, 2022, and
8 subsequent date(s) thereabout. GIVENS being a current occupant,
9 and resident of that same Belmont county Parcel of land, No. 17-
10 00607.000 for more than fifty (50) years, within over 150 years
11 of historic context and ancestral significance and in history.

12 The Village of Shadyside, Mayor Robert Newhart, via agents,
13 (i.e. "Marcia Soos") acknowledged on, and before August 9, 2019,
14 via certified mailings, from petitioner, and those similarly
15 situated, having NO AUTHORITY, AND A DUTY NOT TO ISSUE
16 condemnation or arrange "sale"/foreclosure/proceedings upon the
17 property and Estate of Joseph V. and Mary M. Givens.

18 No notice was ever given petitioner, or those similarly
19 situated, even though property recorded, along with agreement,
20 and redemption process with the Auditor's office, on or before
21 April 8, 2021.

22 A *Contempt of Court* charge in Belmont County, Case No. 21-
23 TF-004 was recorded against a person, involving the parcels
24 effected under that case, which Parcel No. 17-00607.000 was
25 affected, where a bid was not properly ascertained, nor the
26 conditions of "sale," as would otherwise be required by law, or
27 under down payment, or other conditions of process of purchase,
28 before Respondent(s) wrongfully intervened.

1 The Petitioner(s) rights, Historical value, and statutory
2 significance was not considered upon the underlying conditions
3 of Belmont County, Parcel No. 17-00607.000. Nor was Petitioner
4 EVER afforded due process, or notice, upon conditions unduly
placed upon the property, by Respondent(s).

5 Neither of Respondent(s) gave NO notice of "condemnation"
6 status, posted no bills, or directly or indirectly informed
7 Petitioner(s) of any "delinquency" status on the aforesaid
8 property, i.e., even though Respondent(s) had ample opportunity
to do so.

9 The 're-sale' to Respondent John D. Longwell, was not
10 transferred according to law, nor authorized, and in essence,
11 'stolen' from the heritage of the Givens' property and estate,
12 when LONGWELL, attempted to commit nefarious state acts, invade
the property, clearly owned by the Givens'.

13 A deceptive scheme orchestrated by Respondent(s) NEWHART,
14 LONGWELL, AND VILLAGE OF SHADYSIDE, as followed through by
15 Respondent RYNCARZ, proceeds against the estate and Petitioner,
16 GIVENS, for strictly political reasons, as GIVENS was NEWHART's
17 directs opponent in the election for mayor of the VILLAGE of
"Shadyside."

18 Respondent(s) stand to gain and stand to benefit, knowing
19 that Petitioner home is necessary under statute to continue his
campaign for Mayor in the Village of Shadyside, Ohio.

20 Alleging "abandonment," Respondent(s) alleged to third-
21 parties, under fraud, pretense, and fraudulent processes, to
falsify records, and allege 'conditions' that did not exist over

1 said property, either by condemnation, or other false, or abuses
2 of process.

3 Nefarious activities have prevailed, originating from
4 Respondent(s) VILLAGE, NEWHART, RYNCARZ, and LONGWELL, who stand
5 to gain much from 1) the destruction of the Petitioner(s), and
6 2) Petitioner(s) interests, in the outcome of this Petition.

7 As 'side-pieces', Respondent(s) NEWHART, RYNCARZ, AND
8 LONGWELL stand to benefit most by ousting Petitioner, and in
9 effect, deport/de-citizenise, Petitioner, his Family from his
10 home of 52 plus years. And his ability to live and move. And
11 if Petitioner is eliminated, then the Respondent(s) stand to
12 benefit the most from Givens' ancestral demise, as candidate
13 against the long-standing Mayor, Robert Newhart, and his
14 political allies.

15 As if anything should befall or harm the Petitioner, the
16 Givens family, his companions, and/or constituents, the
17 Respondent(s), so named, are clearly and directly responsible.

18 The Sheriff, the Sheriff Deed Clerk, the Auditor, and the
19 Honorable Judge John A. Vavra, abused his discretion by the
20 process, and contrary to an existing court order. Petitioner
21 was not given opportunity, or due process of law. Respondent(s)
failed to give proper notice to the Petitioner of adverse
situations, failed by alleging false facts, and not checking the
public record, and as to existing legal processes, nor the
rights of Petitioner, nor the orders, and responsibilities
directly impacting GIVENS, the heir, executor, and commissioner
over said property, and of proper legal disposition of the
Parcel No. 17-00607.000.

1 Respondent(s) sole aim and purpose was abuse their
2 discretion by such acts contrary to justice, and allow the
3 remaining Respondent(s) to circumvent and the abuse the legal
4 process(es) to thwart Greg P. Givens, direct heir, executor, and
5 commissioner over said property, and direct candidate for public
6 office against the mayor of the Village of Shadyside, Ohio,
7 Respondent, Robert A. Newhart, Thomas Ryncarz.

8 NEWHART, who skipped his party affiliation, to jump back
9 into the race at the last minute, was to deprive Greg P. Givens,
10 of his home, and property, and Respondent(s), by secret
11 arrangement, took the one and only requirement for Givens to run
12 against the corrupt politics of Shadyside via the Respondent(s),
13 him home 52 plus years, and his family estate of historical
14 significance of more than 150 years.

15 The Givens family have directly held the property of over
16 one-hundred (100) years, and have significant heritage
17 associated therewith, dating back to family interests that
18 associate with this nation's founder, George Washington, where a
19 diary is said to exist in the Givens family, or on the property,
20 located at: 3735 Highland Avenue, Shadyside, Ohio.

21 SIGNIFIGANT IN HISTORY, AND OF PROPERTY:

Petitioner, Greg Givens, is the direct blood descendant of
his grandfather, Col. Levin Powell, on his grandmothers paternal
original Virginia settlers side, who served as emissary, and
trusted friend and advisor to President George Washington, and
the acquisition of properties warranted to General Washington,
among the indigenous peoples and markings, who walked trails and

1 footpaths directly on the property of the McGregor Addition, on
2 Highland Avenue, located in Shadyside, Ohio.

3 Within direct ties to George Washington and the connections
4 between Fort Henry in Wheeling, West Virginia, Betty Zane, and
5 Washington compatriot local, Arthur St.Clair, founder of the
6 tenth county of Belmont, Ohio, the property has held connections
7 to encampments of local native Americans from the 1770s, and
8 later as a fresh water supply stop, specific to 3735 Highland
9 Avenue, Shadyside, Ohio. Its further impact as the original
10 structure and farmhouse, (with a barn, and encompassing most of
11 early "Shadyside", Ohio made an impact) made of extinct
12 California wood, and specific architectural design, has features
13 that aided the civil rights movement of what was then serving
14 the remnants of what was is known as the 'underground'
15 railroad."

