

FRANKLIN COUNTY COURT OF COMMON PLEAS
CIVIL DIVISION
COLUMBUS, OHIO

08CVH 11 15756

Charles Evans, Plaintiff,
v.
State of Ohio, et al, Defendants.

CASE NO.

**PLAINTIFF EVANS CIV.R. 57 MOTION to ADVANCE
DECLARATORY JUDGMENT ACTION on the TRIAL LIST**

Ohio Civil Rule of Procedure 57 provides for the Court to advance the hearing of an action for a declaratory judgment on the trial list. An adequate state remedy requires that in order to be effective, time is of the essence and prompt judicial action is essential.

Plaintiff Evans has been denied an evidentiary hearing since the filing date of Case No. 07 Dr-0355 on January 29, 2007. In fact there have been no evidentiary hearings where numerous hearing requests have been filed. Plaintiff Evans legal and physical custodial rights were denied where he was designated a non-custodial/non-residential parent. Upon designation, Plaintiff was ordered supervised visitation with Collin Evans (DOB 10-26-98), *further restricting* his associative, privacy, and fundamental parental rights without an evidentiary hearing, and likewise, a finding of fact. Defendant Davis has subsequently withheld and interfered with Plaintiff's already unconstitutionally restricted rights under color of state law.

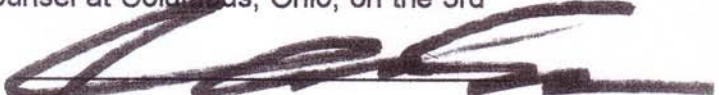
Where Ohio's statutory scheme is expressly unconstitutional as written and where Ohio's statutory scheme does not comport with federal law in the denial of express due process requirements among other deprivations, Defendant State of Ohio unconstitutionally deprived Plaintiff Evans of his parental rights.

WHEREFORE, to eliminate further penalty of his parental rights, Plaintiff Evans requests that the Court advance this action on the trial list.


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CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing Notice of Reservation was served upon all parties or their counsel at Columbus, Ohio, on the 3rd day of November 2008.


Charles R. Evans

FILED
COMMON PLEAS COURT
FRANKLIN CO., OHIO
2008 NOV 3
PM 4:42
CLERK OF COURTS