

IN THE SUPREME COURT OF OHIO

STATE OF OHIO, EX REL.
OHIO FAMILY FIRST
AND MARIA LIMON
2511 Clark Avenue
Cleveland, Ohio 44109

RELATORS,

-VS.-

JUDGE R.R. DENNY CLUNK,
c/o Stark County Courthouse
115 Central Plaza, North
Canton, Ohio 44702

RESPONDENT.

08-0623

CASE NO. _____

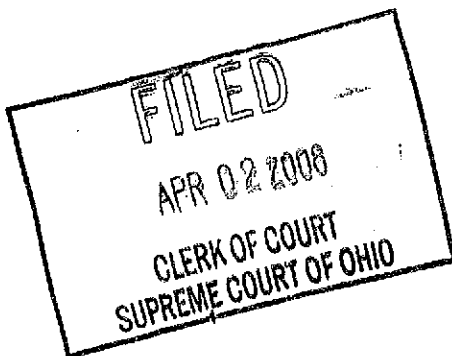
ORIGINAL ACTION IN PROHIBITION

COMPLAINT FOR WRIT OF PROHIBITION

Roger L. Kleinman (0022272)
(COUNSEL OF RECORD)
600 Superior Avenue, East
Suite 2100
Cleveland, Ohio 44114
Telephone: 216.348.5474
Telecopier: 216.348.5745
rkleinman@mcdonaldhopkins.com

Plaintiff's/Appellant's Counsel

RELATORS' COUNSEL



PARTIES, JURISDICTION AND VENUE

1. Relator Ohio Family First ("OFF") is an organized group of individuals who campaigned for the passage of the Marriage Amendment and have an interest in seeing that its efforts are not undermined. Specifically, Relator has an interest in preventing judicially created exceptions to the Marriage Amendment for which Relator has no adequate remedy at law.

a. Relator Maria Limon is the organizer of OFF, is a registered elector who voted for the Marriage Amendment and has an interest preventing judicially created exceptions to the Marriage Amendment for which Relator has no adequate remedy at law.

b. Respondent is the assigned judge for the case captioned *Gaetano Cecchini v. Jennifer Cecchini*, Case No. 2007 CV 02159. In the foregoing litigation, Gaetano Cecchini ("Gaetano") is seeking a declaratory judgment that his "marriage" to Jennifer Cecchini ("Jennifer") is *void ab initio* because it does not comply with Ohio Rev. Code §3101 *et. seq.* A copy of the Complaint is attached hereto as Exhibit B.

c. Relators have no right to appeal Respondent's decision even though it is their position that Respondent has no authority to find a marriage exists under the facts and circumstances of this case.

d. Jurisdiction rests with this Court pursuant to Article 4, Section 2(B) (1)(d) of the Ohio Constitution.

e. Venue is proper pursuant to the Ohio Rules of Procedure in that the acts which form the basis for this Complaint occurred within the State of Ohio.

2. FACTS

3. On or about Friday, October 7, 1994, Gaetano and Jennifer applied for and were issued a marriage license from the Probate Court of Stark County, Ohio. A copy of said license is attached hereto as Exhibit C.

4. On or about Saturday, October 9, 1994, Gaetano and Jennifer attended a purported wedding ceremony in Summit County, Ohio, at the Prestwick Country Club located at 2220 Rager Road, Uniontown, Summit County, Ohio 44685.

5. This purported wedding ceremony in Summit County was presided over by the then Mayor of Canton, Ohio, Richard D. Watkins. The City of Canton, Stark County, Ohio is a municipal corporation wholly located within the territorial limits of Stark County, Ohio. No portion of Canton, Ohio, is within Summit County, Ohio.

6. On October 12, 1994, Mayor Watkins filed a return of marriage certificate confirming that the marriage took place on October 8, 1994, with the Probate County of Stark County, Ohio. Exhibit D.

7. All of the foregoing facts were admitted by Jennifer in the Answer of Defendant Jennifer Cecchini, a copy of which is attached hereto as Exhibit E.

8. The purported "solemnization" of Gaetano and Jennifer's marriage by Mayor Watkins in Summit County was in violation of Ohio Revised Code §3101.08, as Mayor Watkins was not authorized to solemnize marriage in Summit County, Ohio.