16 Petitioner seeks the impact of history upon 3735 Highland
17 Avenue, Shadyside, Ohio, and its significance to local, state,
18 and national events in history.

19 Respondent(s) have made conditions impossible to appeal and
20 can be argued are in violation another court's order(s), and of
21 statutory ordinance, and contrary to existing law.

22 Respondent(s) seek to maliciously destroy that legacy, and
its historical context and impact on the community, that will
never be restored again.

Petitioner has no remedy, or recourse at law.

On behalf of all Ohioans, similarly situated, Petitioner
submits this Petition for Writ.

IV.
STATEMENT OF REASONING FOR THE ISSUANCE OF WRIT

Writs of Prohibition are "the counterpart of the Writ of Mandamus." It arrests the proceeding of any "tribunal, corporation, board or person exercising judicial functions, when such proceedings are without or in excess of the jurisdiction of such tribunal, corporation, board or person.

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

A writ of Mandamus is available "to compel the performance of an act that the law requires as a duty resulting from an 'office, trust or station' or to control an arbitrary or capricious exercise of discretion." Other Writs, such as Quo Warranto, and Procedendo are defined by The Ohio Supreme Court.

Writs may be issued when no plain, speedy and adequate remedy exists in the ordinary course of law, or there are either urgent circumstances or important legal issues that need clarification in order to promote judicial economy and administration.

The Ohio Supreme Court has held that writs are a recognizable remedy at law where no other remedy exists. Givens will suffer irreparable injury for which there is no adequate remedy at law. The loss of his life, his abode, capacity.

In the case at bar, there is a lack of remedy at law. The Respondent(s) have determined policy and procedure, that is bias, by virtue, an arbitrary order, deed, policy, or directive, against Petitioner, and all those similarly situated, and that which is not appealable, and/or is an abuse of process in the

1 hearing of evidence that force Petitioner, and all other like
2 him, to a procedure to terminate his candidacy, deportation, and
3 citizenship termination, historic legacy, heritage and residence
4 in Shadyside, Ohio.

5 **1.**

6 **THE MAYOR, THE COURT, AND RESPONDENTS HAVE**
7 **A DUTY TO MEDIATION, AND REMAINING RESPONDENT(S) HAVE**
8 **MANDATORY OBLIGATION OF OBSERVANCE UNDER THE LAW**
9 **WHEREBY WRIT IS APPROPRIATE**

10 Writ is appropriate in this instance. A writ is sought when
11 there are no other remedies by law. Petitioner has no remedy at
12 law, as outlined by Petitioner, and thereon:

13 Relief has been denied by Respondent(s) time and again, in
14 violation of the First Amendment to the Constitution of the
15 United States right to freely petition the government for redress
16 of grievances. And Article I, Ohio Constitution, In the
17 freedoms, and liberties guaranteed thereon.

18 RESPONDENT VILLAGE OF SHADYSIDE, is, by virtue, and duty, a
19 public tribunal.

20 RESPONDENT LONGWELL, is, by virtue, and duty, a deputy/public
21 official.

RESPONDENT NEWHART, is, by virtue, and duty, a public
official.

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

RESPONDENT VAVRA, is by virtue, and duty, a public court
official.

1 RESPONDENT SHERIFF, is, by virtue, and duty, a public
2 official.

3 RESPONDENT CLERK, is, by virtue, and duty, a public servant
4 to an official.

5 RESPONDENT AUDITOR, is, by virtue, and duty, a public
6 official.

7 The Sheriff, the Sheriff Deed Clerk has the DUTY to research,
8 and record true and accurate information in the process of real
9 property, and to observe the law.

10 The Village of Shadyside, Newhart, Longwell, Ryncarz, Vavra,
11 has the DUTY to follow the letter of the law, and observe all
12 due process procedures and research, and keep true record and to
13 observe the law.

14 The Sheriff, the Sheriff Deed Clerk, and Auditor has the DUTY
15 to research, and record true and accurate information in the
16 process of real property, and to observe the law.

17 The Sheriff, the Sheriff Deed Clerk has the DUTY to research,
18 and record true and accurate information in the process of real
19 property, and to observe the law.

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

 Citing Article I, Ohio Constitution; Ohio Revised Code, as
applied.

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STATEMENT OF FACTS

This Court protects the fundamental Constitutional and statutory rights of its citizens.

Appropriate relief, and procedure are timely.

There is no relief granted, at all, under the DUTIES of the Respondent(s) to Petitioner, and all those similarly situated, or for relief pending, or could be pending, before an "inferior court," or for adequate remedy at law. And extraordinary relief is requested.

Respondent(s) have failed, in their Motion, to IDENTIFY what "numerous appeals" and qualified "cases" "he has filed seeking similar relief as requested thereon." Respondent(s) have cited adoption and incorporance by reference the arguments set forth in Judge Vavra's Motion to Dismiss, (September 6, 2022), wherein fictitious cases have been cited against Petitioner as genuine. In addition said Motion, is, by virtue, disingenuous, and scandalous by pleading, and nonconforming.

Respondent(s) have stopped every remedy and procedure, and misused the system, clearly infringing upon their duties, and have used the system to deny Petitioner due process of law, that would otherwise may be entitled to Petitioner, and of prejudice. There has been no "blame" here. Ownership in the property, through inheritance processes, still owned by Givens, BEFORE, and AFTER, any "tax foreclosure" case may ensue. Petitioner has outstanding agreement with Belmont County Treasurer/Auditor, to redeem the property, if just such an event occurred. Relator has not "failed to pay HIS taxes." There was no "purchase" price, or public auction, documenting "the sale". Givens, whether satisfied, or dissatisfied, has the right to due process

1 inheritance in compliance with inferior tribunal, and have free
2 access to the courts. Citing Ohio Revised Code, as applied.

3 Respondent(s) Motion cites NO specific Petitioner "failure
4 to comply with the Ohio Rules of Civil Procedure." The
5 Respondent(s) Motion is "categorically false."

