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17 **UNITED STATES DISTRICT COURT**  
18 **DISTRICT OF NEVADA**

19 BEVERLY SEVCIK, et al.,  
20 Plaintiffs,

21 v.

22 BRIAN SANDOVAL, et al.,  
23 Defendants,

24 and

25 COALITION FOR THE PROTECTION  
OF MARRIAGE,  
26 Defendant-Intervenor.  
27

No. 2:12-CV-00578-RCJ-PAL

**APPENDIX TO PLAINTIFFS' MOTION  
FOR SUMMARY JUDGMENT,  
VOLUME 1**

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26 Defendant-Intervenor.  
27

No. 2:12-CV-00578-RCJ-PAL

**DECLARATION OF PLAINTIFF  
BEVERLY SEVCIK IN SUPPORT OF  
PLAINTIFFS' MOTION FOR SUMMARY  
JUDGMENT**

28

1 I, Beverly Sevcik, hereby declare and state as follows:

2 1. I am one of the Plaintiffs in this lawsuit along with my life partner Mary  
3 Baranovich. I am 74 years old and I reside in Carson City, Nevada. I have personal knowledge  
4 of the matters stated in this declaration and could and would so testify if called as a witness.

5 2. Mary and I are lesbian individuals in a loving, committed relationship of more  
6 than 40 years. We committed our lives to one another and exchanged rings on October 2, 1971,  
7 and registered as domestic partners in Nevada when it became possible to do so in 2009. Mary is  
8 the love of my life, and I long for the day that I can marry her and call her my wife.

9 3. I was born in Moscow, Idaho, and spent most of my childhood in Washington  
10 State. During World War II, my family moved to Bremerton, Washington so that my father could  
11 work in the Bremerton Navy Yard; after the war ended, we moved to Seattle where my father had  
12 been offered a job. I lived in Seattle until 2001. Over the years, I did secretarial and insurance  
13 work, as well as some credit collection. I retired from employment at age 54.

14 4. Mary and I moved to Carson City in 2001. We had traveled to Reno several times  
15 throughout the years to enjoy the sunshine and casinos, and we grew to really love the area. So,  
16 after my ailing mother, whom I had been caring for, succumbed to Alzheimer's Disease we  
17 decided to leave Seattle. We have lived in Carson City ever since, and have found it to be a  
18 wonderful community.

19 5. I have three children (ages 49, 51, and 53 years) and four grandchildren (ages 14,  
20 19, 23, and 28). I have a close relationship with my children and grandchildren, and truly enjoy  
21 being a mother and grandmother.

22 6. Marriage has always been very important to me. My parents each came from large  
23 families in Canada, and were married for 64 years. And, at age 20, I did what was expected of  
24 every young girl in the 1950s – I got married and then had children. Although I loved being a  
25 mother, I was extremely unhappy in my marriage and subsequently divorced my husband. At the  
26 time of my divorce, our three children were 8, 10, and 12 years old, and I was awarded primary  
27 custody of all three of them.

28 7. I realized that I had always been a lesbian when I developed very strong feelings

1 for my friend and neighbor, Mary. She and I had been friends for quite some time and spent a lot  
2 of time at each other's houses talking and visiting, but I had not previously realized that my  
3 feelings for her had grown way beyond friendship. So, one day when Mary was visiting my  
4 house, I told her how I felt. She was very surprised and immediately went home without any  
5 further conversation. After she left, the gravity of what I had said and what that meant – that I  
6 was in love with a woman – hit me like a ton of bricks. For days, I couldn't eat or sleep and was  
7 in complete emotional turmoil. I went to talk to a psychologist and he assured me that my  
8 feelings were "okay" and said that "there are good productive people out there who are gay." He  
9 told me I didn't have to feel ashamed or afraid. While it was not until the last few years that I felt  
10 safe and comfortable telling people I am a lesbian, it is part of who I am and there is no denying  
11 it.

12 8. Soon after I told Mary how I felt, we revisited our previous conversation and she  
13 told me she was in love with me as well. We began living together and Mary helped me raise my  
14 three children. Although we lived together and shared a bedroom, we hid our relationship and  
15 sexual orientation and let others simply think whatever they wanted to think. Despite the fact that  
16 we were very good and loving parents, it was the early 1970s and we feared having the children  
17 taken away. Mary grew very close to my children and became an important parental figure in  
18 their lives. Our children are very accepting of our relationship, and have never expressed anything  
19 except for love and support for us. In fact, when my daughter had her first child, she asked us if  
20 her child could call Mary "Nana." Of course, we said "yes".

21 9. Not long after we began living together, I told Mary that I wanted to be with her  
22 forever, and that it was important to me that we make a verbal commitment to one another and  
23 seal that promise by exchanging rings. She agreed and we designated October 2, 1971, as the day  
24 we would make a lifelong commitment to one another. To celebrate, we stayed in a hotel in  
25 downtown Seattle and went to JCPenney and bought each other a ring. We were careful not to  
26 buy matching rings, however, because we were afraid that if we did others would figure out that  
27 we were a lesbian couple. We have celebrated that day as our anniversary ever since.

28 10. In 2009, as soon as domestic partnerships became available in Nevada, we went to

1 the Secretary of State's Office and registered as domestic partners. We picked up our certificate  
2 of domestic partnership on October 1, 2009, the day before our 38<sup>th</sup> anniversary. Although it  
3 meant a lot to me, I found myself longing to be married instead.

4 11. I feel that it is truly shameful that after 40 years together, Mary and I cannot get  
5 married. Our love is real and our commitment has endured over four decades. There are so many  
6 things about her that I love, admire, and respect that I could not possibly list them all. She is  
7 sensible and well grounded; kind, compassionate, and friendly; and I enjoy her company and love  
8 spending time with her. Mary goes out of her way to take good care of me and make sure that my  
9 needs are met. We are compatible in every respect – we have similar interests, dislikes, and likes.  
10 Mary and I have an amazing bond, and it feels like we have been together forever. She is my best  
11 friend, my companion, and my one true love. I truly cannot imagine my life without her.

