

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

FILED

DEC 18 2002

KENNETH J. MURPHY, Clerk
DAYTON, OHIO

MICHAEL A. GALLUZZO
PLAINTIFF,

CASE NO. C-3-01-174

VS.

Judge Thomas M. Rose
Magistrate Judge Michael R. Merz

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

**MOTION OF PLAINTIFF FOR LEAVE TO FILE AN EXTENDED
BRIEF AND PERMISSION of the COURT FOR AMICUS
CONSIDERATION
& PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT
& MERIT BRIEF attached INSTANTER**

Plaintiff Michael Galluzzo, for good cause shown, respectfully requests Leave of Court that he be permitted to file an extended brief addressing the numerous legal issues pursuant to the Certified Constitutional Question filed August 12, 2002 by this Court. Plaintiff attaches *instanter* his 43-page Motion for Summary Judgment & Merit Brief.

Pursuant to the December 16, 2002 teleconference with Magistrate Merz, the Court is allowing certain *amicus* briefs to be filed in this matter. Plaintiff indulges the Court that, as a proper party, this Plaintiff should be permitted to thoroughly address the constitutional merits of Ohio's procedural rule and statute so that this Court has all of the information and argument as a matter of law at its disposal.

And where it was this Court's opinion that all such information addressing the merits of the constitutional challenge be made available from the State of Ohio and others, including the Ohio Matrimonial Lawyers Association in support of Defendant's position by providing matters of consideration for the Court to make an appropriate

decision as a matter of law, it would be incumbent upon the Court to permit Plaintiff to thoroughly address the constitutional question within reasonable length, but at the same time, without burdensome limitation.

And where the Court has provided amicus opportunity to Defendant, for Mr. Flack stated that Defendant Teresa Cook will neither file a brief in defense of the constitutionality of Ohio law, nor will she stipulate to the Certified Constitutional Question; in the interest of equity, Plaintiff respectfully requests permission of the Court that amicus briefs be permitted to support Plaintiff's position. Plaintiff has *tentative* commitments from the National Children's Rights Council; the Ohio statewide organization of Parents And Children for Equality (PACE), and from the nationally-recognized expert and educator in child custody evaluations, Dr. John Guidibaldi.

Where the precedential magnitude of the constitutional decision of this Court will have substantial effect, for Ohio parents for years to come, pursuant to the state's explicit requirements for infringing on parental rights, Plaintiff, *for good cause shown*, respectfully requests leave to file his **completed** and extended Merit Brief of 43 pages.

Respectfully submitted,



Michael A. Galluzzo, Plaintiff
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT A TRUE AND ACCURATE COPY OF THE FOREGOING MOTION WAS SERVED UPON SANFORD FLACK, ATTORNEY FOR DEFENDANT TERESA COOK, BY ORDINARY MAIL, POSTAGE PREPAID AT 101 NORTH FOUNTAIN BLVD., SPRINGFIELD, OHIO, THE 18TH DAY OF DECEMBER 2002.


Michael A. Galluzzo, Plaintiff