

**IN THE SUPREME COURT OF OHIO**

---

CASE NO. 08-0623

---

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

**REALTORS,**

**-vs-**

**JUDGE R.R. DENNY CLUNK**  
**c/o STARK COUNTY COURTHOUSE**  
115 Central Plaza, North  
Canton, Ohio 44702

**RESPONDENT.**

---

**ORIGINAL ACTION IN PROHIBITION**

---

**MOVING INTERVENOR JENNIFER CECCHINI'S REQUEST TO STRIKE AMICUS  
CURIAE BRIEF OF NON-PARTY CATHOLIC WOMEN IN SUPPORT OF MARRIAGE**

---

**STANLEY R. RUBIN #0011671**

437 Market Avenue North

Canton, Ohio 44702

Phone: (330) 455-5206

Fax: (330) 455-5200

**LORRIE E. FUCHS #0034625**

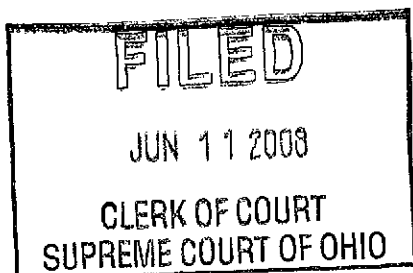
P.O. Box 35787

Canton, Ohio 44735

Phone: (330) 830-4044

Fax: (330) 830-4090

Attorneys for Intervenor, Jennifer Cecchini



Moving Intervenor, Jennifer Cecchini, through counsel requests this court to strike the Amicus Curiae Brief of non-party Catholic Women In Support of Marriage for the reasons that follow.

**I. CWSM OFFERS NO BASIS FOR THE SUBMISSION OF A BRIEF.**

CWSM offers no argument on the issue pending before this court. The purpose of an amicus curiae is to give information to the court on some matter of law in respect to which the court is doubtful or to call the court's attention to a legal matter which has escaped or might escape the court's consideration. *City of Columbus vs. Tullos* (1964) 1 Ohio App. 2d 107.

As previously stated by moving Intervenor Jennifer Cecchini in her Motion to Dismiss, in order for a writ of prohibition to issue, it must be proved that the lower court's authority is not authorized by law and that an adequate remedy in the ordinary court of law is not available in the lower court *State ex rel Kienan vs. Calabreze* (1994), 69 Ohio St. 36 176.

CWSM's brief offers no argument on the issue of whether a writ of prohibition should issue. As such, the brief is superfluous.

**II. CWSM'S BRIEF IS DEVOID OF MERIT.**

Notwithstanding, the fact that CWSM's brief offers no argument on the issue of whether a Writ should issue it should be noted that CWSM's prior actions in the lower court support moving Intervenor Jennifer Cecchini's Motion to Dismiss Relator's Application for a Writ.

CWSM filed an amicus curiae brief in the proceeding below. (See docket sheet attached). Their amicus brief below is identical to the amicus brief they have proffered in the within matter. At no time in the lower court did CWSM ever suggest or intimate that the lower court was devoid of jurisdiction to hear the issues before it.

CWSM clearly felt jurisdiction over the matter was properly set forth in the lower court because they filed their brief ostensibly<sup>1</sup> to provide the court with their view on the matter in the lower court.

**III. CWSM'S BRIEF COMPLETELY IGNORES PREVAILING LAW OF PUBLIC POLICY WHICH SUPPORTS THE FINDING OF A MARRIAGE IN THIS MATTER.**

CWSM's brief totally misconstrues the point behind the DOMA, Section II, article XV of the Ohio Constitution. It is moving Intervenor Jennifer Cecchini's position that Section II, Article XV of the Ohio Constitution was enacted to prohibit same sex marriages. In the instant matter there exists a fifteen (15) year union between a man and a woman, which produced three (3) children which was properly solemnized by the Mayor of Canton at a restaurant located in Canton, Ohio. CWSM totally ignores this point. The marriage is a valid contract which Guy Cecchini acknowledged in his deposition. (See Jennifer Cecchini's Motion to Intervene). CWSM totally ignores this point. Worst case scenario the marriage is enforceable under the public policy as a voidable marriage.