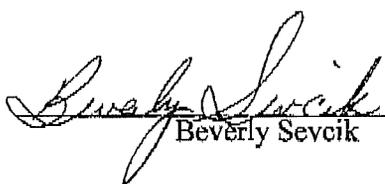
12 12. Mary has been a loving parent to my children and a grandmother to my  
13 grandchildren. After 40 years together, our lives are intertwined in every way possible. We have  
14 been together so long, that we are emotionally, mentally, financially, and physically dependent on  
15 one another. We have stood by one another through the joys and struggles of life, and we have  
16 proven that our commitment to one another is truly “til death do us part.” Like any loving and  
17 committed couple, we want for our relationship to be given the respect and recognition that it  
18 deserves. I want to be able to say “I do” and call Mary “my wife.”

19 13. Over the years, I have grown tired of having to explain my relationship with Mary  
20 to others. Several times, I have been asked if Mary is my sister. And, the issue almost always  
21 comes up when filling out forms and getting medical care. I want to be able to tell people  
22 proudly, “she is my wife,” and have them understand exactly what that means. Domestic  
23 partnership simply does not do that. Although registering as domestic partners and having wills  
24 and powers of attorney drawn up has alleviated some stress, it just does not have the same  
25 meaning as marriage. Marriage is the only way that I will feel completely secure that my  
26 relationship is fully protected and recognized, as it deserves to be.

27 14. On April 3, 2012, Mary and I went to the Carson City Marriage Bureau in Carson  
28 City, Nevada to get a marriage license. We had the identification required to prove our names

1 and ages, and were prepared to pay the \$75 fee and complete a marriage application. When we  
2 requested a marriage license, the employee working behind the counter stated, "You have to go to  
3 the Secretary of State's office to register as domestic partners, we don't do that here." I  
4 responded that we are already registered as domestic partners in Nevada and wanted to get a  
5 marriage license, the employee refused our request. Being denied the right to get married, after  
6 40 years together, felt degrading, hurtful, and extremely unfair.

7  
8 Signed under penalty of perjury under the laws of the United States this <sup>04</sup> 7 day of  
9 September, 2012.

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12 Beverly Sevcik  
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No. 2:12-CV-00578-RCJ-PAL

**DECLARATION OF PLAINTIFF MARY  
BARANOVICH IN SUPPORT OF  
PLAINTIFFS' MOTION FOR SUMMARY  
JUDGMENT**

28

1 I, Mary Baranovich, hereby declare and state as follows:

2 1. I am one of the Plaintiffs in this lawsuit along with my life partner Beverly Sevcik.  
3 I am 76 years old and I reside in Carson City, Nevada. I have personal knowledge of the matters  
4 stated in this declaration and could and would so testify if called as a witness.

5 2. Beverly and I are lesbian individuals, and we have been in a loving and committed  
6 relationship for almost 41 years. We committed our lives to one another and exchanged rings on  
7 October 2, 1971, and we are registered as domestic partners in Nevada. I have spent more than  
8 half of my life with Beverly, and want to be able to marry her and have our love and relationship  
9 recognized for what it is – two lives shared as one in love, respect, and commitment.

10 3. I was born in Vancouver, Washington, and lived there with my parents and older  
11 brother until I was 20 years old, at which time I moved to Seattle. I obtained an associate's  
12 degree in liberal arts from Clark College in Vancouver, Washington, and worked as an insurance  
13 secretary and then a bookkeeper. For 7 years, during the AIDS epidemic, I also did volunteer  
14 work with AIDS patients in Seattle at the Bailey-Boushay House, a residential care facility. I  
15 retired from employment at age 54, and until recently I volunteered at the Nevada State Museum  
16 in Carson City.

17 4. I lived in Seattle until 2001, when, after retiring, Beverly and I moved to Carson  
18 City. We had traveled to the Reno area several times throughout the years, and we wanted to  
19 retire in a place where we could enjoy the sunshine and good weather. We really like Carson City  
20 and the surrounding area and, after so many years of rainy Seattle weather, I often joke that we  
21 have "died and gone to heaven."

22 5. I realized I was a lesbian when I was 18 years old. I was taking an "abnormal  
23 psychology" class in college, and we were talking about homosexuality. The professor was  
24 talking about homosexuality as "abnormal" and as a psychological disorder, and I realized he was  
25 talking about me. I felt distressed and isolated, but it was not a choice I had made and was just  
26 part of who I am. I began dating women in my early 20s, but never told my parents that I was a  
27 lesbian.

28 6. Throughout my life, I have witnessed discrimination and homophobia in many

1 forms. I remember being in women's bars in the mid-to-late 1950s, when I was in my early 20s,  
2 and how the police would storm in and raid the bar. As soon as the police arrived, which could  
3 happen at any time, the bartender would give everyone a signal so that everyone would be on  
4 their best behavior. The police would walk around amongst the tables, with their nightsticks in  
5 hand. No one ever knew what was going to happen and there was always the fear that you would  
6 be taken away. Also, I frequently heard stories of violence and arrests at the men's bar. It was  
7 very, very frightening.

8 7. When I went to the women's bar, it was for a sense of community and to meet  
9 other people like me. But, I was always extremely guarded and never gave anyone my last name,  
10 because I knew I would be terminated from my job if my sexual orientation was discovered.  
11 After Beverly and I became a couple, I even avoided associating with any lesbians who looked  
12 masculine, and tried to blend into the heterosexual world the best I could to make sure no harm  
13 would befall the family. I feared that, if anyone discovered my relationship with Beverly, we  
14 could lose our jobs, lose custody of Beverly's children, or have our house vandalized or broken  
15 into. Unfortunately, that was just the reality of the time.

