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December 27, 2022

Office of the Clerk
Supreme Court of Ohio
65 South Front Street, 8th Floor
Columbus, Ohio 43215-3431

Re: Amanda Brandt v. Roy Pompa,
Supreme Court of Ohio
Case No. 2021-0497

Dear Clerk:

Pursuant to Rule 4.04 of the Ohio Supreme Court Rules of Practice, Appellee Roy Pompa submits this request for the recusal of the Chief Justice and each Associate Justice who elected to proceed with the consideration and deliberation of the merits of the above-referenced case in non-compliance with the Court's rules and practices for the consideration of merit determinations. As disclosed in paragraph 132 of Brandt v. Pompa, Slip Opinion No. 22-Ohio-4525 (the "Decision"), the Court did not follow its regular and internal rules of operation and practice over the objection of Justice Fischer in an apparent effort to control and dictate the resolution of Appellant's Motion for Reconsideration. As Justice Fischer further concluded, "[t]he litigants deserve full and fair consideration of their case, which has been shortchanged here."

Disqualification from consideration of Appellant's Motion for Reconsideration is necessary because, at the very least, there is an appearance of impropriety. Under the Ohio Judicial Code of Cannons, "impropriety," includes "conduct that violates the law, court rules, or provisions of [the Judicial Code], and conduct that undermines a judge's independence, integrity, or impartiality." "Impartiality" is the "absence of bias or prejudice in favor of, or against, particular parties or classes of parties, as well as maintenance of an open mind in considering issues that may come before a judge." Id. (emphasis added).

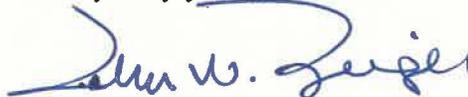
Here, multiple Justices have elected to proceed in violation of the Court's internal court rules in an effort to control and dictate the resolution of Appellee's Motion for Reconsideration. They are doing so in a manner inconsistent with the Supreme Court Rules of Practice and the historical practices of this Court, which are outlined in the attached affidavit of John W. Zeiger.

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The request for disqualification found herein is not made as to Justice Fischer as his Dissent notes his objection to the Court proceeding in violation of its rules. However, the disclosure made by Justice Fischer, at paragraph 132 of his Dissent, does not identify with specificity which members of the Ohio Supreme Court elected to violate the Court's rules. This request is, therefore, as to all Justices who violated the Court's rule for the purposes stated above, which must necessarily include the Chief Justice given her authorship of the majority opinion.

Please contact the undersigned should there be questions. As provided by Rule 4.04, a copy of this submission is being served upon counsel for the Appellant.

Very truly yours,

A handwritten signature in blue ink, appearing to read "John W. Zeiger". The signature is fluid and cursive, with a prominent initial "J" and "Z".

John W. Zeiger

Enclosures

Cc: Counsel for Appellant

JWZ:ttt:1279-001:971459