

IN RE DISQUALIFICATION OF YARBROUGH.

FITZGERALD v. FITZGERALD.

[Cite as *In re Disqualification of Yarbrough*, ___ Ohio St.3d ___,
2019-Ohio-1630.]

*Judges—Affidavits of disqualification—R.C. 2701.03—S.Ct.Prac.R. 21.02(E)—
Motion for reconsideration cannot be filed regarding an affidavit of
disqualification—S.Ct.Prac.R. 21.02(D)—Supplemental affidavits
regarding a pending affidavit-of-disqualification matter failed to meet filing
requirements in S.Ct.Prac.R. 21.02(C) and R.C. 2701.03—Motion for
reconsideration and purported supplemental affidavit stricken.*

(No. 19-AP-010—Decided March 7, 2019.)

ON AFFIDAVIT OF DISQUALIFICATION in Wood County Court of Common Pleas,
General and Domestic Relations Division, Case Nos. 2017DR0012 and
2018CV0014.

O’CONNOR, C.J.

{¶ 1} On January 18, 2019, Sean P. FitzGerald filed an affidavit pursuant to R.C. 2701.03 seeking to disqualify Judge Stephen Yarbrough, a retired judge sitting by assignment, from presiding over any further proceedings in the above-referenced cases. Mr. FitzGerald’s affidavit was denied on February 21, 2019. On March 4, 2019, Mr. FitzGerald filed a document entitled “Motion For Reconsideration, Memorandum In Support and Supplemental Affidavit of Disqualification.”

{¶ 2} Effective March 1, 2019, S.Ct.Prac.R. 21.02(E) prohibits the filing of a motion for reconsideration regarding an affidavit of disqualification. In addition, S.Ct.Prac.R. 21.02(D) provides that the clerk of this court “may accept

supplemental or additional affidavits of disqualification regarding a pending case, provided that the supplemental or additional affidavits meet the filing requirements set forth in S.Ct.Prac.R. 21.01(C) and R.C. 2701.03.” Mr. FitzGerald’s affidavit of disqualification was no longer pending when the additional documents were filed and his purported “supplemental affidavit” failed to meet the filing requirements set forth in S.Ct.Prac.R. 21.01(C) and R.C. 2701.03.

{¶ 3} Because Mr. FitzGerald filed his recent document after the effective date of S.Ct.Prac.R. 21.02(D) and (E), those rules apply to his filing. Accordingly, Mr. FitzGerald’s motion for reconsideration and purported supplemental affidavit are stricken from the record.