16 8. I met Beverly when I was in my early 30s. She lived across the street, and we  
17 became good friends. We spent a lot of time visiting one another and grew to be very close. I  
18 cared for Beverly deeply, but had not given my feelings much thought because I did not know she  
19 was a lesbian and did not see her as being available. But, one day when I was visiting at  
20 Beverly's house, she told me she had fallen in love with me. I was so dumbfounded, that I went  
21 home without saying a word. Soon after, we saw one another again and I told her that I too was  
22 in love with her. We have been together ever since.

23 9. In 1971, I moved in with Beverly and her three young children. Shortly thereafter,  
24 on October 2, 1971, we decided to make a lifelong commitment to one another and we exchanged  
25 rings as a symbol of our love and commitment. Beverly and her children are my family. She has  
26 always been a wonderful mother, and through the years I have grown to love her children just as  
27 if they were my own. I have a great relationship with all three kids, who are now grown and have  
28 children of their own. When our daughter had the first of her two children, she asked us if they

1 could call me “Nana.” I was honored, and love being a grandmother.

2 10. Beverly is truly the love of my life. I cannot imagine life without her. She is a  
3 wonderful person, and I have tremendous respect and admiration for her. She is open-minded,  
4 thoughtful, and kind. One of the qualities I admire about her most is that there is simply nothing  
5 that she won’t tackle – be it installing light fixtures or fixing the plumbing, to fixing a delicious  
6 meal for a group of our friends. For example, when we lived in Seattle, she didn’t like the type of  
7 walls we had in the house, so she single handedly tore them out and installed new ones. She also  
8 has a tremendous sense of humor, and I love to hear her sing and whistle throughout the day. She  
9 is a beautiful person, inside and out, and I have made it my mission in life to ensure that she is  
10 happy and well taken care of. Beverly is my best friend and my closest confident, and she is the  
11 most important person in my life. I want to be able to call her my wife.

12 11. Shortly after we moved to Carson City, Question 2 was on the ballot for the  
13 second biennial vote. I remember hearing the degrading campaign messages on the radio and  
14 television and seeing them on billboards, expressing the misguided view that allowing same-sex  
15 couples to marry would somehow destroy marriage between a man and a woman. This message  
16 was extremely hurtful and disparaging, and I have never heard anyone explain how recognizing  
17 my commitment to Beverly of over 40 years would have an adverse effect on anyone or affect  
18 anyone else’s marriage in any way whatsoever.

19 12. Although it meant a great deal to us when we registered as domestic partners in  
20 2009, I am deeply disappointed and hurt by not being able to marry Beverly. We have been  
21 together for more than four decades, and have proven that our love is enduring and our  
22 commitment is forever. I feel like the state is saying that we are good enough to handle the same  
23 responsibilities as spouses, but we are not deserving of the respect and recognition of marriage.

24 13. On April 3, 2012, Beverly and I went to the Marriage Bureau in Carson City,  
25 Nevada to get a marriage license. We had the identification required to prove our names and  
26 ages, and were prepared to pay the \$75 fee and complete a marriage application. When we  
27 requested a marriage license, an employee of Defendant Carson City Clerk-Recorder Alan  
28 Glover, who was working behind the counter, directed us to the Secretary of State’s Office to

1 register as domestic partners. When Beverly explained that we already were registered and  
2 wanted to get married, we were told we could not. The fact that I cannot marry the woman who I  
3 have been with for more than 40 years is hurtful and degrading. Our relationship has endured the  
4 ups and down of life for over four decades. Our love and commitment are real. Our bond is  
5 undeniable. I want to be able to call Beverly my wife so that everyone knows and understands  
6 our relationship, and who she is to me.

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Signed under penalty of perjury under the laws of the United States this 7<sup>th</sup> day of  
September, 2012.

  
Mary Baranovich

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**DECLARATION OF PLAINTIFF  
 THEODORE SMALL IN SUPPORT OF  
 PLAINTIFFS' MOTION FOR  
 SUMMARY JUDGMENT**

1 I, Theodore Small, hereby declare and state as follows:

2 1. I am a plaintiff in this case, and reside in Las Vegas, Nevada. I have actual  
3 knowledge of the matters stated in this declaration and could and would so testify if called as a  
4 witness.

5 2. Antioco Carrillo and I are gay men and have been in a loving, committed  
6 relationship for six years and wish to marry each other. We are registered as domestic partners in  
7 Nevada.

8 3. I am 44 years old, and have undergraduate and master's degrees in education.  
9 After 12 years of working in the classroom, I took a position as a professional developer and  
10 trainer for teachers of English language learners, and worked as a professional developer for the  
11 state to train science teachers. I returned to teach in the elementary school classroom 4 years ago.  
12 I have now worked in the same school district for nearly two decades. In December of 2011, I  
13 was nominated as a Classroom Superhero, as part of a project created by the National Education  
14 Association that allows parents, students, and community members to show support to educators.  
15 I love being a teacher and, while it is not without challenges, I feel fortunate to be able to do such  
16 rewarding work.

17 4. I was born in Logan, Utah, and was raised in Bear Lake, Idaho. I moved to Las  
18 Vegas in 1994 to accept a new teaching job, and this has been my home ever since.

19 5. I grew up in a conservative religious family, and was taught through my faith that  
20 being gay is the worst sin next to murder. I had always known I was different, even as a young  
21 child, and it was painful to be taught this core aspect of my identity was an abomination. I tried  
22 to ignore my sexual orientation, but those efforts were futile. Being gay is part of my essence,  
23 and it has never been a choice for me. Anti-gay teachings, and efforts to force gay youth into  
24 sexual orientation conversion programs were common in my community. As a result, I saw first-  
25 hand the damaging toll that these programs took on gay youth, who suffer disproportionate rates  
26 of depression and suicide. Motivated to help others, I finally decided to break my silence and live  
27 openly and honestly as a gay man at the age of 23.