9. Further, Mayor Watkins admitted at a deposition that he did not sign the Certificate of Marriage, as required by Ohio Revised Code §3103.03.

10. The purported marriage of Gaetano and Jennifer failed to comply with the Ohio Revised Code §3101, *et seq.*, and was, therefore *void ab initio*.

11. On or about May 22, 2007, Gaetano filed a Complaint for Declaratory Judgment based on the foregoing facts, which facts are not in dispute.

12. On November 19, 2007, Relator denied Gaetano's Motion for Summary Judgment and set this matter for trial on May 1, 2008.

13. Ohio public policy mandates that defective marriages cannot be recognized by the State of Ohio.

14. Section 11, Article XV of the Ohio Constitution prohibits that the state and its political subdivisions from recognizing unions that fail to comply with Ohio Revised Code §3101. *et seq.*

15. Ohio Revised Code §3101.01(C) provides that marriages that do not comply with said statute will not be recognized and are against the strong public policy of this State.

16. Ohio Revised Code §3105.12 prohibits the recognition of common law marriages commenced after October 10, 1991.

17. The State of Ohio has expressed its intent through the prohibition of common law marriages, that purported marriages that do not comply with the Ohio Revised Code §3101.01, *et seq.* are against the clear public policy of this State and will not be recognized.

18. Unless prohibited from doing so, Respondent will unlawfully continue to preside over a matter over which it patently and unambiguously lacks jurisdiction.

19. Any judgment granted or order entered by Respondent finding that a legal marriage exists will be a nullity.


20. Relators have a likelihood or probability of success on the merits of this cause and have no adequate remedy at law.

21. The issuance of the requested writ will prevent irreparable injury to Relators, will not cause injury to Respondent or to others, will serve the public interest by upholding and enforcing the Ohio Constitution and the governmental authority through which the people have authorized their government to formally regulate them.

WHEREFORE, Relators pray that a writ of prohibition be forthwith issued finding there is no marriage over which to exercise jurisdiction and commanding the Respondent to exercise no further jurisdiction in the matter and that Relator be awarded costs, attorney's fees and such other and further relief as Relators may be entitled under law or in equity.

Respectfully submitted and dated this 2nd day of April, 2008.

By: Roger L. Kleinman (0022272)
(COUNSEL OF RECORD)
600 Superior Avenue, East
Suite 2100
Cleveland, Ohio 44114
Telephone: 216.348.5474
Telecopier: 216.348.5745
rkleinman@mcdonaldhopkins.com



COUNSEL FOR RELATOR

EXHIBIT A

STATE OF OHIO)
)
COUNTY OF CUYAHOGA) SS: AFFIDAVIT

Roger L. Kleinman, being first duly sworn according to the law hereby deposes the following from personal knowledge and from documents kept and maintained in the usual scope and course of his business as an attorney:

1. I am an attorney, licensed to practice law in the State of Ohio and a counsel for Relators.

2. All documents attached hereto are true and accurate copies received and maintained by me in the usual scope and course of my business as an attorney at law.

3. Relator Ohio Family First ("OFF") is an organized group of individuals who campaigned for the passage of the Marriage Amendment and have an interest in seeing that its efforts are not undermined. Specifically, Relator has an interest in preventing judicially created exceptions to the Marriage Amendment for which Relator has no adequate remedy at law.

4. Relator Maria Limon is the organizer of OFF, is a registered elector who voted for the Marriage Amendment and has an interest preventing judicially created exceptions to the Marriage Amendment for which Relator has no adequate remedy at law.

5. Respondent is the assigned judge for the case captioned *Gaetano Cecchini v. Jennifer Cecchini*, Case No. 2007 CV 02159. In the foregoing litigation, Gaetano Cecchini ("Gaetano") is seeking a declaratory judgment that his "marriage" to Jennifer Cecchini ("Jennifer") is *void ab initio* because it does not comply with Ohio Rev. Code §3101 *et. seq.* A copy of the Complaint is attached hereto as Exhibit B.

6. Relators have no right to appeal Respondent's decision even though it is their position that Deponent has no authority to find a marriage exists under the facts and circumstances of this case.

7. On or about Friday, October 7, 1994, Gaetano and Jennifer applied for and were issued a marriage license from the Probate Court of Stark County, Ohio. A copy of said license is attached hereto as Exhibit C.