6 Respondent(s) citation of cases in reference, HAVE NOTHING
7 TO DO WITH **the National Historic Preservation Act, as applied to**
8 **Ohio, which is, the CAUSE of this WRIT.**

9 In the Belmont County official Treasurer's own word, on
10 July 7, 2022: "The deed (representing the John Longwell parties)
11 was indeed , "unprecedented." In her own words, she had "never
12 seen this before", and this transfer is "highly unusual," to say
13 the least. Advising Petitioner, to "lawyer up." Citing
14 record, Belmont County Treasurer, (July 7, 2022), in the illicit
15 transfer of 3735 Highland Avenue, Shadyside, Ohio to one, John
16 Longwell, agent of Respondent, NEWHART. Respondent(s) don't
17 know, as they were not privy to such conversation. However, the
18 Respondent(s) were MORE THAN JUST "parties" ... to the
19 "foreclosure case", citing connections to LONGWELL and NEWHART.

20 On, or after November 1, 2022, Respondent(s) have plans to
21 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.

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

1 Writ. And is as much more than a fraud-ridden tax heist, not a
2 "sale", as the Ohio Revised Code would advise, and of property
3 tax grossly over-rated by duty-obliged officers of the law.

4 Citing Appendix. *Ibid.*

5 Respondent(s) neither "bought" the property, nor was it
6 "legally sold". As Respondent(s) have no "Bill of Sale". Nor
7 was there public auction, or purchase based upon the appraisal
8 of said historic property and land. Contrary to what the
9 Respondent(s) acclaim. Nefarious down payment of taxes, does
10 not, in and of itself, guarantee "ownership." Further, Givens
11 was not afforded any due process of law by any of the
12 Respondent(s), a duty which must follow Ohio law. And had the
13 DUTY to Petitioner, to do so.

14 Respondent(s), in their Motion, neither refute, with
15 evidence, that the Petitioner has, or has had any "other
16 remedies" at law.

17 Rather, arbitrary acts, or omissions, on the part of the
18 Respondent(s), have kept no recourse at law, is irregular,
19 unauthorized, and continues to plague Petitioner, and all those
20 similarly situated, where there is neither recourse, or appeal,
21 and duty neither provided by Respondent(s), or at law. *Appendix.*
Sic passim.

22 A fundamental flaw in the Respondent(s) Motion is: when is
23 the "right time" to preserve history and land of historical
24 value and conservation? Upon condemnation, or its destruction?
25 The law seeks remedy, that has been denied in Respondent(s), for
26 just such measures. History matters.

27 Contrary to what Respondent(s) opine, ownership in the
28 Givens property of Greg Givens, was by inheritance, and through
29 historic family heritage dating from the time of George
30 Washington, and fellow compatriots, and indigenous peoples.

1 Extraordinary relief is necessary in the preservation of that
2 national, regional, and local history from unnoticed
3 condemnation, destruction, de-construction, and otherwise,
4 fundamental changes that will forever change the landscape of
5 that history that belongs to everyone – no matter who owns it.

6 It is clear, Respondent(s) motives are to steal and take
7 away that history, blind the public to its consequences, bulldoze,
8 and obliterate what forever belongs to the people, and its
9 natural preservation, with hardships placed upon the lawful
10 descendants, caused by The Village, Mayor, Village Solicitor,
11 and Agent. To the contrary, this sounds like "retaliation" on
12 the part of the Respondent(s) on the people, as represented in
13 the Petitioner, and all those similarly situated.

14 Relator knows its history. At the present time, the public
15 does not. And may forever be lost to vengeful persons that seek
16 only the destruction of said land and property, otherwise
17 protected under federal and state laws.

18 It is "categorically true" that the Petitioner has "no
19 other recourse at law". All other qualified mediators have
20 bowed out, or have arbitrarily denied Petitioner, as to any
21 remedy. For Respondent(s) remain, and are, the sole "GATE-
KEEPERS" of that law, completely denying Petitioner access to
inferior court justice. i.e. Respondent JOHN VAVRA, and the
Respondent(s), including Respondent RYNCARZ, are all acting in
such capacity, as "public officials." , without hearing, or
opportunity for trial

Respondent(s) LONGWELL, RYNCARZ, and NEWHART have, in
contradiction, argued that, in Respondent Motion, said cases
that can affect the outcome of this Writ, "with numerous
appeals", "that have either proceeded to judgement or remain

1 pending," in Respondent(s) OWN WORDS, yet, that have "no
2 relation to the Respondents."

3 There was no "foreclosure sale," at auction. Ordering
4 Deed, and Confirming Sale, was improper, contrary to Court
5 Order, arbitrary, in FAVOR of the Respondent(s). And on the
6 part of the Respondent(s), who used an "irregular" and
7 "deceptive" tax foreclosure scheme, and "flawed tribunal"
8 process, against Petitioner, and those similarly situated, "for
9 strictly political reasons."

10 Citing Relator, Appendix.

11 **SPECIFIC ACTS, in part, THE RESPONDENT(S) ARE LEGALLY OBLIGATED**
12 **TO PERFORM:**

13 The respondent(s) act in such capacity as a quasi-judicial
14 body as an impartial mediator, and act in the interest and
15 personal wishes of the local government, i.e. Village of
16 Shadyside, Ohio, against the Petitioner. Respondent(s), as such,
17 hold a MANDATORY DUTY under the Constitution, Article IV of the
18 State of Ohio, as Amended, and the statutes of the State of Ohio.
19 Said Respondent(s), VOS, NEWHART, LONGWELL, AND RYNCARZ, have A
20 DUTY to oversee arbitrary legal decisions affecting Petitioner,
21 and all those similarly situated, in their charge, serve "in
the interest of FAIR, IMPARTIAL, SPEEDY, AND SURE ADMINISTRATION
OF JUSTICE, and PEACE." Citing Ohio Revised Code, as applied.

The Respondent(s) acts, or omissions, are excessively
"burdensome" upon the rights of the Petitioner, to proceed with
appeal and trial. i.e. Excessive petition fee(s), arbitrary
filing ban on further pleading(s) of Petitioner, declarations of
being "wealthy", all without hearing, or due process of law,

1 affecting the outcome of any remedy that may otherwise be
2 afforded Petitioner in the instance, by Respondent(s).

3 Respondent DUTY is to NOT act CONTRARY to EXISTING LAW, to be
4 ignorant of existing ORDER(S) contrary to, and manifestly
5 against, THE VIRTUOUS ORDER(S) of a "sister court." (i.e. Belmont
6 County, Probate Case No. 21-ES-0595, In the Estate of Joseph
7 Vadala Givens.

8 By Ordering an invalid "sale" of that which was commissioned
9 under the Estate of Joseph Vadala Givens, by Respondent VAVRA,
10 caused the deed and distribution of the HISTORIC PROPERTY,
11 without lawful NOTICE, or DUE PROCESS OF LAW upon the proper
12 owner or heir/heiress. The Petitioner has had no opportunity
13 to seek remedy under the law as administered by Respondent(s).