28 6. Even then, however, I could not have imagined that I would someday meet a life

1 partner who brings me as much joy as Antioco does. One of the things I treasure most about him  
2 is his sense of humor and incredible wit. I love that he is always ready to put others at ease with a  
3 joke. The story of how we met is no different. I ran a church group in the 1990s called  
4 Welcoming Congregation, and Antioco participated as a panelist in one of our events. At the  
5 time, we were involved in other relationships, and did not begin dating until six years ago.  
6 Antioco likes to joke, however, that I waited all those years to be with him. In a sense, he is right.  
7 If I had known that he was going to be my happy ending, I would have counted down the days.

8 7. Our relationship began six years ago when I was volunteering with a local chapter  
9 of an organization called the Gay, Lesbian and Straight Education Network (“GLSEN”), which  
10 works to reduce bullying and harassment of lesbian, gay, bisexual and transgender (“LGBT”) youth.  
11 A local school was refusing to allow lesbian and gay youth to attend their homecoming  
12 dance with a same-sex date, and the students were crushed by the idea of missing out on one of  
13 the most important nights of their high school years. I worked with GLSEN to organize another  
14 homecoming dance so that they could have their homecoming after all, and sent out emails to  
15 friends looking for chaperones. With his characteristic humor, Antioco responded that he would  
16 volunteer “only if I can dance with you.” I was intrigued and said in a reply email that I would  
17 save him a dance.

18 8. After a year of dating, we moved in together. It did not take me long to realize  
19 that Antioco was “the one” for me. I quickly came to appreciate that Antioco not only loves me  
20 for who I am, but also inspires me to be my best self. With Antioco’s humor and enthusiasm for  
21 life, we laugh often and love spending time together, but also support each other’s individuality.  
22 We also both enjoy spending time with friends and family, an important common value that has  
23 shaped our lives together.

24 9. In fact, we hope to start a family of our own in the near future. We plan to adopt  
25 because we know there are many children in the child welfare system looking for a “forever”  
26 home, and we want to provide that love and nurturance as parents. We both share a deep desire,  
27 however, to raise our children as a married couple. We do not want our children to wonder why  
28 their government treats their family differently, or to absorb the message that, because our state

1 does not allow us to marry, their family is less worthy or valued than others.

2 10. Antioco and I registered as domestic partners with the state in October of 2010, but  
3 know that it cannot begin to substitute for a marriage. We decided not to invite family and  
4 friends because it could not begin to approximate a wedding, and we want to have a *real*  
5 celebration with them on the day that we can finally get married. Our domestic partnership  
6 registration, on the other hand, was a sterile process devoid of any celebration. It required us to  
7 get the appropriate form notarized, and I recall standing in the middle of a bank lobby with our  
8 right hands raised to swear that the information on the form was true. That is not the equivalent  
9 of a wedding on any level, where two people take vows to love and care for each other in sickness  
10 and in health, through a public celebration that melds their families as one. Instead, we filed the  
11 form with the Nevada Secretary of State and picked it up the next day. Part of what makes a  
12 wedding such a cherished life event is that there is no substitute for it, and we were painfully  
13 reminded of that as we went through this dry administrative process.

14 11. We have many friends and family who are waiting for us to get married and,  
15 when that day finally arrives, we know it will be the celebration of our lifetime. I also look  
16 forward to the part of our lives when I do not have to confront daily reminders of the way the law  
17 sets us apart, including for example, every time I have to cross out “spouse” on forms at the  
18 doctor’s office, and write “domestic partner” instead.

19 12. Antioco and I are both over the age of 18, are not barred from marrying each other  
20 as a result of being too closely related to each other, and are not married to anyone else. On April  
21 6, 2012, we appeared in person at the Marriage Bureau for the Office of the Clerk for Clark  
22 County in Las Vegas, Nevada to seek a marriage license. We both were prepared to present valid  
23 forms of identification to prove our names and ages, pay the required \$60 fee, and complete a  
24 marriage application. As we approached the counter to apply for a marriage license we saw a  
25 sign indicating that applicants must be a “bride and groom only.” When we asked a clerk for a  
26 marriage license application, she responded that we would have to contact the Secretary of State  
27 to register as domestic partners. When we indicated that we had already registered as domestic  
28 partners and wished to marry, she said we could not because the state does not issue marriage

1 licenses for same-sex couples. Although Antioco and I were both aware of the law, this was a  
2 painful reminder that the state sees us as second-class citizens.

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Signed under penalty of perjury under the laws of the United States this 7<sup>th</sup> day of  
September, 2012.

  
\_\_\_\_\_  
Theodore Small

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17 **UNITED STATES DISTRICT COURT**  
 18 **DISTRICT OF NEVADA**

19 BEVERLY SEVCIK, et al.,  
 20 Plaintiffs,

21 v.

22 BRIAN SANDOVAL, et al.,  
 23 Defendants,

24 and

25 COALITION FOR THE PROTECTION  
 OF MARRIAGE,  
 26 Defendant-Intervenor.  
 27

No. 2:12-CV-00578-RCJ-PAL

**DECLARATION OF PLAINTIFF  
 ANTIOCO CARRILLO IN SUPPORT OF  
 PLAINTIFFS' MOTION FOR  
 SUMMARY JUDGMENT**

28

1 I, Antioco Carrillo, hereby declare and state as follows:

2 1. I am one of the Plaintiffs in this lawsuit along with my partner, Theodore (“Theo”)  
3 Small. I am 45 years old, and reside in Las Vegas, Nevada. I have personal knowledge of the  
4 matters stated in this declaration and could and would so testify if called as a witness.

5 2. Theo and I are gay men and have been in a loving, committed relationship for six  
6 years and wish to marry each other. We are registered as domestic partners in Nevada.