8. On or about Saturday, October 9, 1994, Gaetano and Jennifer attended a purported wedding ceremony in Summit County, Ohio, at the Prestwick Country Club located at 2220 Rager Road, Uniontown, Summit County, Ohio 44685.

9. This purported wedding ceremony in Summit County was presided over by the then Mayor of Canton, Ohio, Richard D. Watkins. The City of Canton, Stark County, Ohio is a municipal corporation wholly located within the territorial limits of Stark County, Ohio. No portion of Canton, Ohio, is within Summit County, Ohio.

10. On October 12, 1994, Mayor Watkins filed a return of marriage certificate confirming that the marriage took place on October 8, 1994, with the Probate County of Stark County, Ohio. Exhibit D.

11. All of the foregoing facts were admitted by Jennifer in the Answer of Defendant Jennifer Cecchini, a copy of which is attached hereto as Exhibit E.

12. The purported "solemnization" of Gaetano and Jennifer's marriage by Mayor Watkins in Summit County was in violation of Ohio Revised Code §3101.08, as Mayor Watkins was not authorized to solemnize marriage in Summit County, Ohio.

13. Further, Mayor Watkins admitted at a deposition that he did not sign the Certificate of Marriage, as required by Ohio Revised Code §3103.03.

14. The purported marriage of Geatano and Jennifer failed to comply with the Ohio Revised Code §3101, *et seq.*, and was, therefore *void ab initio*.

15. On or about May 22, 2007, Gaetano filed a Complaint for Declaratory Judgment based on the foregoing facts, which facts are not in dispute.

16. On November 19, 2007, Relator denied Gaetano's Motion for Summary Judgment and set this matter for trial on May 1, 2008.

17. Ohio public policy mandates that defective marriages cannot be recognized by the State of Ohio.

18. Section 11, Article XV of the Ohio Constitution prohibits that the state and its political subdivisions from recognizing unions that fail to comply with Ohio Revised Code §3101. *et seq.*

19. Ohio Revised Code §3101.01(C) provides that marriages that do not comply with said statute will not be recognized and are against the strong public policy of this State.

20. Ohio Revised Code §3105.12 prohibits the recognition of common law marriages commenced after October 10, 1991.

21. The State of Ohio has expressed its intent through the prohibition of common law marriages, that purported marriages that do not comply with the Ohio Revised Code §3101.01, *et seq.* are against the clear public policy of this State and will not be recognized.

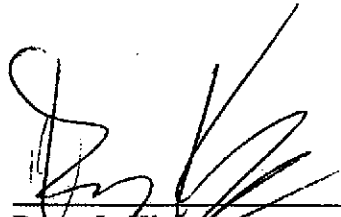
22. Unless prohibited from doing so, Respondent will unlawfully continue to preside over a matter over which it patently and unambiguously lacks jurisdiction.

23. Any judgment granted or order entered by Respondent finding that a legal marriage exists will be a nullity.

24. Relators have a likelihood or probability of success on the merits of this cause and have no adequate remedy at law.


25. The issuance of the requested writ will prevent irreparable injury to Relators, will not cause injury to Respondent or to others, will serve the public interest by upholding and enforcing the Ohio Constitution and the governmental authority through which the people have authorized their government to formally regulate them.

Further Affiant Sayeth Naught.



Roger L. Kleinman

SWORN TO BEFORE ME, and subscribed in my presence this 2nd day of April, 2008.



Notary Public, State of Ohio
My Commission Has No Expiration Date
Section 147.03 R.C.

EXHIBIT B

2001 MAY 22 PM 3:58
ST. CLERK
PROBATE COURT
STARK COUNTY, OHIO

IN THE COURT OF COMMON PLEAS
STARK COUNTY, OHIO

GAETANO M. CECCHINI
PO BOX 965
MASSILLON, OHIO 44648

Plaintiff,

v.

JENNIFER CECCHINI
1155 OLD TOWER ROAD
MASSILLON, OHIO 44646

Defendant.