It seems almost surreal that the CWSM is advocating a position which would bastardize three (3) children when the law in Ohio clearly supports a finding of a valid marriage.

There are no issues raised by CWSM that the lower court does not have jurisdiction to review.

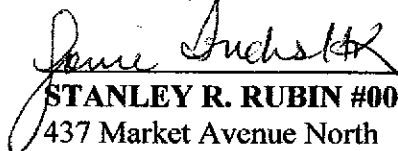
**CONCLUSION**

For the foregoing reasons CWSM's amicus brief should be rejected.

---

<sup>1</sup> It is believed that Guy Cecchini is the force behind Relators's action along with the force behind CWSM's amicus brief.

Respectfully submitted,

  
**STANLEY R. RUBIN #0011671**

437 Market Avenue North

Canton, Ohio 44702

Phone: (330) 455-5206

Fax: (330) 455-5200

**LORRIE E. FUCHS #0034625**

P.O. Box 35787

Canton, Ohio 44735

Phone: (330) 830-4044

Fax: (330) 830-4090

Attorneys for Intervenor, Jennifer Cecchini

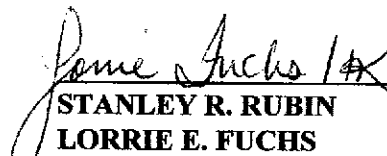
**PROOF OF SERVICE**

A copy of the foregoing was sent by regular U.S. Mail to the following on the 10<sup>th</sup> day of June, 2008.

Roger L. Kleinman  
McDonald, Hopkins  
600 Superior Avenue E.  
Suite 2100  
Cleveland, Ohio 441144  
Attorney for Relators

Ross Rhodes  
John D. Ferrero  
Stark County Prosecutor's Office  
Stark County Office Building  
110 Central Plaza South, Suite 510  
Canton, Ohio 44702  
Attorney for Respondent

William E. Walker, Jr.  
P.O. Box 325  
Massillon, Ohio 44648  
Attorney for Non-Party Catholic Women in Support of Marriage

  
**STANLEY R. RUBIN**  
**LORRIE E. FUCHS**  
Attorneys for Intervenor, Jennifer Cecchini

[Print This Docket](#)[Back](#)

2007CV02159

GETANO M CECCHINI VS JENNIFER CECCHINI

**Type Of Action :** OTHER CIVIL MISCELLANEOUS  
**Judge :** CIVIL  
**Judge :** HAAS, JOHN G.  
**Case Status :** open  
**Filed On:** 05/22/2007