14 Respondent VAVRA, among other Respondent(s), are about to
15 exercise judicial power in the permanent denial, destruction, or
16 demise of HISTORIC PROPERTY under Preservation Processes and
17 Procedures; the exercise of that power is unauthorized by law
18 under the i.e National Historic Preservation Act, Ohio law,
19 contrary to i.e. pursuant to Ohio Revised Code §2323.311, and by
20 denial of constitutional and statutory due processes on the
21 Petitioner, and others similarly situated; and the denial of this
Writ will cause injury to the HISTORY, AND HERITAGE of Ohio and
the United States, for which no other adequate remedy of law that
exists, LEADING TO THE ULTIMATE DESTRUCTION OF THE GROUNDS AND
PROPERTY SITE. A just reason for Petitioner seeking Writ. Ibid.

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

1 Respondent cites fictitious case citations as to Givens and
2 Petitioner. i.e. "Instant Action" Belmont County Case Nos. "22-
3 CV-2006, 2007, and 2008." And "{Case No. 5:2022 CV 00193}" is
4 of fictitious name, and has no reference to this Petition for
5 Writ. Again, Relator VAVRA, a duly appointed impartial mediator,
6 under duty of Ohio constitution and statutory law, Respondent(s)
are breaching the duties apportioned to them by the Ohio Revised
Code, against Petitioner, and all others similarly situated.

7 In Petitioner's defense, all cases cited by the Respondent,
8 in their Motion, have NOT HAD OPPORTUNITY to be decided "on the
9 Merits". To the contrary, even the Respondent, through counsel,
10 "ADMITS" that case cited DO NOT make it PAST EVEN THE FILING FEE
STAGE.

11 Respondent make false statements to the contrary that "The
12 several civil actions filed by Givens are without merit, and are
13 intended to harass Shadyside Village Officials..." Yet,
14 Respondent, through counsel, DOES NOT cite WHO these "Village
Officials" are by name. Citing Respondent, Motion, generally.

15 Respondent singly cannot ANSWER for all other Respondent(s).

16 Petitioner cites also the Ohio Rules of Judicial Conduct.

17 For the reasons set forth below, and in Petition for Writ,
18 Petitioner prays for just relief:

19 Relator shows proof that what the Respondent(s) alleged in
20 their Motion, is untrue. The Respondent(s) are preventing
21 Relator from placing objections on the record and more. Relator
has sought, by *pro se* motion, AS EVIDENCED BY STAMP OF
RESPONDENT(s), and service to the same, exactly why a "change of

venue" is warranted, where conditions of conflict, and disqualified representation, thrust upon Relator in violation of his Rights, are measured instead, by the terms of fairness and justice, without prejudice to do harm, IN AN UNBIASED COURT instead.

The conditions that Relator recites, concern issues arbitrarily decided by Respondent(s), outside the guaranteed rights of the accused, contrary to what Respondent(s) seeks and eludes to in their Motion to Dismiss, that may or may not have been decided by trial THAT AMOUNT TO CONDITIONS OF WRIT.

Relator has been thrust into conditions that CANNOT be addressed in the trial process, and that of record, or BY REMEDY. Rather, in the forced absence thereof, by the acts or omissions of the Respondent(s). And Respondent(s) seek to mislead this court on the issues of writ by their Motion to Dismiss.

Citing Relator, Appendix. *Ibid.* *Sic Passim.*

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

1 similarly situated of due process of law, and appeal. And should
2 vacate that office, and any office deemed unfit, and should be
3 enjoined. Citing the Constitution, Article IV of the State of
Ohio, as Amended.

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

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

11 **Procedendo**

12 If Respondent(s) feel that Petitioner, Givens, is a "walking
13 time-bomb" of Village of Shadyside Ordinance, and customs
14 "violations", then the Respondent(s) have the DUTY to bring
15 charges in Mayor's Court. And, not utilized violent tactics of
16 harm directed to Petitioner, and all those similarly situated, to
17 accomplish political ends, and means of a "playbook", to further
harm, or restrict the appellate rights of the Petitioner, and
similarly situated.

19 **Mandamus**

20 The government has a DUTY to protect Petitioner rights.
21 Respondent(s) RYNCARZ, LONGWELL, NEWHART have a legal duty to
perform in their official capacities of that acts and for those

1 of Petitioner rights, and processes. Relator has been proved NO
2 plain and adequate legal remedy at law.

3 **Quo Warranto**

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

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

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

14 Citing Petitioner, Appendix.

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

17 **2.**

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

19
20 A relator may not appeal, if his or her fundamental rights
21 are being arbitrarily **DENIED to timely place documents on the
record FOR APPEAL**, and by ignoring timely pleading(s), and being
Fundamental Rights, **filed as pro se** defendant by Respondent(s):

1 Village of Shadyside, Mayor Robert Newhart, Village Solicitor
2 Thomas Ryncarz, John Longwell, Judge John Vavra, concerning
3 relator's constitutional rights, allowing for NO RECOURSE, OR
4 REMEDY at law, or INDICATION in, AND for, the Record, under
5 direct assault of Constitutional Filings of the relator, or any
6 past or future relator.

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

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

14 Writs of Prohibition and supersedes are "the counterpart of the
15 Writ of Mandamus." It arrest the proceeding of any tribunal,
16 corporation, board or person exercising judicial functions, when
17 such proceedings are with that or in excess of the jurisdiction
18 of such tribunal, corporation, board or person."

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

23 Citing The Ohio Supreme Court.

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

31 IN THE CASE AT BAR, the material injury is Respondent(s)
32 Village of Shadyside, Mayor Robert Newhart, Village Solicitor
33 Thomas Ryncarz, John Longwell, Judge John Vavra seek command of

1 such conditions which are contrary to law, and do irreparable
2 harm to Petitioner, and all those similarly situated.

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

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

16 1) Relator HAS NOT BEEN DETERMINED to be to be
17 "targeting...Shadyside Officials" under any Section of the Ohio
18 Revised Code IN ANY CASE;

19 2) **RESPONDENT(S) ARE "PUBLIC OFFICIALS", IN SERVICE TO THE**
20 **ACCUSED, HOLDING A DUTY TO PERFORM THE LAW, UNDER OATH OF PUBLIC**
21 **OFFICE.**

3) RELATOR IDENTIFIES SPECIFIC ACTS THAT THE RESPONDENT(S) ARE
REQUIRED TO PERFORM, DENYING RELATOR REMEDY AT LAW:

Respondent(s) Village of Shadyside, Mayor Robert Newhart,
Agent John Longwell, Village Solicitor Thomas Ryncarz, John
Longwell, Judge John Vavra, Sheriff, Sheriff Deed Clerk, Auditor,
are acting in the name of the state in an inferior tribunal, a
corporation, board, or person, commanding the performance of an

1 act which the law specifically enjoins (i.e. the illegal
2 transference, or process that intent is destruction of said
3 HISTORIC PLACE and DISTRICT, and Respondent(s) are, as a duty
4 resulting from and office, trust, or station, which has that
5 authority to demolish that place.