CASE **20 07 CV 0 2 15 9**

JUDGE:

**COMPLAINT FOR DECLARATORY
JUDGMENT**

Plaintiff, Gaetano M. Cecchini ("Plaintiff"), as and for his Complaint for Declaratory Judgment, hereby avers as follows:

I. BACKGROUND

1. At all times relevant herein, Plaintiff is a resident of Massillon, Stark County, Ohio.
2. At all times relevant herein, Defendant, Jennifer Cecchini ("Defendant"), is an individual who resides at 1155 Old Tower Road, Massillon, Stark County, Ohio 44646.
3. On or about Friday, October 7, 1994, Plaintiff and Defendant applied for and were issued a marriage license from the Probate Court of Stark County, Ohio. A copy of said license is attached hereto as **Exhibit A**.

RECEIVED EX 11

4. On or about Saturday, October 8, 1994, Plaintiff and Defendant attended their wedding ceremony in Summit County, Ohio, at the Prestwick Country Club located at 2220 Raber Road, Uniontown, Summit County, Ohio, 44685.

5. The marriage was presided over by the then Mayor of Canton, Ohio, Richard D. Watkins, who then filed a return of marriage certificate confirming that the marriage took place on October 8, 1994, with the Probate Court of Stark County, Ohio.

6. The City of Canton, Stark County, Ohio, is a municipal corporation wholly located within the territorial limits of Stark County, Ohio. No portion of the City of Canton, Stark County, Ohio, is within Summit County, Ohio.

II. CLAIM FOR RELIEF

7. Plaintiff incorporates by reference, as if fully rewritten herein, each and every allegation set forth in the preceding paragraphs of this Complaint.

8. Plaintiff is an interested party whose rights and/or legal relations are affected by the provisions of Ohio Revised Code § 3101.01, *et seq.*

9. The solemnization of Plaintiff's and Defendant's marriage by the Mayor of Canton, Richard D. Watkins, in Summit County, Ohio, was in violation of Ohio Revised Code § 3101.08, as Richard D. Watkins, the Mayor of Canton, Ohio, was not authorized to solemnize marriages in Summit County, Ohio.

10. A justifiable controversy exists as to whether Plaintiff is entitled to have his marriage to Defendant declared *void ab initio* because said marriage was improperly solemnized and in violation of Ohio Revised Code § 3101.08.

11. Plaintiff's and Defendant's marriage failed to comply with Ohio Revised Code § 3101, *et seq.* and was, therefore, defective.

12. Ohio public policy supports the connotation that defective marriages will not be recognized by the State of Ohio.

13. Section 11, Article XV of the Ohio Constitution stands for the fact that the state and its political subdivisions will not recognize legally defective marriages that fail to comply with Ohio Revised Code § 3101, *et seq.*

14. Ohio Revised Code § 3101.01(C) provides that defective marriages between persons will not be recognized and are against the strong public policy of the state.

15. Ohio Revised Code § 3105.12 prohibits the recognition after October 10, 1991, of what is termed a "common law marriage."

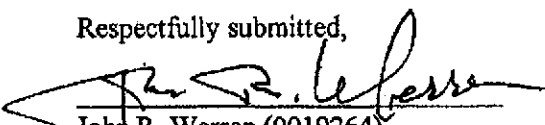
16. The State of Ohio has expressed this intent through the prohibition of common law marriages, that defective purported marriages that do not comply with the Ohio Revised Code § 3101.01, *et seq.* are against the strong public policy of this State and will not be recognized.

17. Plaintiff prays this Court declare Plaintiff's marriage to Defendant was defective and in violation of Ohio Revised Code § 3101.08, and is, therefore, invalid under Ohio Revised Code § 3101, *et seq.*

III. DEMAND FOR JUDGMENT

18. Plaintiff demands judgment on his Complaint against Defendant that this Court issue a declaration and determination that Plaintiff's marriage to Defendant was improperly solemnized by the mayor of a municipal corporation outside of the county in which the municipal corporation wholly or partly lies, and, therefore, this marriage was in violation of Ohio Revised Code § 3101, *et seq.*, and is *void ab initio* as it is against the strong public policy of the State of Ohio. Plaintiff further demands that costs and expenses of this action be charged to Defendant and for such other and further relief as this Court deems just and proper.

Respectfully submitted,


John R. Werren (0019264)

DAY KETTERER LTD.

