

**IN RE DISQUALIFICATION OF THE JUDGES OF THE FIFTH DISTRICT COURT OF  
APPEALS.**

**ARMATAS ET AL. v. AULTMAN HOSPITAL ET AL.**

[Cite as *In re Disqualification of the Judges of the Fifth Dist. Court of Appeals*,  
167 Ohio St.3d 1215, 2022-Ohio-2119.]

*Judges—Affidavits of disqualification—R.C. 2701.03 and 2501.13—Affiant failed  
to demonstrate bias, prejudice, or an appearance of partiality—  
Disqualification denied.*

(No. 22-AP-020—Decided March 9, 2022.)

ON AFFIDAVIT OF DISQUALIFICATION in Fifth District Court of Appeals Case Nos.  
2021-CA-00133 and 2021-CA-00122.

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**O’CONNOR, C.J.**

{¶ 1} Steven A. Armatas has filed an affidavit pursuant to R.C. 2701.03 and 2501.13 and Article IV, Section 5(C) of the Ohio Constitution seeking to disqualify all judges of the Fifth District Court of Appeals from the above-referenced cases.

{¶ 2} Mr. Armatas argues that an appearance of bias might exist if the judges preside over the underlying appeals because of his unrelated federal civil-rights lawsuit against Stark County Court of Common Pleas Judge Chryssa N. Hartnett. According to Mr. Armatas, the appellate judges presumably have a close relationship with Judge Hartnett because they are all from the same area and the appellate judges therefore might be prejudiced against him for suing Judge Hartnett. Mr. Armatas also alleges that the appellate judges might have a conflict of interest because any financial award he receives against Judge Hartnett might affect the collective judicial budget for Stark County.

{¶ 3} The judges of the Fifth District submitted a response to the affidavit stating that they do not see any reason for disqualification. The judges also assert that there are no ties between a decision in the federal case against Judge Hartnett and the financial operations of the Fifth District.

{¶ 4} “The proper test for determining whether a judge’s participation in a case presents an appearance of impropriety is \* \* \* an objective one. A judge should step aside or be removed if a reasonable and objective observer would harbor serious doubts about the judge’s impartiality.” *In re Disqualification of Lewis*, 117 Ohio St.3d 1227, 2004-Ohio-7359, 884 N.E.2d 1082, ¶ 8. “The reasonable observer is presumed to be fully informed of all the relevant facts in the record—not isolated facts divorced from their larger context.” *In re Disqualification of Gall*, 135 Ohio St.3d 1283, 2013-Ohio-1319, 986 N.E.2d 1005, ¶ 6. In addition, judges are “presumed to follow the law and not to be biased, and the appearance of bias or prejudice must be compelling to overcome these presumptions.” *In re Disqualification of George*, 100 Ohio St.3d 1241, 2003-Ohio-5489, 798 N.E.2d 23, ¶ 5.

{¶ 5} Mr. Armatas has not set forth a compelling argument for disqualifying the judges of the Fifth District to avoid an appearance of bias or partiality. Nothing in the record suggests that Mr. Armatas’s unrelated federal case against a Stark County trial-court judge has affected or would affect any Fifth District judge’s ability to impartially decide the underlying appeals. Without more, an objective observer, fully informed of all relevant facts, would have no basis to doubt the impartiality of the Fifth District judges. *See, e.g., In re Disqualification of First Dist. Court of Appeals*, 143 Ohio St.3d 1245, 2015-Ohio-2834, 37 N.E.3d 1234, ¶ 8 (“The link between the judges is too attenuated to create any appearance of impropriety”).

{¶ 6} The affidavit of disqualification is denied. The cases may proceed before any judge of the Fifth District.

January Term, 2022

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