6 Respondent(s) represent "an office, trust or station." Citing
7 also *Ibid.* *Sic Passim.*

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

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

19 "Unauthorized practice of law" means:

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

(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

1 (iii) Certified to temporarily practice in legal services, public
2 defender, and law school programs under Gov. Bar. R. IX and
3 rendering legal services in compliance with that rule;

4 (iv) Granted permission to appear *pro hac vice* by a tribunal in
5 a proceeding in accordance with Gov. Bar R. XII and rendering
6 legal services in that proceeding;

7 (v) Rendering legal services in accordance with Rule 5.5 of the
8 Ohio Rules of Professional Conduct (titled "Unauthorized Practice
9 of Law; Multijurisdictional Practice of Law")."

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

12 Practice of law means:

13 "[Any person], 'holding out' to the public or otherwise
14 representing oneself as authorized to practice law in Ohio by a
15 person not authorized to practice law by the Supreme Court Rules
16 for the Government of the Bar or Prof. Cond. R. §5.5."

17 (2) "For purposes of this section, 'holding out' includes conduct
18 prohibited by divisions (A) (1) and (2) and (B) (1) of section
19 §4705.07 of the Revised Code."

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

Examples of the unauthorized practice of law include
drafting of a deed or filing of a complaint by someone [Village
of Shadyside, Mayor Robert Newhart, Village Solicitor Thomas
Ryncarz, John Longwell, Judge John Vavra,] who is not an attorney
for the Petitioner, or denial of acceptance of *appeal*, by
defacto, or *dejure*, determination of the Rights and stratagems
of the defendant, as in cases represented by Respondent VAVRA
Motion.

1 By arbitrary DENIAL of the acceptance of filing of a duly
2 prepared pro se document or pleading by Village of Shadyside,
3 Mayor Robert Newhart, Village Solicitor Thomas Ryncarz, John
4 Longwell, Judge John Vavra,, is by therefore denial, *dejure*,
5 rendering the practice of law on behalf of the criminal
6 defendant, *defacto* in its rejection, and by its denial by the
7 Respondent(s) arbitrary judgment, off the record. And by
8 definition, "Misconduct", by under Ohio law, and each of the
9 fundamental Rights guaranteed by the Ohio and Federal
10 Constitutions.

11 Under the SAME WATCH, SAME RESPONDENT, Village of Shadyside,
12 Mayor Robert Newhart, Village Solicitor Thomas Ryncarz, John
13 Longwell, Judge John Vavra, affects the Official Docket Record,
14 and where the Ohio Supreme Court had to appoint a special
15 presiding judge to oversee Belmont County, Eastern Division,
16 (Case No. 19-CV-H-00335W, WITHOUT RESULT-ONLY A 'PROMISE' BY
17 Respondent to 'observe the law in the future,' as represented
18 through the office of Respondent(s) counsel, J. Kevin Flanagan,
19 VAVRA, by proxy, overseen by the SAME Respondent, Chief Clerk,
20 Eastern Division (which REFUSES to give up her name). Why hide
21 from the Relator and the public?

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

26 It is clear. Respondent Village of Shadyside, Mayor Robert
27 Newhart, Village Solicitor Thomas Ryncarz, John Longwell, Judge
28 John Vavra,, does not represent Relator, and is, in effect to
29 Relator, practicing law for him, without a license, by

1 arbitrarily Relator, rendering defense strategy, determining
2 what Relator (can, and cannot, file), in relation to his merit
3 or defense, and in the unfair and arbitrary determination of
pleading(s) on the record to deny appeal. *Ibid.*

4 Respondent, Village of Shadyside, Mayor Robert Newhart,
5 Village Solicitor Thomas Ryncarz, John Longwell, Judge John
6 Vavra,, abused THEIR discretion without plain and adequate remedy
7 at law by an action by the state, under constitutional and due
8 process standards violations, by refusing to accept pleading(s)
9 intent on by cases cited by Respondent VAVRA Motion, and
10 subsequent injury to appeal by refusal to accept/receive the
condition.

11 The Respondent(s) must compel to the specific act of service
12 and due process upon Petitioner, and all those similarly
13 situated, for which he is has a legal obligation to perform. A
14 public official, or one acting in such quasi-capacity cannot
15 ignore existing Ruling and law, tear down ones homestead, history
16 and heritage, without due recourse and notice upon the same, or
17 in defiance of state or federal law. *Cunningham v. Lucci*, 11
th. Dist. Lake No 2006-L-052, 2006-Ohio-4666.

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

20 3.

21 A WRIT OF PRCEDENDO IS APPROPRIATE

Citating, Appendix, Exhibit "A".

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

TO WIT:

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

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

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

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

"The general rule provides:

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

1 "Once a court holds a hearing on a motion the court has thirty
2 (30) days to rule of the motion. [sic] Id. Allowing parties time
3 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."

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

6 *Quod est superius est sicut quod inferius.*

7 **4.**

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

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

13 **Rule §40 - Review of Cases; Dismissal; Rulings on Motions and**
14 **Submitted Cases**

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

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

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

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

2 By every American legal standard, by definition, Respondent, is
3 a "lazy judge":

4 Respondent(s) Village of Shadyside, Mayor Robert Newhart,
5 Village Solicitor Thomas Ryncarz, John Longwell, Judge John Vavra
6 have failed their professions, allowing Relator, and all others
7 situated in Relator's place, hardship insufficient to overcome,
without the issuance of writ.

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

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

13 Respondent recites falsely. Petitioner was NOT NOTIFIED of
14 any "Foreclosure proceeding", or any other due process
procedures.

15 Respondent recites falsely. Any court cost, and related
16 penance is stayed under Ohio Revised Code §2323.311, and pending
automatic by Appeal. Citing Respondent VAVRA,

17 Respondent recites falsely. Givens is NOT A PARTY to Case
18 Nos. 22-CV-2006, 22-CV-2007, or 22-CV-2008. Citing Respondent
VAVRA,

19 Respondent(s) have the fundamental duty to follow the law.

20 Respondent(s) are quasi-judicial in nature, and by virtue,
hold public office, and are acting inappropriately, and contrary
21 to law to irreparable harm of the Petitioner, and all those
similarly situated..