**PARTIES**

Name	Type
CECCHINI, GAETANO M	PLAINTIFF
CECCHINI, JENNIFER	DEFENDANT

**DOCKET ENTRIES**

05-22-2007	COMPLAINT FILED; SUMMONS AND COPIES OF COMPLAINT SENT TO JENNIFER CECCHINI BY PROCESS SERVER;	\$0.00
05-22-2007	DESIGNATION FORM FILED	\$0.00
05-22-2007	DEPOSIT RECEIVED FROM DAY KETTERER RECEIPT NO. CV168118 IN THE AMOUNT OF \$125.00	\$125.00
05-22-2007	DEPOSIT RECEIVED FROM DAY KETTERER RECEIPT NO. CV168121 IN THE AMOUNT OF \$60.00	\$60.00
05-23-2007	JUDGMENT ENTRY - GRANTING - PROCESS SERVER CJL LEGAL SERVICES	\$2.00
05-29-2007	SERVICE COMPLETE FOR SERVICE ISSUED 05-22-2007- PROCESS SERVER - JENNIFER CECCHINI SERVICE TYPE: PERSONAL ON 05-29-2007	\$0.00
05-31-2007	CASE TRANSFERRED FROM JUDGE LEE SINCLAIR TO JUDGE COURTROOM 1 DUE TO CONFLICT OF INTEREST	\$2.00
06-25-2007	ANSWER - JENNIFER CECCHINI TO COMPLAINT WITH PROOF OF SERVICE.	\$0.00
06-27-2007	STATUS CALL NOTICE FILED MISCELLANEOUS HEARING ON 07-31-2007 AT 11:15 A.M. - NON JURY TRIAL ON 12-03-2007 AT 1:00 P.M.	\$2.00
07-18-2007	DEFENDANT JENNIFER CECCHINI - NOTICE TO TAKE DEPOSITION OF JENNIFER CECCHINI WITH PROOF OF SERVICE	
07-20-2007	DEFENDANT JENNIFER CECCHINI - MOTION FOR PROTECTIVE ORDER - WITH PROOF OF SERVICE FILED	\$0.00
07-25-2007	PLAINTIFF GAETANO CECCHINI - MOTION FOR JUDGMENT ON PLEADINGS - WITH PROOF OF SERVICE FILED	\$0.00
07-26-2007	PLAINTIFF GAETANO CECCHINI - REPLY TO PLTS MOTION FOR JUDGMENT ON PLEADINGS WITH PROOF OF SERVICE	
07-31-2007	PLAINTIFF GAETANO CECCHINI - RESPONSE TO DEFTS REPLY TO PLTS MOTION FOR JUDGMENT ON THE PLEADINGS WITH PROOF OF SERVICE	
08-01-2007	JUDGMENT ENTRY ESTABLISHING BRIEFING SCHEDULE FOR PLTS MOTION FOR JUDGMENT ON PLEADINGS	\$2.00
08-01-2007	JUDGMENT ENTRY DISMISSING DEFTS MOTION FOR PROTECTIVE ORDER AS MOOT	\$2.00
08-01-2007	CASE MANAGEMENT ORDER TRIAL ON 12-03-2007 AT 1:00 P.M. FINAL PRE-TRIAL ON 11-14-2007 AT 08:30 A.M.	\$8.00
08-10-2007	APPLICATION BY COUNSEL FORNON PARTY CATHOLIC WOMEN IN SUPPORT OF MARRIAGE FOR AUTHORIZATION TO FILE AN AMICUS CURAIE BRIEF - WITH PROOF OF SERVICE FILED	\$0.00
08-15-2007	AMENDED CASE MANAGEMENT ORDER NON JURY TRIAL ON 12-03-2007 AT 1:00 P.M. FINAL PRE-TRIAL ON 11-14-2007 AT	\$10.00