Millennium Centre-Suite 300

200 Market Avenue North

P.O. Box 24213

Canton, Ohio 44701-4213

Telephone (330) 455-0173

Facsimile (330) 455-2633

Email: jrwerren@day-ketterer.com

Co-Counsel for Plaintiff, Gaetano M. Cecchini


James P. Adlon (0003933)

500 Bank One Tower

101 Central Plaza South

Canton, Ohio 44702

Telephone (330) 455-3001

Facsimile (330) 456-0802

Email: kathi.webber@sbcglobal.net

To the Clerk of Courts:

Please prepare the Summons and the Complaint to be served upon Defendant Jennifer Cecchini by process server, duly appointed by this Court.


John R. Werren (0019264)

Attorney for Plaintiff, Gaetano M. Cecchini



CERTIFICATE AS TO MARRIAGE

The Court of Common Pleas of Stark County, Ohio
Probate Division

I, Dixie Park, Judge and Ex-Officio Clerk of the Probate Court of Stark County, Ohio,
hereby certify the following to be a partial and correct copy from the Record of Marriages,
Vol 180 page 495 required by the Laws of the state of Ohio, to be kept in the Probate Court
Stark County.

A marriage license was issued by this Court on the 7th of October
1994 to: Guy M. Cicchini, whose age as given at that time
57 years, as of March 8, 1994, and whose birthplace was
Italy AND Jennifer L. Simpson whose age as given at that time
27 years, as of May 30, 1994, and
whose birthplace Germany and a return was made by Mayor Richard D. Watkins
whose official capacity is that of Mayor, and whose mailing address
was Canton, Ohio, showing that the marriage was duly solemnized on
the 8th day of October, 1994.

WITNESS, my hand and seal this 21st day of May, 2007

Dixie Park
Hon. Dixie Park
Probate Judge

By Jennifer L. Simpson
Deputy Clerk

PROBATE COURT, STARK COUNTY, OHIO, R.R. DENNY CLUNK, Probate Judge
MARRIAGE LICENSE APPLICATION

The undersigned respectfully make their application for a Marriage License and state:

ALL-STATE LEGAL
PLAINTIFF'S
EXHIBIT
A

OHIO DEPARTMENT OF HEALTH
DIVISION OF VITAL STATISTICS
COLUMBUS

STARK COUNTY
PROBATE COURT

STATE FILE

Vol. 180 Page 495

CERTIFIED ABSTRACT OF MARRIAGE

GROOM

BRIDE

1. Full Name Gay M. Cicchini	10. Full Name Jennifer L. Simpson
2. Birth Number (Do not write in this space)	11. Birth Number (Do not write in this space)
3. Age last birthday 57 Mo. March Day 8 Year 1994	12. Age last birthday 27 Mo. May Day 30 Year 1994
4. Residence County and State 5560 Dressler Rd. North Canton, Stark, Ohio	13. Residence County and State 141 Pershing Ave. N.W. Massillon, Stark, Ohio
5. Birthplace State of Country Italy	14. Birthplace State of Country Germany
6. Occupation Self-Employed	15. Occupation Manager
7. Name of Father Domenico Cicchini	16. Name of Father Thomas L. Simpson
8. Maiden Name of Mother Lucia Anicla	17. Maiden Name of Mother Heiderose Knodel
9. Previously Married Number of Times 1	18. Previously Married Number of Times 0

CONSENT OF PARENTS

The undersigned upon their oath state that the facts set forth in this application are to the best of their knowledge true, and they hereby consent to his marriage.

Father

Mother

The undersigned upon their oath state that the facts set forth in this application are to the best of their knowledge true, and they hereby consent to her marriage.

Father

Mother

RECORD OF DIVORCE

Previously married to Max Ann
Divorced: Date 12-30-88 Case No. D87-767
Court Ohio, Stark
Names of Minor children Lisa

Previously married to
Divorced: Date Case No.
Court
Names of Minor children

Applicants state they are not nearer of kin than second cousins and there is no legal impediment to their marriage; that neither is now under the influence of intoxicating liquor or controlled substance or is infected with syphilis in a form that is communicable or likely to become communicable; that if either applicant is under 18 years of age marriage counseling has been received and that is expected to solemnize the marriage, and that all of the above statements are true.

Sworn to before me and signed in my presence on

October 7, 1994

Ann G. Spencer Deputy Clerk

Groom S.S.

Bride S.S.