1
2 Absent a clear abuse of discretion the Honorable Court will
3 not overrule a Respondent Tribunal, which has been granted broad
4 powers of discretion. The Honorable Judge John A. Vavra,
5 Honorable Robert A. Newhart, Thomas Ryncarz, and John Longwell
6 acted outside of statutory authority, arbitrarily and
7 capriciously, in ordering the termination of Petitioner's
8 citizenship and residency of Shadyside, by the outreach of his
9 power, and effect of the remaining Respondent(s), ensuring that
10 a fair proceeding, hearing to determine such status, would never
11 take place, ensuing a determination, and prejudice over such
12 action(s) that constitute a manifest abuse of discretion.

13 Irreparable harm exists when there is a substantial threat
14 of material injury that cannot be adequately compensated through
15 monetary damages, namely the dismissal, with prejudice, of
16 Petitioner(s) Cause(s) of Action and Compliant, and emboldened
17 and make brazen the act(s) or omissions of the [Respondent](s).
18 *Garono v. State* (1988), 37 Ohio St.3d 171.

19 In this action, the material injury is Petitioner's
20 inability to pursue their daily routine, assist in his own
21 living, and retain a sense of peace in the preparation of his
general obligations to the government and Court, all the while
vexating on the mortal condition of himself, and/or his
immediate family, while under the current conditions pursued by
the Respondent(s) in the situation at hand, or in any new or
underlying Action(s), without a heritage, history, or home.

1 In the case at bar, there is a lack of remedy at law. The
2 Respondent(s) have created conditions that have made it
3 impossible for Petitioner(s) to comply. The Respondent has
4 issued a *sua sponte* order(s)/decree(s) which is not appealable,
5 or in time, and are not "concise, unambiguous, and specific to
6 determine if Petitioner(s) should be dismissed, with prejudice,
7 never to bring and said allegation forward ever again, and
8 forced to have a procedure to terminate Petitioner(s) rights.
9 There is an urgent and strong necessity for a remedy plus a
10 gross miscarriage of Justice will occur if this petition is not
11 granted. Even if the order was appealable, should Respondent
12 decide to order an enforcement on Petitioner, then the action
13 will be terminated before the appeal could be heard.

14 Absent a clear abuse of discretion the Honorable Court will
15 not overrule a Court Judge of Common Pleas, which has been
16 granted broad powers of discretion. Respondent(s) did act
17 outside of their statutory authority, arbitrarily and
18 capriciously, and in: not giving property and timely or clear
19 notice to said actions; take preemptive action not warranted by
20 due process of law or procedure; permit no remedy at law for
21 such Petitioner to timely and properly respond, comply with set
standards for due process of law and procedure; commit acts
outside the scope and bounds of the law; among others. Such
actions by Respondent constitute a manifest abuse of discretion.

V.

ARGUMENT AND AUTHORITIES

1 **A. The decision to run for public office is a fundamental**
2 **right of Petitioner.**

3 Upon lawful nomination of the citizens of the Village of
4 Shadyside, Ohio, Petitioner has the statutory right to history,
5 and to live free from threat, harassment, and abuse and harm
6 from the active current mayor, deputies, or side-pieces of the
7 current political establishment.

8 Citing Ohio Rev. Code §3501.38; §3513.261; §3513.262; et
9 seq.

10 The Respondent(s) KNOW that the ONE requirement for the
11 office of mayor under Ohio statute is:

12 "The mayor of a village shall be elected for a term of four
13 years, commencing on the first day of January next after
14 his election. He shall have resided in the village for at
15 least on year immediately preceding his election...."

16 Citing Ohio Rev. Code §733.24;

17 Respondent(s) HAVE DONE EVERYTHING to SURCUMVENT Petitioner
18 from THAT QUALIFICATION! By threat, abuse of the courts, false
19 attestation, side-arms, denial of due process rights,
20 harassment, false testimonials, shutting off basic utilities,
21 ANY and ALL such activities which violate the peace.

 Respondent(s) NEWHART, RYNCARS, AND LONGWELL are violating that
peace. Actors, posing as, water department officials, stealing
Petitioner's identity, and that of utilities representatives,
and actors of authority, under relentless prosecution, and
retaliation of the Petitioner, and all those similarly like him,
and to dis-bar him from the Village of Shadyside, Ohio, by any
means.

1
2 **B. The Respondent(s) are violating both Petitioner's and**
3 **citizens' due process rights.**

4 The right to due process and Constitutional protections are
5 one of the most closely guarded rights in our State and Federal
6 Constitutions. It has been well established that there is no
7 dispute that there exists a fundamental right to due process of
8 law. In fact, the U.S. Supreme Court has said that due process
9 rights are "one of the basic Civil Rights of Man and is
10 fundamental to the very existence and survival of the race." In
11 further quote in has been said that many of those rights and
12 Liberties, including due process of law, involved "the most
13 intimate and personal choices of persons may make in a
14 lifetime." In the present case, Petitioner is been denied these
rights. However, just because a person is a *Pro se*, this is not
a slanderous name and does not mean that the person has their
lost their constitutional rights.

15 Article I, Bill of Rights. Ohio Constitution:

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

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

21 FEDERAL BILL OF RIGHTS, U.S. CONSTITUTION

1st. Amendment) Freedom of religion, speech, press,

assembly, and petition;

2nd. Amendment) Right to keep and bear arms;

3rd. Amendment) Right to your home and in the quartering of troops;

4th. Amendment) Prevents unreasonable search and seizure of individuals and private property;

5th. Amendment) Guarantees right against self-incrimination, just compensation for property taken, a person cannot be tried twice for the same crime, and serious criminal charges must be brought before a grand jury, a person cannot be imprisoned with due process of law;

6th. Amendment) Guarantees the right to a speedy and public trial, trial by impartial jury, and right to face witnesses and evidence, and present witnesses on his or her own behalf, and right to be represented by an attorney;

7th. Amendment) Right of trial by jury in civil cases;

8th. Amendment) Freedom from excessive bail, cruel and unusual punishments;

9th. Amendment) All other rights of the people (i.e. privacy, vote, expansion of government powers);

10th. Amendment) Power reserved to the states;

14th. Amendment) Guarantees equal protection of laws, privileges and immunities of citizens, and no state shall deprive any person of his rights;

C. The Respondent(s) lack jurisdiction and of underlying authority as to whether Petitioner, and others similarly situated, should be forced out of their home and abode.