7 3. I serve as the executive director of Aid for AIDS in Nevada, a non-profit  
8 organization that provides support and advocacy for adults and children living with HIV/AIDS in  
9 southern Nevada. I was trained as a social worker, receiving both a bachelor’s and master’s  
10 degree in social work from the University of Nevada, Las Vegas (“UNLV”). I also am working  
11 to complete a Ph.D. in clinical psychology. Prior to accepting my current position, I worked for  
12 19 years at the Community Counseling Center in Las Vegas, providing HIV counseling to people  
13 dealing with their HIV diagnosis, mental health issues and substance abuse related disorders,  
14 eventually becoming the organization’s Chief Operating Officer. Because mentoring other  
15 professionals in the field is important to me, I also teach classes at the UNLV School of Social  
16 Work and serve on the school’s advisory board.

17 4. Theo and I began our relationship six years ago when he worked to organize an  
18 alternative dance for some local lesbian and gay high school students who had been barred from  
19 bringing their dates to their homecoming dance. I was involved in the community at that time as  
20 a volunteer advisor for a youth group at the Gay & Lesbian Community Center of Southern  
21 Nevada (the “Center”). This work is near and dear to my heart because of the challenges facing  
22 lesbian, gay, bisexual and transgender (“LGBT”) youth, who frequently receive societal messages  
23 that they are not valued, from the bullying and harassment that many face at school, to the state’s  
24 relegation of same-sex couples to the second-class relationship status of domestic partnership. I  
25 have seen this take a deep toll on many youth, and this is in fact one of the reasons I am  
26 participating in this case: I hope that someday lesbian and gay youth in Nevada will be able to  
27 grow up with the same dreams of marrying their one, cherished partner as their heterosexual  
28 peers, with all of the validation, dignity, and respect that this shared dream communicates to

1 others.

2 5. Approximately six years ago, I received an email over a listserv from Theo asking  
3 for chaperones at an event for LGBT youth and their allies that Theo was helping to organize.  
4 Having known Theo for a number of years I thought he was really special, and I decided to be  
5 brave and make my feelings known. I emailed him to say I would volunteer “only if I can dance  
6 with you.” When Theo replied that he would save me a dance, I was thrilled.

7 6. We quickly figured out that we were meant to be together, and moved into a  
8 shared home just over a year after we started dating. We have entwined our finances and  
9 supported each other throughout our years together, pooling our resources into joint accounts and  
10 listing each other as beneficiaries on our retirement accounts. I knew early on that I wanted to  
11 spend the rest of my life with Theo. We each have a deep respect for each other and a mutual  
12 affection that is even stronger today than when we first fell in love. Theo is “the one” for me  
13 because I simply cannot imagine myself with anyone else. Theo is very selfless, and I know  
14 without question that he will remain devoted to our relationship no matter what challenges lie  
15 ahead, as will I.

16 7. We also look forward to beginning the next chapter of our lives together as  
17 parents. We are preparing to adopt children through the child welfare system. Having worked  
18 with a number of families involved in the system as a counselor, I am prepared for some of the  
19 challenges that youth face after having been removed from the homes they were living in and  
20 placed in the system. With my mental health background, and Theo’s enthusiasm for kids as a  
21 schoolteacher, we think that we could provide the loving home that our children would deserve.

22 8. We both long for the day, however, when we can raise children as a married  
23 couple. Even children know what a marriage is, and I don’t want ours to grow up knowing that  
24 the state has set their family apart as less valued because their parents cannot get married.

25 9. When we registered as domestic partners with the state in October of 2010, Theo  
26 felt strongly that he did not want to have a “wedding” or family celebration until we could  
27 actually be married, and I agreed. We knew that staging a ceremony bereft of the state  
28 recognition afforded to different-sex couples who marry would feel inauthentic. While we have

1 attended commitment ceremonies for other same-sex couples, and understand their desire to find  
2 some way to celebrate their commitment to live their lives together, we knew that for us it would  
3 feel like an imitation. We do not want the crumbs of a full life; we want to live a full life  
4 together.

5 10. We are waiting for the day when we can affirm our commitment to each other  
6 through a wedding, in front of all of our loved ones. While my family knows that we are a  
7 couple, and appreciates how much joy Theo has brought to my life, only the ceremony and ritual  
8 of a real marriage will cause them to understand our relationship the way they understand their  
9 own and others' marriages. My family believes that marriage is the honorable way to show  
10 respect for your relationship and your intentions for the future, and our registered domestic  
11 partnership simply is not adequate to do that. I cannot wait for the day when everyone in my  
12 family, from my mother (my father is dead) to my nieces and nephews, can see that Theo and I  
13 are respected under the law just like every other married couple.

14 11. Theo and I are both over the age of 18, are not barred from marrying each other as  
15 a result of being too closely related to each other, and are not married to anyone else. On April 6,  
16 2012, we appeared in person at the Marriage Bureau for the Office of the Clerk for Clark County  
17 in Las Vegas, Nevada to seek a marriage license. We both were prepared to present valid forms  
18 of identification to prove our names and ages, pay the required \$60 fee, and complete a marriage  
19 application. As we approached the counter to apply for a marriage license we saw a sign  
20 indicating that applicants must be a "bride and groom only." When we asked a clerk for a  
21 marriage license application, she responded that we would have to contact the Secretary of State  
22 to register as domestic partners. When we indicated that we had already registered as domestic  
23 partners and wished to marry, she said we could not because the state does not issue marriage  
24 licenses for same-sex couples. While I was prepared for our request to be denied, I was not fully  
25 prepared for the experience to feel as hurtful as it did. Although the law is a daily reminder that

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we are viewed as unequal to other couples in the eyes of our government, the in-person denial made that second-class treatment painfully clear.