ENTRY
PROBATE COURT, STARK COUNTY

October 7, 1994

Marriage license was this day issued to the above applicant.

R. R. DENNY CLUNK, Probate Judge

By: Ann G. Spencer, Deputy Clerk

WAITER

For good cause shown, the license is granted at the time of the application.

R. R. DENNY CLUNK
Probate Judge

MARRIAGE CERTIFICATE

I DO HEREBY CERTIFY, That on the 7 day of October, 1994 I solemnized the Marriage of

Gay M. Cicchini

with M. Jennifer L. Simpson

Witnesses: Richard D. [unclear]

Address: Canton Ohio

R. R. DENNY CLUNK, Probate Judge

MARRIAGE RECORD

180

PAGE

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EXHIBIT C



CERTIFICATE AS TO MARRIAGE

The Court of Common Pleas of Stark County, Ohio
Probate Division

I, Dixie Park, Judge and Ex-Officio Clerk of the Probate Court of Stark County, Ohio,
hereby certify the following to be a partial and correct copy from the Record of Marriages,
Vol 180 page 495 required by the Laws of the state of Ohio, to be kept in the Probate Court
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A marriage license was issued by this Court on the 7th of October,
1994 to: Guy M. Cicchini, whose age as given at that time
57 years, as of March 8, 1994, and whose birthplace was
Italy AND Jennifer L. Simpson whose age as given at that time
27 years, as of May 30, 1994, and
whose birthplace Germany and a return was made by Mayor Richard D. Watkins
whose official capacity is that of Mayor, and whose mailing address
was Canton, Ohio, showing that the marriage was duly solemnized on
the 8th day of October, 1994.

WITNESS, my hand and seal this 21st day of May, 2007

Dixie Park
Hon. Dixie Park
Probate Judge

By Jennifer L. Simpson
Deputy Clerk

EXHIBIT D

PROBATE COURT, STARK COUNTY, OHIO, R.R. DENNY CLUNK, Probate Judge
MARRIAGE LICENSE APPLICATION

The undersigned respectfully make their application for a Marriage License and state:

ALL-STATE LEGAL
PLAINTIFF'S
EXHIBIT
A

OHIO DEPARTMENT OF HEALTH
DIVISION OF VITAL STATISTICS
COLUMBUS

STARK COUNTY
PROBATE COURT

STATE FILE

Vol. 180 Page 495

CERTIFIED ABSTRACT OF MARRIAGE
GROOM BRIDE

1. Full Name Guy M. Cicchini	10. Full Name Jennifer L. Simpson
2. Birth Number Do not write in this space	11. Birth Number Do not write in this space
3. Age last birthday 57 Mo. March Day 8 Year 1994	12. Age last birthday 27 Mo. May Day 30 Year 1994
4. Residence City and State 5560 Dressler Rd. North Canton, Stark, Ohio	13. Residence City and State 141 Pershing Ave. N.W. Hassillon, Stark, Ohio
5. Birthplace State and Country Italy	14. Birthplace State and Country Germany
6. Occupation Self-Employed	15. Occupation Manager
7. Name of Father Domenico Cicchini	16. Name of Father Thomas L. Simpson
8. Maiden Name of Mother Lucia Anicia	17. Maiden Name of Mother Heidetose Knodel
9. Previously Married Number of Times 1	18. Previously Married Number of Times 0

CONSENT OF PARENTS

The undersigned upon their oath state that the facts set forth in this application are to the best of their knowledge true, and they hereby consent to his marriage.

Father _____

Mother _____

The undersigned upon their oath state that the facts set forth in this application are to the best of their knowledge true, and they hereby consent to her marriage.

Father _____

Mother _____

RECORD OF DIVORCE

Previously married to: Max Yarn
Divorced: Date 12-30-88 Case No. 587-767
Court: Ohio, Stark
Name of Minor children: Lisa

Previously married to: _____
Divorced: Date _____ Case No. _____
Court: _____
Name of Minor children: _____

Applicants state they are not nearer of kin than second cousins and there is no legal impediment to their marriage; that neither is now under the influence of intoxicating liquor or controlled substance or is infected with syphilis in a form that is communicable or likely to become communicable; that if either applicant is under 18 years of age marriage counseling has been received and that Mayor Watkins is expected to solemnize the marriage, and that all of the above statements are true.

