

IN RE DISQUALIFICATION OF GILL.

POND v. POND.

[Cite as *In re Disqualification of Gill*, ___ Ohio St.3d ___, 2021-Ohio-112.]

Judges and magistrates—Affidavits of disqualification—R.C. 2701.03—R.C. 2701.03 does not permit the chief justice to consider claims of bias or prejudice against magistrates—Affiant failed to demonstrate bias or prejudice by judge—Disqualification denied.

(No. 21-AP-003—Decided January 12, 2021.)

ON AFFIDAVIT OF DISQUALIFICATION in Franklin County Court of Common Pleas,
Domestic Relations and Juvenile Division, Case No. 17 DR 001567.

O’CONNOR, C.J.

{¶ 1} Defendant David Pond has filed an affidavit pursuant to R.C. 2701.03 seeking to disqualify Judge Elizabeth Gill and Magistrate Nancy Novack from the above-referenced divorce case. This is the second affidavit of disqualification that Mr. Pond has filed against Judge Gill and Magistrate Novack. His first affidavit was denied in an entry filed September 22, 2020. *See* Supreme Court case No. 20-AP-070.

{¶ 2} In his present affidavit, Mr. Pond again alleges that Magistrate Novack is biased against him. But as previously explained to him, “R.C. 2701.03 does not permit the chief justice to consider claims of bias or prejudice against magistrates.” *In re Disqualification of Celebrezze*, 135 Ohio St.3d 1218, 2012-Ohio-6304, 985 N.E.2d 499, ¶ 8. To remove a magistrate, a litigant should file a motion with the trial court. *See In re Disqualification of Wilson*, 77 Ohio St.3d 1250, 674 N.E.2d 360 (1996); Civ.R. 53(D)(6) (“Disqualification of a magistrate

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for bias or other cause is within the discretion of the court and may be sought by motion filed with the court”).

{¶ 3} Mr. Pond alleges that Judge Gill demonstrated bias by ignoring his evidence, quashing his subpoenas, and ruling in the plaintiff’s favor. It is well settled, however, that a judge’s adverse rulings, without more, are not evidence of bias or grounds for disqualification. “Trial judges are entitled to exercise discretion in ruling on many matters, and it is not the chief justice’s role in deciding an affidavit of disqualification to second-guess each ruling. Any remedy for these and other legal claims lies on appeal, not through the filing of an affidavit of disqualification.” *In re Disqualification of Lawson*, 135 Ohio St.3d 1243, 2012-Ohio-6337, 986 N.E.2d 6, ¶ 6.

{¶ 4} The affidavit of disqualification is denied.