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

1 "...Such mayor shall be the chief conservator of the peace
2 therein and shall have the powers and duties provided by
3 law. He shall be the president of the legislative
4 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;

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

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

14 Citing Ohio Rev. Code §705.11;

16 Where private counsel, and public service, that has the
17 same directive, or outcome, is a clear conflict of interest, and
18 political in nature, especially when Respondent(s) present a
19 direct gain or benefit, and against the Petitioner, in this
instance.

20 Thereby is nothing in the statute that provides for the
21 harassment, delegation or such authority to persons or deputies
for abuse of process, advantage or gain, against a citizen of

1 the village, or city, in which a public official or candidate as
2 is running for public office lives, or resides in the Village as
3 a candidate for mayor, or council.

4 Respondent(s) are operating outside their authority and
5 diction.

6 **D. The Respondent(s) have no basis in law or fact to**
7 **intervene or usurp the authority to make decisions for**
8 **Petitioner, or others similarly situated.**

9 The Ohio Fair Housing Act, and Ohio fair-housing law, it
10 illegal to discriminate in the:

11 "sale, rental, or financing of housing or to otherwise
12 interfere with someone's housing rights based upon race,
13 color, religion, sex, family status, ancestry, disability,
14 nation origin or military status.

15 Citing Ohio Fair Housing Act; Ohio Constitution, Article I.

16 Respondent(s) NEWHART, RYNCARZ, AND LONGWELL, stand to
17 benefit most by ousting Petitioner, and in effect, de-
18 citizenise, Petitioner, his Family from his home of 52 plus
19 years. And his ability to live and move. And if Petitioner is
20 eliminated, then the Respondent(s) stand to benefit the most
21 from Givens' ancestral demise, as candidate against the long-
standing Mayor Robert Newhart, and his political allies.

Respondent(s) NEWHART, RYNCARZ, AND LONGWELL have threaten
the shut-off, and acted upon the shut-off of basis utilities of
Petitioner, and others similarly situated, to effect the move,
and evictions of Petitioner from the Village of Shadyside, Ohio,
and even hold great desire for his vehicles, and possessions.

1 Since the Respondent(s) *sua sponte* directives/orders of
2 proceedings, the respondents failed to provide Petitioner due
3 process notice and a right to be heard as required by Ohio
4 statutes, and/or before being transferred to another
5 jurisdiction. The essential elements of procedural due process
6 or adequate notice, a neutral decision-maker, and opportunity to
7 present once case, representation by an attorney, a decision
8 based on the record with a statement of reasons for the
9 decision. Citing *Mullane v. Central Hanover Bank & Trust*, 339
10 U.S. 306, 314, 70 S.Ct. 652, 94 L.Ed. 865 (1950). Fundamental
11 to the requirement of due process has an opportunity to be heard
12 at a meaningful time and in a meaningful manner, ending in harm,
13 political or ancestral persecution, or rogue proceedings.
14 Citing *Mathews v. Eldridge*, 424 U.S. 319, 96 S.Ct. 893, 47
15 L.Ed.2d 18 (1976).

16 Ohio has recognize, and defined, a "rogue proceeding." Or
17 by act or omission abuse discretion, by failing to notice acts
18 of law. Citing *In re Spangler*, 162 Ohio App.3d 83, 832 N.E.2d
19 805 (Ohio App. 3 Dist., 2005);

20 The fundamental requirement of due process of law in any
21 proceeding which is to be accorded finality is notice reasonably
calculated under all circumstances to apprise interested parties
of the pendency of the action and afford them an opportunity to
present their objections; and the notice must be of such nature
that it reasonably conveys the required information, and must
afford a reasonable time for those interested to make their
appearance. Citing *Mullane* at 314; the fundamental requisite of
due process is the opportunity to be heard.

1 Ohio rule requires that an interested party may petition
2 the court for relief. Petitioner had forever been denied notice
3 of said actions by Respondent(s). And, no such relief is ever
4 acknowledged, or granted by said by due process of law in said
5 action(s) of Respondent(s). Such petitions were denied.

6 Ohio is a government of laws, and NOT a government of men.
7 Ohio governs itself based upon a constitutional system and based
8 upon the rule of law. Yet, we have seen individual public
9 officials, and state actors, that have taken it upon themselves
10 to determine which laws they like and will enforce, and which
11 laws the Respondent(s) don't like, and don't enforce. And the
12 results of this have been catastrophic in small towns, like
13 Shadyside, Ohio. Certain individuals with a NAME are targeted,
14 and certain individuals, with a certain NAME, go unprotected and
15 are assaulted in direct violation of the Ohio Constitution and
16 the Bill of Rights, without recourse, or due remedy at law,
17 which has undermined public safety, hurt communities, and been
18 devastating to the rule of law. Respondent(s) have nullified
19 certain laws, and are not backed up by the people's will, or by
20 their representatives, and the representative Ohio legislature.

21 Under the Respondent(s) acts and omissions, there are just
certain laws and ordinances that Respondent(s) chooses not to
"enforce", and "policies" that "certain people are targeted",
and which others are presumptively "let off the hook", even
though the law, very clearly, requires otherwise. Of which
Respondent(s), WHO very clearly WANT TO DE-legitimize, and DE-
CITIZENISE Petitioner, GIVENS, EXRICATE Petitioner FROM

1 SHADYSIDE, fully, and BELMONT COUNTY, OHIO, completely, and DO
2 NOT WANT Petitioner to run for office ANYMORE.

3 This is "unprecedented." That a candidate would seek the
4 'total destruction and ruin' of his political opponent in Ohio.

5 This has been seen before, in New York, and in other
6 jurisdictions and states: A group takes power. One of the
7 first things that group does to maintain power, is to persecute
8 and go after their political opponent(s). And then when the
9 supporters of the political opponent's begin to complaint about
10 it, they begin to target them, and try to silence them and
11 criminalize all opposition, even taking their home, with abuse
12 of process to 'run out of town.'

13 Givens and his family live in continual fear and mortal
14 danger for his life and the lives of his uncle and mother, in
15 criminal retaliation upon Givens and his family, without
16 probable cause, and without statutory basis or reason, to "send
17 a message" to Givens.