Sworn to before me and signed in my presence on

October 7, 1994

Ann G. Spencer Deputy Clerk

Groom S.S. #

Jennifer L. Simpson
Bride S.S. #

ENTRY
PROBATE COURT, STARK COUNTY

October 7, 1994

Marriage License was this day issued to the above applicants.

R. E. DENNY CLUNK, Probate Judge

By: *Ann G. Spencer* Deputy Clerk

WATFER

For good cause shown, the license is granted at the time of the application.

R. E. DENNY CLUNK
Probate Judge

MARRIAGE CERTIFICATE

I DO HEREBY CERTIFY, That on the 8 day of October, 1994 I solemnized the Marriage of

Mr. *Guy M. Cicchini*

with M. *Jennifer L. Simpson*

Witnesses: *Richard D. Watkins*

1994 *Richard D. Watkins*

R. E. DENNY CLUNK, Probate Judge

Address: *Canton Ohio*

MARRIAGE RECORD

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PAGE

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EXHIBIT E

2007 JUN 25 PM 1:47

IN THE COURT OF COMMON PLEAS
STARK COUNTY, OHIO

GAETANO M. CECCHINI

: CASE NO. 2007 CV 02159

Plaintiff

: JUDGE BOGGINS

v.

JENNIFER CECCHINI

: ANSWER OF DEFENDANT
JENNIFER CECCHINI

Defendant

:

Now comes Defendant Jennifer Cecchini, by and through counsel, and for her Answer to Plaintiff's Complaint states as follows:

1. Admits.

2. Admits.

3. Admits.

4. Admits.

5. Admits.

6. Admits.

7. Defendant incorporates herein her Answers to Paragraphs 1 through 6 of Plaintiff's Complaint.

8. Defendant states that she is without knowledge as to the allegations contained in paragraph 8 of Plaintiff's Complaint and therefore denies same.

FILED
JUN 25 2007
CLERK OF COURT
STARK COUNTY, OHIO

9. Defendant denies each and every allegation contained in paragraph 9 of Plaintiff's Complaint.

10. Defendant denies each and every allegation contained in paragraph 10 of Plaintiff's Complaint.

11. Defendant denies each and every allegation contained in paragraph 11 of Plaintiff's Complaint.

12. Defendant denies each and every allegation contained in paragraph 12 of Plaintiff's Complaint.

13. Defendant denies each and every allegation contained in paragraph 13 of Plaintiff's Complaint.

14. Defendant denies each and every allegation contained in paragraph 14 of Plaintiff's Complaint.

15. Defendant admits the allegations contained in paragraph 15 of Plaintiff's Complaint.

16. Defendant states that she is without knowledge so as to form a belief as to the truth of the allegations contained in paragraph 16 and therefore denies same.

17. Defendant denies each and every allegation contained in paragraph 17 of Plaintiff's Complaint.

AFFIRMATIVE DEFENSES

1. This answering Defendant states that Plaintiff has failed to state a claim upon which relief can be granted and therefore Plaintiff is barred from recovery.

2. Defendant states that Plaintiff's Complaint is barred by the doctrine of estoppel and laches.

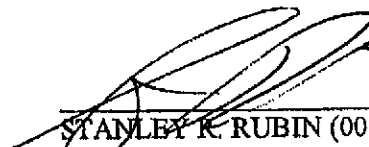
3. Defendant states that Plaintiff's Complaint is barred for insufficiency of process and insufficiency of service of process.

4. Plaintiff's Complaint is barred for lack of subject matter and personal jurisdiction.

5. This answering Defendant states that Plaintiff's claims are frivolous and without factual foundation and subject Defendant to liability for legal fees and expenses incurred in connection with her defense of Plaintiff's frivolous lawsuit.

WHEREFORE, Defendant prays that Plaintiff's Complaint be dismissed at Plaintiff's costs and that Defendant be awarded her attorney's fees.

Respectfully submitted,



STANLEY R. RUBIN (0011671)
Attorney for Jennifer Cecchini
437 Market Avenue North
Canton, OH 44702
(330) 455-5206; Fax (330) 455-5200

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served by regular U.S. Mail upon John R. Werren, Attorney for Plaintiff, P.O. Box 24213, Canton, OH 44702, this 25th day of June, 2007.



STANLEY R. RUBIN