

**IN THE COURT OF APPEALS
EIGHTH APPELLATE DISTRICT
CUYAHOGA COUNTY, OHIO**

RENEA MILLER

Appellee.

vs.

STEPHEN E. JOHNSON

Appellant.

)
)
) **CASE NO. CA 22-111526**
)
) **L. C. CASE NO. 19CVG03513**
)
)
) **AFFIDAVIT AND NOTICE**
) **OF EXCUSAL OR RECUSAL**
)
)
)
)
)

Now Comes Appellant, Stephen. E. Johnson, to request Administrative Judge Sean C. Gallagher to excuse or recuse himself.

With all due Respect,

/s/ Stephen. E. Johnson. Pro Se

Stephen E. Johnson
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440.922.6130
Appellant
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AFFIDAVIT
[FOR APPELLANT STEPHEN E. JOHNSON]

The undersigned, Stephen E. Johnson, hereinafter “Affiant”, does solemnly affirm, declare and state as follows:

1. Affiant is competent to state the matters set forth herein.
2. Affiant has knowledge of the facts stated herein.
3. All the facts herein are true, correct, complete and admissible as evidence, and if called upon as a witness, Affiant will testify to their veracity.

Plain Statement of Facts

4. Affiant has noticed a serious conflict of interest between parties.
5. Affiant sees no verifiable evidence for excusable neglect.
6. Affiant sees no verifiable evidence that Administrative Judge Sean C. Gallagher made reasonable decisions of granting the 20 day extension based on any adjudicated facts on 9-22-2022.
7. Administrative Judge Sean C. Gallagher has demonstrated partiality and acts of arbitrary treatment in this case.
8. Appellee currently fails to reply to the Appellant’s brief after the court undeservingly extended 20 extra days to complete brief due by October 3rd 2022.
9. Affiant sees no verifiable evidence that authorizes Administrative Judge Sean C. Gallagher made reasonable decisions based on adjudicated facts Russo v. Fonseca, 8th Dist. Cuyahoga No. 98527, 2012-Ohio-5714, ¶ 18, citing Natl. City Bank v. Kessler, 10th Dist. Franklin No. 03AP-312, 2003-Ohio-6938. Where a party could have prevented the occurrence of the event he later seeks to excuse, the neglect is not excusable.
10. Affiant sees no verifiable evidence that authorizes Administrative Judge Sean C. Gallagher made reasonable decisions based on adjudicated facts Kay v. Marc Glassman, Inc., 76 Ohio St.3d 18, 20, 665 N.E.2d 1102 (1996); State ex rel. Jackson at ¶ 23. The Ohio Supreme Court has defined “excusable neglect” in the negative,

stating that “the inaction of a defendant is not ‘excusable neglect’ if it can be labeled as a ‘complete disregard for the judicial system.’”

11. Affiant sees no verifiable evidence that Appellee’s HEAVY CASE LOAD is justifiable as excusable neglect when this could have been prevented by filing the extension before the original deadline September 12th 2022, and Affiant believes no evidence to the contrary exists.
12. Affiant sees no verifiable evidence that justified Magistrate Erin M. O’Toole the right to grant 20 additional days on September 19th 2022 to Attorney Jason L. Carter (0085578) former assistant county prosecutor/assistant law director for the city of Euclid after filing his request for extension of time on September 16th 2022, and Affiant believes no evidence to the contrary exists.
13. Attorney Jason L. Carter (0085578) is aware of RULE 8.4: MISCONDUCT. Administrative Judge Sean C. Gallagher is aware of OHIO CODE OF JUDICIAL CONDUCT: RULE 2.3

I, Stephen E. Johnson, Affiant, upon my own free will act, do affirm under penalty of perjury, and say that I have read the above AFFIDAVIT and do know the contents to the very best of my knowledge to be true, correct, complete, and not misleading; the truth, the whole truth, and nothing but the truth.

IN WITNESS WHEREOF executed on the 12th day of October of the year two-thousand and twenty-two.



Stephen E. Johnson
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Cleveland, Ohio 44120
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LEGAL NOTICE

The Certifying Notary is an independent contractor and not a party to this claim. In fact the Certifying Notary is a Federal Witness Pursuant to TITLE 18, PART I, CHAPTER 73, SEC. 1512. Tampering with a witness, victim or an informant. The Certifying also performs the functions of a quasi-Postal Inspector under the Homeland Security Act by being compelled to report any violations of the U.S. Postal regulations as an Officer of the Executive Department. Intimidating a Notary Public under Color of Law is a violation of Title 18, U.S. Code, Section 242, titled "Deprivation of Rights Under Color of Law," which primarily governs police misconduct investigations. This Statute makes it a crime for any person acting under the Color of Law to willfully deprive any individual residing in the United States and/or United States of America those rights protected by the Constitution and U.S. laws.

Acknowledgment

JURAT

STATE OF OHIO)
) ss.
COUNTY OF CUYAHOGA)

On the 12th day of October, 2022, the above signed personally appeared before me with this Affidavit, and proved to me on the basis of satisfactory evidence and identification to be the man whose name are subscribed to within the instrument, and acknowledged to me that they executed the same in their authorized capacity, and that by his signature on the instrument, upon behalf of which they acted, signed under oath or asseveration, and accepts the truth thereof.

Darla R. Matias
Notary name PRINTED

Darla R. Matias
Notary Signature

Parma OH
Notary City and State

November 7, 2024
MY commission expires



DARLA R. MATIAS
Notary Public, State of Ohio
My Commission Expires
November 7, 2024

CERTIFICATE OF SERVICE

A Copy of the foregoing was served upon the following this 12th day of October 2022 via the Court's electronic filing system, and/or regular US Mail:

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