Signed under penalty of perjury under the laws of the United States this 6<sup>th</sup> day of September, 2012.

  
Antioco Carrillo

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17 **UNITED STATES DISTRICT COURT**

18 **DISTRICT OF NEVADA**

19 BEVERLY SEVCIK, et al.,  
20 Plaintiffs,

21 v.

22 BRIAN SANDOVAL, et al.,  
23 Defendants,

24 and

25 COALITION FOR THE PROTECTION  
OF MARRIAGE,  
26 Defendant-Intervenor.  
27

No. 2:12-CV-00578-RCJ-PAL

**DECLARATION OF PLAINTIFF KAREN  
GOODY IN SUPPORT OF PLAINTIFFS'  
MOTION FOR SUMMARY JUDGMENT**

28

1 I, Karen Goody, hereby declare and state as follows:

2 1. I am one of the Plaintiffs in this lawsuit along with my partner Karen Vibe. I am  
3 51 years old and reside in Reno, Nevada. I have personal knowledge of the matters stated in this  
4 declaration and could and would so testify if called as a witness.

5 2. My partner Karen and I are lesbian individuals in a loving, committed relationship.  
6 We have been together for almost 7 years. We are engaged to be married, and are waiting until  
7 we have the legal right to do so in Nevada, the state in which we live and work. For the reasons  
8 explained below, we have chosen not to register as domestic partners and are holding out until we  
9 can legally marry in our home state.

10 3. I was born in Santa Cruz, California, and lived there with my parents and older  
11 sister until I left for college when I graduated high school. I have a bachelor's degree in  
12 management from Sonoma State University. I currently am a medical sales representative for  
13 Henry Schein, Inc., the largest provider of health care products and services to medical, dental,  
14 and veterinary office-based practitioners.

15 4. Shortly after I began college, I realized that I am a lesbian. I had my first  
16 relationship with a woman when I was 19 years old, and it was the first time I allowed myself to  
17 put it all together and acknowledge my sexual orientation. Although I was out to my friends in  
18 Sonoma County, I did not tell my family that I am a lesbian until approximately 10 years later.  
19 Overall, my family has been very accepting, and I have maintained a good relationship with them.  
20 Being a lesbian was not a choice for me, it is simply part of who I am.

21 5. I met my partner Karen in August of 2005, at a gay pride celebration in Reno. I  
22 was working at a booth at the parade, for my then-employer Allstate. When I took a break to  
23 walk around the festival, Karen caught my eye. She was working at the Smith Barney booth, and  
24 I went over to the booth and introduced myself. We talked for a while, and I knew right away  
25 that Karen was someone special.

26 6. Karen and I started spending time together and I really enjoyed her company. I  
27 was interested in her, but she was very honest with me from the beginning that she was newly out  
28 of a relationship and was not ready for another serious relationship. I truly appreciated and

1 admired her honestly and openness, and so we took things slowly and started out as “just friends.”  
2 While I knew I wanted more than a friendship with Karen, I felt that it was important to give her  
3 the time she needed. In retrospect, that time was invaluable because it allowed us to really get to  
4 know one another and create a strong foundation for what has become the most significant love of  
5 my life. Despite being “just friends,” our feelings for one another grew quickly and it was not  
6 long before I found myself falling in love with her. By November, we were dating exclusively.

7 7. On December 23, 2005, Karen surprised me with a marriage proposal. After a  
8 romantic dinner at the steakhouse in Harrah’s, we exchanged Christmas gifts in front of the  
9 fireplace. When I opened my “Christmas gift,” I found a beautiful diamond engagement ring and  
10 Karen said “Will you marry me? I know it is soon, but we are made for each other. I want to be  
11 with you forever.” I was so happy that I burst into tears. Of course, I said “yes.”

12 8. Karen and I have talked about our wedding and we know exactly what we want the  
13 ceremony to look like. We want to get married, because of what “marriage” means to us and to  
14 others in society. Our primary motivation for marriage is our love for one another and our desire  
15 to commit ourselves to one another for life, not the rights and responsibilities that come with  
16 marriage. So, after a lot of discussion, we have decided to wait to get married until it is legally  
17 recognized in Nevada, and we have decided not to register as domestic partners. We want to be  
18 married, and a domestic partnership simply is not a marriage. When Karen proposed to me, her  
19 question was “Will you marry me?” not “will you be in a joint state-sanctioned relationship on a  
20 secondary level with me?” We do not want to settle for less than being married.

21 9. I want to be able to call Karen my spouse. I am tired of having to figure out how  
22 to describe our relationship to other people. For example, I once introduced Karen as “my  
23 partner” to a coworker and for the first several minutes of our conversation, he thought Karen was  
24 my business partner. This has happened to us repeatedly. From client interactions to social  
25 interactions, there is hardly a time when we don’t have to educate someone on what our  
26 relationship is and what that means. If I could introduce Karen as “my spouse” or “my wife” then  
27 people would understand her relationship to me and my relationship to her without any further  
28 explanation.



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17 **UNITED STATES DISTRICT COURT**

18 **DISTRICT OF NEVADA**

19 BEVERLY SEVCIK, et al.,  
20 Plaintiffs,

21 v.

22 BRIAN SANDOVAL, et al.,  
23 Defendants,

24 and

25 COALITION FOR THE PROTECTION  
OF MARRIAGE,  
26 Defendant-Intervenor.  
27

No. 2:12-CV-00578-RCJ-PAL

**DECLARATION OF PLAINTIFF KAREN  
VIBE IN SUPPORT OF PLAINTIFFS'  
MOTION FOR SUMMARY JUDGMENT**

28

1 I, Karen Vibe, hereby declare and state as follows:

2 1. I am one of the Plaintiffs in this lawsuit along with my partner Karen Goody. I am  
3 38 years old and reside in Reno, Nevada. I have personal knowledge of the matters stated in this  
4 declaration and could and would so testify if called as a witness.

