

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

FILED
KENNETH J. MURPHY
CLERK

02 AUG 12 PM 3:27

MICHAEL A. GALLUZZO,

Plaintiff,

-vs-

CHAMPAIGN COUNTY COURT
OF COMMON PLEAS, et al.,

Defendant.

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

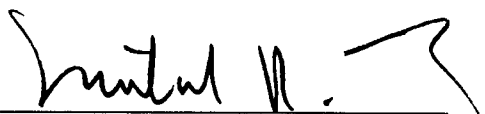
CERTIFICATE OF CONSTITUTIONAL QUESTION

TO: BETTY MONTGOMERY
Attorney General of the State of Ohio
30 East Broad Street
Columbus, Ohio 43215

Pursuant to 28 U.S.C. §2403(b), the Court hereby gives you notice that Plaintiff has filed the above-captioned action to challenge the constitutionality of Ohio Revised Code § 3109.04 and Ohio R. Civ. P. 75(N) with respect to the asserted effect of this rule and statute to permit an Ohio domestic relations court to deprive a biological parent, in a divorce situation, of equal custodial parent status without a finding by clear and convincing evidence that the parent so deprive is an unfit parent.

Upon your request, the State of Ohio will be permitted to intervene with all the rights of a party and the liabilities of a party as to court costs to the extent necessary for a proper presentation of the facts and law relating to the question of constitutionality.

August 12, 2002.



Michael R. Merz
United States Magistrate Judge