08-16-2007	08:30 A.M. DEFENDANT JENNIFER CECCHINI - MOTION FOR SUMMARY JUDGMENT - WITH PROOF OF SERVICE FILED	\$0.00
08-16-2007	CERTIFICATE OF COMPLIANCE FILED (DEPOSITION) OF GAETANO CECCHINI	
08-16-2007	DEPOSITION OF GAETANO CECCHINI FILED	
08-21-2007	JUDGMENT ENTRY ESTABLISHING BRIEFING SCHEDULE FOR DEFTS MOTION FOR SUMMARY JUDGMENT	\$2.00
08-21-2007	PLAINTIFF GAETANO CECCHINI - NOTICE TO TAKE DEPOSITION OF RICHARD WATKINS AND MARLENE WATKINS WITH PROOF OF SERVICE	
08-22-2007	SUBPOENA RETURNED PROCESS SERVER - SERVED - RICHARD WATKINS SERVICE TYPE: PERSONAL SERVICE ON 08-21-2007	\$0.00
08-22-2007	SUBPOENA RETURNED PROCESS SERVER - SERVED - MARLENE WATKINS SERVICE TYPE: PERSONAL SERVICE ON 08-21-2007	\$0.00
08-23-2007	PLAINTIFF GAETANO CECCHINI - NOTICE TO TAKE DEPOSITION OF JENNIFER CECCHINI WITH PROOF OF SERVICE	
08-23-2007	PLAINTIFF GAETANO CECCHINI - NOTICE TO TAKE DEPOSITION OF GAETANO CECCHINI WITH PROOF OF SERVICE	
08-24-2007	PLAINTIFF GAETANO CECCHINI - MOTION FOR AN EXTENSION OF TIME TO RESPOND TO DEFTS MOTION FOR SUMMARY JUDGMENT - WITH PROOF OF SERVICE FILED	\$0.00
08-28-2007	PLAINTIFF GAETANO CECCHINI - MEMO IN SUPPORT OF MOTION FOR AN EXTENSION OF TIME TO RESPOND TO DEFTS MOTION FOR SUMMARY JUDGMENT WITH PROOF OF SERVICE	
08-28-2007	PLAINTIFF GAETANO CECCHINI - AMENDED NOTICE TO TAKE DEPOSITION OF JENNIFER CECCHINI WITH PROOF OF SERVICE	
08-28-2007	PLAINTIFF GAETANO CECCHINI - AMENDED NOTICE TO TAKE DEPOSITION OF MARLENE WATKINS WITH PROOF OF SERVICE	
08-28-2007	PLAINTIFF GAETANO CECCHINI - AMENDED NOTICE TO TAKE DEPOSITION OF RICHARD WATKINS WITH PROOF OF SERVICE	
09-04-2007	SUBPOENA RETURNED ATTORNEY - SERVED - MARLENE WATKINS SERVICE TYPE: RESIDENTIAL SERVICE ON 08-31-2007	\$0.00
09-04-2007	SUBPOENA RETURNED ATTORNEY - SERVED - RICHARD WATKINS SERVICE TYPE: PERSONAL SERVICE ON 08-31-2007	\$0.00
09-07-2007	APPEARANCE FILED OF ATTORNEY PAMELA MACADAMS AS CO COUNSEL FOR - GAETANO CECCHINI WITH PROOF OF SERVICE.	\$0.00
09-07-2007	JUDGMENT ENTRY - GRANTING - MOTION FOR ADDITIONAL TIME TO FILE A RESPONSE TO DEFTS MOTION FOR SUMMARY JUDGMENT AND REVISING BRIEFING SCHEDULE	\$4.00
09-10-2007	PLAINTIFF GAETANO CECCHINI - SECOND AMENDED NOTICE TO TAKE DEPOSITION OF JENNIFER CECCHINI WITH PROOF OF SERVICE	
09-10-2007	PLAINTIFF GAETANO CECCHINI - SECOND AMENDED NOTICE TO TAKE DEPOSITION OF RICHARD WATKINS WITH PROOF OF SERVICE	
09-10-2007	PLAINTIFF GAETANO CECCHINI - SECOND AMENDED NOTICE TO TAKE DEPOSITION OF MARLENE WATKINS WITH PROOF OF SERVICE	
09-13-2007	CASE TRANSFERRED FROM JUDGE TARYN HEATH TO JUDGE	\$2.00