5 2. My partner Karen and I are lesbians and we are in a loving, committed relationship  
6 with one another. We have been together for almost seven years, and we are engaged to be  
7 married. The only reason we have not already married is because Nevada, the state in which we  
8 both live and work, does not currently allow marriage between two people of the same-sex. As  
9 explained in more detail below, we have chosen not to register as domestic partners.

10 3. I was born in Sacramento, California, and grew up in Bakersfield, California. I  
11 have a bachelor's degree in classical music performance from California State University at  
12 Northridge, and a master's degree in classical musical performance from the University of  
13 Nevada – Reno (UNR). Shortly after obtaining my undergraduate degree, I moved to Reno, and  
14 worked in medical sales while performing with the Reno Philharmonic Orchestra and obtaining  
15 my masters degree at UNR. In March of 2005, after finishing my master's degree, I went to work  
16 for Smith Barney and have worked there since that time as a financial advisor.

17 4. Community involvement is important to me. I am on the Board of Directors for  
18 the Reno Chamber Orchestra, and I am on the marketing committee of the Reno Philharmonic  
19 Orchestra. I have played percussion in the Reno Philharmonic Orchestra since moving to Reno  
20 twelve years ago. I volunteer for the Philharmonic's educational outreach program, Discovery  
21 Music, for which I travel with two other percussionists from the Philharmonic to Washoe County  
22 Schools (K-6 grade) and perform for the students and teach them about percussion instruments in  
23 hopes of getting them excited about music and interested in the orchestra.

24 5. I also am involved in the Professional Saleswomen of Nevada, a non-profit  
25 networking organization that strives to develop and promote women in the business world and  
26 build a network of successful professional women. In 2009, I was honored with an award for  
27 Saleswoman of the Year.

28 6. I have always known I am gay and do not feel as though it was a choice for me. I

1 was 18 years old when I had my first relationship, but I did not tell anyone that I am a lesbian for  
2 three years because I was raised in an extremely conservative family and I knew that my parents  
3 would not approve. I came out to my parents when I was 21 years old, and their response was to  
4 completely disown me. Eventually, I re-established a relationship with them, but it has been  
5 extremely rocky through the years because of their views about my sexual orientation and we  
6 have not spoken for more than a year.

7 7. I met my partner Karen in August of 2005, at Reno's annual gay pride celebration.  
8 I was working at Smith Barney's booth at the pride festival, when she walked up to the booth and  
9 introduced herself. We talked for a while, and I found myself instantly drawn to her.

10 8. We began spending time together, but remained "just friends" for the first few  
11 months. When we met, I was only a few months out of a six-and-a-half year relationship and  
12 needed some time to continue to deal with that break up and the impact it had on me. Although I  
13 was very attracted to and interested in Karen at the time, I wanted to take it slow. So, I was  
14 honest with her about where I was, and she respected my needs. After two months of being "just  
15 friends," and casually dating other women, a light bulb turned on for me – the "right" person was  
16 standing right in front of me and I did not want to pass up the opportunity to be with her.  
17 Although we had only known each other for a short time, I knew that Karen was everything I  
18 wanted in a partner and more. She is a beautiful person – inside and out; she is my best friend. I  
19 felt truly connected to her, and found myself deeply in love with her. In November of 2005, we  
20 began our relationship and soon thereafter I decided I wanted to make our relationship permanent.

21 9. Although our relationship was still young, I knew with all my heart that I wanted  
22 to be with my partner Karen forever. I decided to ask her to marry me, and bought an  
23 engagement ring to surprise her with that Christmas. Because we each had plans to spend  
24 Christmas eve and Christmas day of 2005 with our families, we celebrated "our Christmas" on  
25 December 23. We went to the steakhouse at Harrah's and had a romantic dinner, and exchanged  
26 Christmas gifts in front of the fireplace. When Karen opened her gift – a ring box – I asked her to  
27 marry me. She said "yes." It was one of the best nights of my life.

28 10. We have talked a lot about our wedding. We know exactly what we want the

1 ceremony to look like, but we have decided to wait to have our wedding when we can actually get  
2 married in Nevada. We have built our life together in Nevada, and I want the opportunity to tell  
3 the world that I want to be with Karen forever and have our love and commitment recognized in  
4 the same way as other married couples. I believe that day will come, and prefer to wait for it.

5 11. For me, the decision to marry Karen is an emotional one. Thus, Karen and I have  
6 not registered with the state as domestic partners and we do not intend to do so. To me, domestic  
7 partnership is a second class status and screams “you are less than us.” A domestic partnership  
8 would not give my relationship with Karen the social recognition or meaning it deserves. Neither  
9 our families nor the people we encounter on a day-to-day basis would understand what a domestic  
10 partnership is, and they would not give our relationship the same respect they would if we were  
11 married. A domestic partnership just does not hold the same weight as marriage. When I decided  
12 to propose to Karen, I did not think to myself “I want to enter into a second class status with this  
13 woman.” I proposed to her for the same reason most heterosexual people get married – because  
14 they love the other person and want to be with that person forever.

15 12. Since we currently cannot get married in Nevada, we have taken several steps to  
16 safeguard ourselves and one another. We have health care proxies, powers of attorney, and living  
17 wills that name the other as the decision-maker should one of become incapacitated; and we have  
18 revocable living trusts and life insurance policies that name the other as the beneficiary. We also  
19 own our condo as joint tenants with the right of survivorship, and have a joint bank account from  
20 which we pay our common expenses.

21 13. On a day-to-day basis, I find it difficult and frustrating to try to explain to others  
22 what my relationship status is and who Karen is to me. Oftentimes, when I introduce Karen as  
23 “my partner,” I get a puzzled look and end up having to explain that we are in a romantic  
24 relationship and not a business relationship. It feels like I am constantly explaining my  
25 relationship to others, both in business and social settings. I would love to be able to introduce  
26 Karen at a work function or cocktail party and simply say, “this is my wife.” When people ask if  
27 I am married, I want to be able to say “yes.”

