

**IN THE UNITED STATES DISTRICT COURT
IN THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION – DAYTON**

MICHAEL A. GALLUZZO	:	CASE NO. C301-174
	:	
Plaintiff	:	Judge Walter H. Rice
	:	
vs	:	
	:	
CHAMPAIGN COUNTY COURT	:	
OF COMMON PLEAS, <i>et al</i>	:	
	:	ANSWER OF DEFENDANT
Defendants	:	TERESA A. COOK

1. Teresa A. Cook, through counsel, states the following for her answer to plaintiff's complaint.

(1) With regard to plaintiff's allegations that this court has jurisdiction, defendant states that plaintiff's allegations that a state court resolution of a custody issue can constitute a federal constitutional court are without merit. Defendant specifically denies the allegations contained in paragraphs 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15 of plaintiff's complaint.

(2) Defendant admits the allegations contained in paragraphs 16, 18, 19 and 20 of plaintiff's complaint.

(3) Defendant Teresa A. Cook denies the allegations contained in paragraph 17 of plaintiff's complaint.

(4) With regard to the allegations contained in paragraphs 22 and 23 of plaintiff's complaint, defendant Teresa A. Cook admits that Ohio Rule of Civil Procedure 75(N) and Ohio Revised Code Section 3109.04 are related to child custody issues litigated in the state

courts of Ohio. Defendant Teresa Cook denies each and every other allegation contained in paragraphs 22 and 23.

(5) Defendant Teresa A. Cook admits the allegation contained in paragraph 24 of plaintiff's complaint.

(6) Defendant Teresa A. Cook denies the allegations contained in paragraphs 25, 31, and 32 of plaintiff's complaint.

(7) Defendant Teresa A. Cook admits the allegations contained in paragraphs 26 and 27 of plaintiff's complaint.

(8) Defendant Teresa A. Cook denies for want of knowledge sufficient to form a basis as to the truth of the allegations contained in paragraphs 28, 29, 30, 33, 34, and 35.

(9) Paragraphs 41 through 85 of plaintiff's complaint appear to seek various types of relief from this court. To the extent that these paragraphs contain any factual allegations, defendant Teresa Cook denies the allegations contained in paragraphs 41 through 85.

(10) Defendant Teresa Cook specifically denies the allegations contained in paragraphs 80, 81, 83 and 84.

FIRST DEFENSE

Plaintiff's claims are barred by the applicable statute of limitations.

SECOND DEFENSE

Plaintiff's complaint fails to state a ground upon which relief may be granted.

THIRD DEFENSE

This court lacks subject matter jurisdiction of plaintiff's complaint.

FOURTH DEFENSE

This court lacks jurisdiction of the parties for this action.

FIFTH DEFENSE

Plaintiff's claims are barred by *res judicata*.

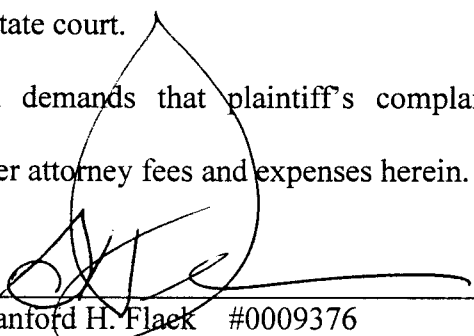
SIXTH DEFENSE

Plaintiff is collaterally estopped from asserting the claims set forth in his complaint.

SEVENTH DEFENSE

Plaintiff has failed to exhaust his remedies in state court.

WHEREFORE, defendant Teresa A. Cook demands that plaintiff's complaint be dismissed at plaintiff's cost and that she be awarded her attorney fees and expenses herein.



Sanford H. Flack #0009376
Attorney for Defendant Teresa Cook
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Answer was forwarded to **Michael A. Galluzzo** at P.O. Box 710, St. Paris, Ohio 43072, **Judge Roger B. Wilson**, 200 North Main Street, Urbana, Ohio 43078, **Champaign County Common Pleas Court**, 200 North Main Street, Urbana, Ohio 43078, and Ronald Tompkins, 107 W. Court Street, Urbana, Ohio 43078, by regular U.S. mail on this 14 day of May, 2001.



Sanford H. Flack
Attorney for Defendant Teresa A. Cook