09-17-2007	RICHARD REINBOLD SUBPOENA RETURNED ATTORNEY - SERVED - MARLENE WATKINS SERVICE TYPE: PERSONAL SERVICE ON 09-17-2007	\$0.00
09-17-2007	SUBPOENA RETURNED ATTORNEY - SERVED - RICHARD WATKINS SERVICE TYPE: RESIDENTIAL SERVICE ON 09-17-2007	\$0.00
09-19-2007	PLAINTIFF GAETANO CECCHINI - NOTICE TO TAKE DEPOSITION OF SHIRLEY SIMPSON WITH PROOF OF SERVICE	
09-19-2007	PLAINTIFF GAETANO CECCHINI - NOTICE TO TAKE DEPOSITION OF SUSAN SALTER WITH PROOF OF SERVICE	
09-19-2007	SUBPOENA RETURNED ATTORNEY - SERVED - SUSAN SALTER SERVICE TYPE: PERSONAL SERVICE ON 09-06-2007	\$0.00
09-19-2007	SUBPOENA RETURNED ATTORNEY - SERVED - SUSAN SALTER SERVICE TYPE: PERSONAL SERVICE ON 09-06-2007	\$0.00
09-19-2007	SUBPOENA RETURNED ATTORNEY - SERVED - SHIRLEY SIMPSON SERVICE TYPE: BUSINESS AND RESIDENTIAL ON 09-06-2007	\$0.00
09-19-2007	SUBPOENA RETURNED ATTORNEY - SERVED - SHIRLEY SIMPSON SERVICE TYPE: BUSINESS AND RESIDENTIAL ON 09-06-2007	\$0.00
09-24-2007	CASE TRANSFERRED FROM JUDGE CHARLES BROWN TO JUDGE JOHN HAAS TO CONFLICT OF INTEREST	\$2.00
09-24-2007	PLAINTIFF GAETANO CECCHINI - MOTION FOR EXTENSION OF TIME TO FILE A RESPONSE TO DEFENDANTS MOTION FOR SUMMARY JUDGMENT - WITH PROOF OF SERVICE FILED	\$0.00
09-24-2007	CASE TRANSFERRED FROM JUDGE RICHARD REINBOLD TO JUDGE CHARLES BROWN DUE TO CONFLICT OF INTEREST	\$2.00
09-27-2007	PLAINTIFF GAETANO CECCHINI - NOTICE OF FILING DEPOSITION OF JENNIFER CECCHINI, MARLENE WATKINS AND RICHARD D WATKINS WITH PROOF OF SERVICE	
09-27-2007	CERTIFICATE OF COMPLIANCE FILED (DEPOSITION) OF RICHARD D WATKINS	
09-27-2007	CERTIFICATE OF COMPLIANCE FILED (DEPOSITION) OF JENNIFER CECCHINI	
09-27-2007	CERTIFICATE OF COMPLIANCE FILED (DEPOSITION) OF MARLENE WATKINS	
09-27-2007	DEPOSITION OF RICHARD WATKINS FILED	
09-27-2007	DEPOSITION OF MARLENE D WATKINS FILED	
09-27-2007	DEPOSITION OF JENNIFER CECCHINI FILED	
09-28-2007	PLAINTIFFS MEMO IN OPPOSITION TO DEFENDANTS MOTION FOR SUMMARY JUDGMENT AND CROSS MOTION FOR SUMMARY JUDGMENT IN FAVOR OF PLAINTIFF WITH EXHIBITS WITH PROOF OF SERVICE	
10-01-2007	JUDGMENT ENTRY - COURT ORDERS CASE TO BE ASSIGNED TO A VISITING JUDGE DUE TO CONFLICT OF INTEREST	\$2.00
10-12-2007	DEFENDANT JENNIFER CECCHINI - REPLY TO PLAINTIFFS CROSS MOTION FOR SUMMARY JUDGMENT WITH PROOF OF SERVICE	
10-17-2007	NOTICE OF SUBSTITUTION OF COUNSEL - PAMELA MACADAMS AND JAMES P ADLON ARE SUBSTITUTED AS COUNSEL FOR PLAINTIFF IN PLACE OF JOHN A MURPHY, JOHN R WERREN, STEPHEN TSAI AND THE FIRM OF DAY KETTERER LTD WITH PROOF OF SERVICE	
11-19-2007	JUDGMENT ENTRY ON MOTION FOR SUMMARY JUDGMENT DENIED	\$4.00
12-06-2007	ASSIGNMENT NOTICE FILED. FINAL PRE-TRIAL ON 01-07-2008 AT 10:00 A.M.	
12-13-2007	CERTIFICATE OF ASSIGNMENT - HONORABLE R R DENNY	

	CLUNK IS ASSIGNED TO HEAR CASE 2007CV02159	
01-07-2008	PRE-TRIAL ORDER; TRIAL SET FOR MAY 1, 2008 AT 9:00 AM	\$2.00
04-11-2008	DEFENDANT'S -MOTION TO CONSOLIDATE INTO 2008DR00444 - WITH PROOF OF SERVICE FILED	\$0.00
04-22-2008	PLAINTIFFS MEMO IN OPPOSITION TO DEFENDANTS MOTION TO CONSOLIDATE WITH PROOF OF SERVICE	
04-23-2008	JUDGMENT ENTRY - TRIAL IS CONTINUED UNTIL FURTHER ORDER OF THIS COURT	\$2.00

[Print This Docket](#)[Back](#)