

CASE NO. 24-6293

IN THE SUPREME COURT OF THE UNITED STATES

Ohio, ex rel. John Paul Gomez,
Petitioner,

v.

Judge Dan Favreau, et al.,
Respondents.

**NOTICE OF DEATH FOR JUDGE FAVREAU AND NOTICE OF
SUBSTITUTION FOR JUDGE NAU AND KAREN STARR IN THEIR
OFFICIAL CAPACITIES**

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Counsel for Petitioners,

Judge Favreau, Judge Nau, and Karen Starr

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**OHIO, EX REL. JOHN PAUL
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I. NOTICE OF DEATH FOR JUDGE FAVREAU.

Supreme Court Rule 35.1 states, in pertinent part, the following:

If a party dies after the filing of a petition for a writ of certiorari to this Court, or after the filing of a notice of appeal, the authorized representative of the deceased party may appear and, on motion, be substituted as a party. If the representative does not voluntarily become a party, any other party may suggest the death on the record and, on motion, seek an order requiring the representative to become a party within a designated time.

On January 2, 2025, Judge Favreau passed away. The undersigned counsel believes all claims against Judge Favreau, in his personal capacity, are extinguished because no formal estate was filed. As a result, no personal representative exists that can be substituted as a party regarding the claims against Judge Favreau in his individual capacity.¹

¹ A Small Estate Affidavit was filed in Wood County Common Pleas Court that named Willia Favreau, Judge Favreau's wife, as his successor. Mrs. Favreau is the successor regarding personal assets of Judge Favreau, but no formal estate naming an executor was filed. Thus, to the undersigned counsel's knowledge, no authorized representative has been named on behalf of Judge Favreau.

Moreover, the claims against Judge Favreau, in his official capacity, are also extinguished.

Supreme Court Rule 35.3 provides the following:

When a public officer who is a party to a proceeding in this Court in an official capacity dies, resigns, or otherwise ceases to hold office, the action does not abate and any successor in office is automatically substituted as a party. The parties shall notify the Clerk in writing of any such successions. Proceedings following the substitution shall be in the name of the substituted party, but any misnomer not affecting substantial rights of the parties will be disregarded.

In this case, Judge Favreau, at all pertinent times, was acting as a visiting judge for the Noble County Common Pleas Court. Beginning in 2019, Judge Favreau, sitting by assignment by the Supreme Court of Ohio, presided over the case involving the custody of Mr. Gomez's children. Thus, because Judge Favreau was a visiting judge, the undersigned counsel does not believe a successor exists.

II. NOTICE OF SUBSTITUTION FOR JUDGE NAU AND KAREN STARR IN THEIR OFFICIAL CAPACITIES.

As set forth above, Supreme Court Rule 35.3 explains that when a public officer, who is a party to the proceeding in his/her official capacity, dies, resigns, or ceases to hold office, the successor in office is automatically substituted as a party.

Judge Nau retired as the Noble County Court of Common Pleas Judge. Currently, Judge Kelly Riddle is the Noble County Court of Common Pleas Judge. Thus, Judge Riddle is automatically substituted regarding all official capacity claims that were asserted against Judge Nau.

Additionally, Karen Starr retired as the Noble County Clerk of Courts in January of 2025. Now, Ashley Reiter is the Noble County Clerk of Courts. Thus, Ms. Reiter is automatically substituted regarding all claims originally brought against Karen Starr in her official capacity.

Accordingly, any claims against Judge Nau and Karen Starr, in their official capacities, are now only against Judge Riddle and Ashley Reiter.

Respectfully Submitted,

/s/ Cassaundra L. Sark

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CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the Notice of Death for Judge Favreau and Notice of Substitution for Judge Nau and Karen Starr In Their Official Capacities was provided via the Court's electronic filing system (CM/ECF), and mailed via USPS, on the 7th day of April 2025 to the following:

John Paul Gomez
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Pittsburgh, PA 15204

/s/ Cassaundra L. Sark
Cassaundra L. Sark (0087766)
*Counsel for Petitioners Judge Favreau,
Judge Nau, and Karen Starr*