18 In conclusion, Givens, by virtue of his existence,
19 threatens the acts of each of the Respondent(s), and their
20 'operation' in both his knowledge and his active role in
21 campaign to overturn the corrupt activities and operations of
the current Administration. What better way to "eliminate" a
perceived "threat" than by labeling a person or persons by
virtue of the legal process, in any capacity, by abuse by a
state actors, against a "mortal enemy" to label Givens as both
"criminal" and "insane", demonstrates clear motive. It is
summed up in the words of the Shadyside zoning board members and
Respondent(s), to neighbors and strangers, to: **"Get rid
of...Givens...level all his property...and end his campaign!!!";** and
further words in public forum: **"...We want to personally burn him**

1 **down, and bulldoze over his house,whether Greg Givens is in**
2 **it, or not!!!"**

3 In June, 2022, Petitioner, Greg Givens, was issues an
4 Order/Directive by Respondent(s) to leave his abode of 52 plus
5 years. As Mayor Robert A. Newhart, and remaining Respondent(s)
6 focus on the darker parts of the town, the offenders are selling
7 all sorts of illegal substances, involving an underworld of
8 drugs, and other uninvestigated crimes, Petitioner represent a
9 direct threat to that underworld of crime.

10 ADVERSE LEGAL ACTION

11 Upon Respondent(s) order of July 25, 2022,:
12 Petitioner "...shall vacate within seven (7) days."

13 Respondent(s) order was neither concise, unambiguous and
14 specific.

15 Petitioner's efforts were dismissed with prejudice...
16 This would include the dismissal of Petitioner's candidacy, and
17 citizenship within the corporation limits of Shadyside, Ohio.

18 RESULTING ADVERSE LEGAL ACTION

19 From the conscripts of the *sua sponte* Order/Directive(s) issued
20 by Respondent(s), Petitioner is unclear as to law what this
21 "concise", "unambiguous", and "specific" by definition of
Respondent is,, all, or what shall be; and unclear Rule on
Respondent(s) result in adverse legal action against the
Petitioner, contrary to law, custom and rule.

FINAL OUTCOME

The final outcome would be the loss of Petitioner(s)
interests and actions to save history, and run for the office of
Mayor, with prejudice, which would certainly lead to the

1 condemnation, demolition and destruction of Petitioner(s)'
2 homestead where Petitioners, constant and continual harassment
3 by the Respondent(s), and permanent fear, pain, and suffering
4 from the unmitigated acts or omissions of the Respondent(s).

5 PETITIONER ACTIONS

6 Petitioner has had no recourse or could seek remedy, or
7 inquiry as to reference, in a timely manner, with Respondent(s),
8 and with the tribunal.

9 There are no statutes or cases that allow criminal acts of
10 enforcement to compel Petitioner.

11 In this case, respondent disregarded and completely
12 circumvented the established procedures for challenging the
13 authority and decisions of Petitioner regarding his status,
14 health and welfare. Therefore, petitioner respectfully request
15 that the authority granted Respondent be held to this court's
16 order to procedures in law, if they believe that Respondent(s)
17 are in violation.

18 To date, Respondent has utterly failed to provide clear and
19 convincing evidence that the Petitioner's actions are
20 dismissible, with prejudice. In this regard, the legal opinions
21 relied upon by respondents superior, support their position, to
22 know what constitutes the appropriate standard of care to their
23 duties, and application under the law.

24 The Petitioner(s) argue that the *ipse dixit* decisions of
25 the Respondent, lacked factual foundation in or not supported by
26 any scholarly or written material. Indeed, the concerns

1 expressed about the situation were grossly overstated. And have
2 state-wide ramifications, as locally applied, with the effect on
3 numerous cases. Therefore, those opinion are of little weight
4 regarding the best course of action as to the Petitioners are
reasonable and justified.

5 To further underscore the care and attention Petitioners
6 gave to what the best course of action is for their Complaint,
or effort to appeal.

7 In addition, name response decision to deprive
8 Petitioner(s) of their protections of Ohio Revised Code, under
9 Ohio Rules of Civil Procedure, and at bar, have forced
10 Petitioner(s) to subject to legal definitions they cannot
possibly know or understand. Because of the foregoing, the
11 reasonable sound decisions of Petitioner(s) condition and
12 situation has been forwarded by the Respondents acts or
omissions.

13 Petitioner(s) will suffer irreparable injury if relief is not
14 granted; Petitioners has substantial likelihood of probability
15 of success on the merits; a writ would not harm third parties;
16 and the public interest would be served by issuing such a writ.

17 In addition, the Judge's decision to deprive Petitioner(s) of
the protections under law and statute, have forced Petitioner(s)
18 to be harassed and stressed of the acts or omissions of the
19 Respondent(s). Because of the foregoing, the reasonable sound
20 decisions Petitioner has been thwarted by the Respondent(s).

21 Petitioner, APPENDIX, so attached.

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VI.
CONCLUSION

In accordance with the foregoing, Petitioner respectfully request in the Honorable Court for a writ of prohibition, or in the alternative, *mandamus, quo warranto, procedendo*, directing Respondent(s) to relief sought above.


If anything should befall Petitioner, GREG GIVENS, those named are responsible for my untimely demise. I am an instant material witness to direct crimes meant to intimidate, threaten, coerce, and harm by threat of injury or death by named persons, whom so named hereon.

Petitioner brings Action on behalf of Petitioner, and on behalf of all Ohioans, similarly situated, Petitioner submits this Petition for Writ.

Petitioner(s) respectfully **PETITIONS** THIS HONORABLE COURT, for the reasons stated herein, and in the attached true Affidavit, and respectfully request that Petition be granted.

Respectfully submitted,

Dated: 25th. day of October, 2022.



GREG P. GIVENS,

By P. L. G.

Pro se, Petitioner
P.O. Box 117
Bellaire, OH 43906

*Original Petition for Writ;
Appendix*

CERTIFICATE OF SERVICE

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

VILLAGE OF SHADYSIDE, OHIO
50 EAST THRITY NINTH STREET
SHADYSIDE, OH 43947,

JOHN LONGWELL
3333 HART STREET
SHADYSIDE, OH 43947,

ROBERT A. NEWHART, MAYOR
3859 GRAND AVENUE
SHADYSIDE, OH 43947,

THOMAS RYNCARZ
3713 CENTRAL AVENUE
SHADYSIDE, OH 43947,

JUDGE JOHN A. VAVRA
101 WEST MAIN STREET
SAINT CLAIRSVILLE, OH 43950,

SHERIFF, BELMONT COUNTY, OHIO
68137 HAMMOND ROAD
SAINT CLAIRSVILLE, OH 43950,

SHERIFF-DEED CLERK,
68137 HAMMOND ROAD
SAINT CLAIRSVILLE, OH 43950,

AUDITOR, BELMONT COUNTY, OHIO
101 WEST MAIN STREET
SAINT CLAIRSVILLE, OH 43950,

Respectfully submitted,



GREG P. GIVENS, *Pro Se Appellant*

Dated: October 25, 2022