

**APPENDIX A** Decision, Subject of this Writ

# The Supreme Court of Ohio

FILED

APR 12 2021

CLERK OF COURT  
SUPREME COURT OF OHIO

In re Disqualification of Hon. David Stucki

Supreme Court Case No. 21-AP-048

## JUDGMENT ENTRY AND DECISION

ON AFFIDAVIT OF DISQUALIFICATION in *Jill Lasheen v. Wael Lasheen*, Cuyahoga County Court of Common Pleas, Domestic Relations Division, Case No. DR-19-379428.

Defendant Wael Lasheen has filed an affidavit pursuant to R.C. 2701.03 and Article IV, Section 5(C) of the Ohio Constitution seeking to disqualify Judge David E. Stucki, a retired judge sitting by assignment, from the above-referenced divorce case. This is the third affidavit of disqualification that Mr. Lasheen has filed regarding this matter, although his previous affidavits were against different judges. The first affidavit was denied after the judge recused herself. *See* Supreme Court case No. 20-AP-068. The second affidavit was denied because Mr. Lasheen failed to include any specific allegations of bias against the judge. *See* Supreme Court case No. 20-AP-075. According to Mr. Lasheen, all judges of the domestic-relations court thereafter recused themselves from his case, and the matter was assigned to Judge Stucki.

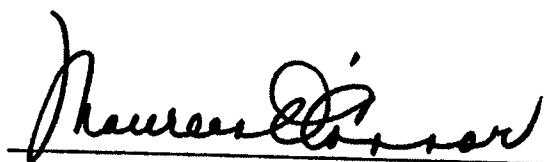
In his present affidavit, Mr. Lasheen requests Judge Stucki's disqualification for several reasons. Primarily, Mr. Lasheen suggests that the judge has some sort of conflict of interest because he is a past officer in the National Council of Juvenile and Family Court Judges and the plaintiff's counsel is a past president of the Cleveland Metropolitan Bar Association. Mr. Lasheen also alleges that a court scheduler and court reporter engaged in fraudulent conduct and that Judge Stucki is responsible for their actions.

In disqualification requests, “[t]he term ‘bias or prejudice’ ‘implies a hostile feeling or spirit of ill-will or undue friendship or favoritism toward one of the litigants or his attorney, with the formation of a fixed anticipatory judgment on the part of the judge, as contradistinguished from an open state of mind which will be governed by the law and the facts.’” *In re Disqualification of O'Neill*, 100 Ohio St.3d 1232, 2002-Ohio-7479, 798 N.E.2d 17, ¶ 14, quoting *State ex rel. Pratt v. Weygandt*, 164 Ohio St. 463, 469, 132 N.E.2d 191 (1956). “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. In addition, a “presumption of impartiality” is accorded all judges in affidavit-of-disqualification proceedings. *In re Disqualification of Celebreeze*, 101 Ohio St.3d 1224, 2003-Ohio-7352, 803 N.E.2d 823, ¶ 7.

Mr. Lasheen has not established that Judge Stucki has hostile feelings toward him or has formed a fixed anticipatory judgment on any issue in the underlying case. Nor has Mr. Lasheen set forth a compelling argument for disqualifying Judge Stucki to avoid an appearance of bias. Mr. Lasheen has not sufficiently explained—let alone established—how the judge’s involvement in a judicial membership organization creates any conflict of interest. And Mr. Lasheen has failed to substantiate his allegations that certain court staff engaged in misconduct and that Judge Stucki should be held responsible for their actions. “Allegations that are based solely on hearsay, innuendo, and speculation \* \* \* are insufficient to establish bias or prejudice.” *In re Disqualification of Flanagan*, 127 Ohio St.3d 1236, 2009-Ohio-7199, 937 N.E.2d 1023, ¶ 4.

The affidavit of disqualification is denied. The case may proceed before Judge Stucki.

Dated this 12th day of April, 2021.



MAUREEN O'CONNOR  
Chief Justice

Copies to: Sandra H. Grosko, Clerk of the Supreme Court  
Hon. David E. Stucki  
Nailah K. Byrd, Clerk  
Wael Lasheen  
Barbara Roman

**Additional material  
from this filing is  
available in the  
Clerk's Office.**