

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

MICHAEL A. GALLUZZO,

Plaintiff

-vs-

**CHAMPAIGN COUNTY COURT
OF COMMON PLEAS, et al.,**

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CASE NO. C 3 01-174

**ANSWER OF DEFENDANT
RONALD C. TOMPKINS
WITH AFFIRMATIVE
DEFENSES**

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Defendant Ronald C. Tompkins hereby answers and alleges as follows:

1.) Admits that Ronald C. Tompkins is a licensed practicing attorney, employed by the entity, Tompkins Law Office Co., L.P.A., in Champaign County, Ohio and that Ronald C. Tompkins, in his capacity as an attorney, did represent Defendant Teresa Cook, formerly Galluzzo, in a series of motion hearings and civil matters filed by Plaintiff or by Defendant Cook, in the Court of Common Pleas for Champaign County, Ohio.

2.) Alleges that Defendant Ronald C. Tompkins ethically, legally and zealously pursued Defendant Cook's interests in legal proceedings in the Court of Common Pleas for Champaign County, Ohio, until his services were terminated by Defendant Cook on April 10, 2001.

3.) Denies that there is a Federal question, as alleged in Paragraphs One through 15 of the Complaint.

4.) Admits Paragraphs 16 through 20, while alleging that Defendant Tompkins is an attorney in the employ of Tompkins Law Office Co., L.P.A.

5.) Denies for lack of knowledge the status of notice to the Attorney General of the State of Ohio.

6.) Admits to the existence of the statutes and civil rules of court of the State of Ohio, while denying, for lack of knowledge and by belief, the legal conclusions in Paragraphs 22 and 23.

7.) Admits to Paragraphs 24, 26, 27, 28, 29, 30, and denies for lack of knowledge Paragraphs 25, 31, 32, 33, 34, 35, 36, 37, 38, 39 and 40, without admitting or denying matters of public record or the interpretation of such matters, and alleges that Defendant Tompkins was not personally or professionally involved in the initial divorce of Michael A. Galluzzo and Teresa Cook.

8.) To the extent that Paragraphs 41 through 79, allege any misconduct or claims against Defendant Tompkins, such allegations are denied.

9.) To the extent that, as an attorney representing Defendant Cook, Defendant Tompkins invoked the authority of the Court of Common Pleas for Champaign County, Ohio, to require Plaintiff to pay for the support of his children, that is admitted, while the balance of the allegations, such as they are, in Paragraphs 80 through 84, are denied.

AFFIRMATIVE DEFENSES

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

2.) Plaintiff has not exhausted his remedies.

3.) This Court lacks subject matter jurisdiction.

4.) Plaintiff failed to name parties necessary to the adjudication of this controversy.

5.) The Complaint fails to state a claim upon which relief can be granted. and it is frivolous as it relates to Defendant Tompkins.

6.) Plaintiff is both collaterally estopped from the bulk of the complaint as it relates to questions of substantive disposition, and all aspects of his complaint are barred by the doctrine of “res judicata”.

7.) Plaintiff has unclean hands.

8.) Plaintiff is guilty of laches.

9.) The Complaint is frivolous as it relates to Defendant Tompkins, being interposed only to frustrate, annoy and intimidate an attorney in the pursuit of his professional endeavors on behalf of his clients.

WHEREFORE, Defendant Tompkins respectfully prays this Court to dismiss this action against him and to award him costs.

Respectfully Submitted,



Ronald C. Tompkins, Pro Se
107 West Court Street
Urbana, OH 43078
(937) 653-3467
FAX: (37) 653-3375

CERTIFICATE OF SERVICE

A copy of the foregoing was mailed by United States mail, first class postage prepaid, to the following parties:

Plaintiff Michael A. Galluzzo
Post Office Box 710
St. Paris, OH 43072

Mr. Sanford Flack
Attorney for Defendant Cook
101 North Fountain Avenue
Springfield, OH 45502

Mr. Jack W. Whitesell, Jr.
Assistant Champaign County Prosecutor
200 North Main Street
Urbana, OH 43078