

AFFIDAVIT

State of Ohio

County of Champaign, ss:

I, Michael A. Galluzzo, being first duly cautioned and sworn, do hereby depose and state as follows:

1. I am the Plaintiff in the above-captioned matter and the legal father of Sara Galluzzo, DOB Aug. 4, 1989 and Kelsie Galluzzo, DOB June 22, 1992.
2. Pursuant to filing of a complaint for divorce in the Champaign County Common Pleas Court on Dec. 8, 1993, I was statutorily designated a noncustodial parent and stripped of my substantive liberty right to legal custody and the equal protection of my parental rights of Sara and Kelsie Galluzzo. I was designated the obligor for the payment of child support and ordered to pay the sole child support obligation pursuant to Ohio statute.
3. I was denied substantive due process where the nature of the liberty right required constitutional protections. I was denied due process where the explicit language of Ohio's statutory scheme lacks constitutionally compliant due process requirements.
4. Pursuant to the abridgment of legal custody and the equal protection of my parental rights on Dec. 17, 1993, the final decision for the allocation of parental rights and responsibilities was journalized June 24, 1994, six months after the initial underlying liberty deprivation. I continue to be deprived of my substantive due process liberty and property rights pursuant to prospective due process deprivations and the denial of equal protection under Ohio law.
5. I am similarly situated to Defendant Teresa A. Cook [fka Galluzzo].

6. I am a suitable parent. There has been no finding of unfitness of either parent.
7. Pursuant to a Dec. 22, 1998 court order, I was ordered to solely pay for the court's appointed Guardian Ad Litem, upon the domestic court's own motion, without notice, a hearing, or a constitutionally compliant evidentiary burden of proof. I was treated differently than Defendant Teresa A. Cook who was not ordered to pay any of the Guardian Ad Litem fees.
8. Under Motions to Show cause filed on various dates, Defendants Cook and Tompkins have invoked the coercive authority of the domestic court to prospectively deprive Plaintiff of his property (Psychological expert fees and alleged child support) and his physical liberty. Prospectively, Plaintiff faces the continuing jurisdiction of the domestic court and its' total unbridled discretion under Ohio law.
9. Plaintiff faces the prospective deprivation of property (tax refund) and the coercive restriction of his physical liberty and privacy (passport issuance) denying him equal protection of his liberty right pursuant to the Fourteenth Amendment.
10. I pled the unconstitutional facial language of the statutory scheme and the retrospective deprivation of procedural due process, substantive due process, equal protection, and privacy pursuant to motions, hearings [transcripts], and written objections. I asserted that the underlying deprivation would further affect my protected parent-child relationship.
11. Prospectively, I continue to be subject to the ongoing jurisdiction of the domestic court. I have standing to set forth my claims pursuant to the instant 42 U.S.C. 1983 complaint.

12. I will prospectively face irreparable and irreversible harm pursuant to further proceedings held prior to the adjudication of the constitutional challenges set forth in the instant complaint. The injury will affect my freedom, my sole livelihood, and my children.
13. I have asserted my constitutional rights pursuant to the Fourteenth Amendment. The state actors and private individuals acting under color of law have notice and full knowledge of the constitutional challenge with reasonable knowledge that there is settled law that sets forth the constitutional rights claimed by myself.
14. As the result of the initial underlying liberty deprivation to legal custody and the equal protection of my parental rights I have incurred costs and retrospective and prospective attorney fees related to the filing of this motion.

Further Affiant Sayeth Naught.


Michael A. Galluzzo / Plaintiff

Sworn to and subscribed in my presence on the 26th day of April 2001.


NOTARY PUBLIC

Barbara L. Jenks
Notary Public, State of Ohio
My Commission Expires June 25, 2005