

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON

FILED  
KENNETH J. MURPHY  
CLERK

02 DEC 16 PM 3:56

MICHAEL A. GALLUZZO,

Plaintiff,

-vs-

CHAMPAIGN COUNTY COURT  
OF COMMON PLEAS, et al.,

Defendants.

Case No. C-3-01-174

District Judge Thomas M. Rose  
Magistrate Judge Michael R. Merz

U.S. DISTRICT COURT  
SOUTHERN DIST. OHIO  
WESTERN DIV. DAYTON

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SCHEDULING ORDER

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This case came on for telephone scheduling conference at 9:00 A.M. on Monday, December 16, 2002.

Plaintiff participated *pro se* and the sole remaining Defendant, Teresa Cook, was represented by attorney Sanford Flack.

The parties have unanimously consented to plenary magistrate judge jurisdiction pursuant to 28 U.S.C. §636(c) and District Judge Rose has referred the case on that basis.

Plaintiff believes that the constitutional issue he seeks to have resolved in this case can be resolved on summary judgment motions. He will file his summary judgment motion shortly and Defendant Cook will have thirty days in which to respond.

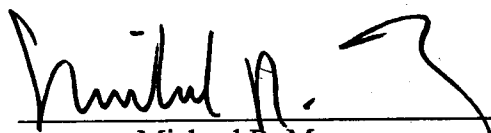
The request of the Attorney General of Ohio to participate as *amicus curiae* is GRANTED and the Court will consider the arguments made by the Attorney General in her Motion for Leave to Participate. The Court understands that the arguments made in the body of that document are the arguments the Attorney General wishes to place before the Court, rather than a prelude to additional briefing.

Defendant's counsel will approach the Matrimonial Lawyers Association as to their interest in briefing the constitutional questions involved in this case.

The Clerk is ORDERED to enter the appearance of Elise Porter as trial attorney for Betty

Montgomery, Attorney General, as amicus curiae.

December 16, 2002.

  
Michael R. Merz  
United States Magistrate Judge