28 14. I also have grown tired of having to fill out forms that ask my relationship status. I

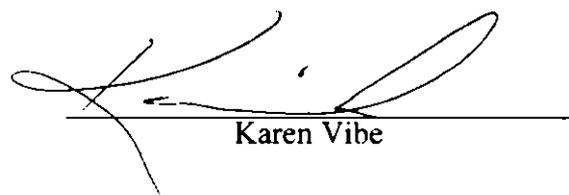
1 used to cross out "spouse" when it appeared on a form and would write in "partner." But, I am so  
2 tired of crossing things out on forms, that I have stopped doing it. Each time I have to fill out a  
3 form, it is a reminder that others view my relationship as less important.

4 15. Karen and I are both over the age of 18, are not barred from marrying each other  
5 as a result of being too closely related to each other, and are not married to anyone else. On April  
6 1, 2012, Karen and I went to the Washoe County Marriage Bureau in Reno, Nevada to get a  
7 marriage license. We both had the required identification, and were prepared to pay the required  
8 \$60 fee and complete a marriage application. From the moment we arrived, we were treated like  
9 second class citizens. The security guard would not even let us go through security to obtain a  
10 marriage license, solely because we were two women. It was very clear that, if we had been a  
11 man and a woman, our experience would have been very different.

12 16. When we walked into the front door of the building that houses the Marriage  
13 Bureau, the security guard asked us the purpose of our visit. I told him that we were there to  
14 apply for a marriage license for the two of us to marry each other. The security officer then asked  
15 us, "Do you have a man with you?" When I said "no" and explained that the two of us wanted to  
16 marry one another, the security guard said that we could not get a marriage license. I asked him if  
17 we could at least go to the Marriage Bureau counter and fill out the marriage license application.  
18 An employee of Defendant Harvey who was standing behind the Marriage Bureau counter  
19 responded, "Two women can't apply." The security officer added that the marriage has to "be  
20 between a man and a woman." The employee behind the counter then told us we could "apply for  
21 a civil partnership with the Secretary of State."

22 17. Our experience in trying to obtain a marriage license, and not even being permitted  
23 past the door, was terribly distressing. It is hurtful and devaluing to be denied the same  
24 recognition of our relationship as other committed couples.

25 Signed under penalty of perjury under the laws of the United States this 6<sup>th</sup> day of  
26 September, 2012.

27  
28   
Karen Vibe

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16 *Attorneys for Plaintiffs*

17 **UNITED STATES DISTRICT COURT**

18 **DISTRICT OF NEVADA**

19 BEVERLY SEVCIK, et al.,  
20 Plaintiffs,

21 v.

22 BRIAN SANDOVAL, et al.,  
23 Defendants,

24 and

25 COALITION FOR THE PROTECTION  
OF MARRIAGE,  
26 Defendant-Intervenor.  
27

No. 2:12-CV-00578-RCJ-PAL

**DECLARATION OF PLAINTIFF  
GREG FLAMER IN SUPPORT OF  
PLAINTIFFS' MOTION FOR  
SUMMARY JUDGMENT**

28

1 I, Greg Flamer, hereby declare and state as follows:

2 1. I am one of the Plaintiffs in this lawsuit along with my partner Fletcher Whitwell.  
3 I am 40 years old and reside in Las Vegas, Nevada. I have personal knowledge of the matters  
4 stated in this declaration and could and would so testify if called as a witness.

5 2. Fletcher and I are gay men in a loving, committed relationship. We have been  
6 together for more than 14 years and have registered as domestic partners in Nevada.

7 3. I was born in the Bronx, New York, and grew up on Long Island. I have a  
8 bachelor's degree in psychology from the State University of New York at Binghamton and a  
9 master's degree in family therapy from Northwestern University.

10 4. I met Fletcher on March 14, 1998, when I was 25. That day was one of the most  
11 important days of my life, along with the day Fletcher and I adopted our daughter, H.R.W.  
12 Fletcher was 23 years old when we met and had only recently come out to his family about the  
13 fact that he was gay, but he was ready to start a committed relationship. Fletcher has an  
14 incredible heart and is a loving, loyal person. The two of us instantly connected because of our  
15 mutual interest in sports, travel, music, and, most importantly, family and friends.

16 5. Almost a decade into our relationship, Fletcher and I moved from Chicago to Las  
17 Vegas in 2006. Fletcher had an opportunity to advance his career, and I was happy to move so  
18 that he could take advantage of that opportunity, although it meant uprooting my own career. In  
19 Chicago, I had worked as a mental health counselor conducting family therapy and crisis  
20 intervention and, thereafter, as the admissions director at a psychiatric hospital. The move to Las  
21 Vegas was hard for me at first because I had difficulty finding work in my field, and I temporarily  
22 took a job as a blackjack dealer for a few months. Nonetheless, it was important to me to support  
23 Fletcher's career, and both Fletcher and I are glad to be raising our daughter in Nevada.

24 6. I ultimately secured a position with the Clark County Department of Family  
25 Services, where I currently work as a licensing supervisor helping to find homes for abused and  
26 neglected children.

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1           7.       On the first day when we were able to do so in 2009, Fletcher and I registered as  
2 domestic partners with the State of Nevada. As much as we value the state law rights and  
3 responsibilities that come with a domestic partnership, it felt like a half-measure. For example,  
4 neither Fletcher nor I “proposed” to each other in order to register as domestic partners as would  
5 have happened if we had been getting married, because we knew we were not being allowed to  
6 marry. Our inability to marry makes us feel “less than” other people and that our relationship is  
7 somehow less valuable than other relationships. Being able to say that we are married would  
8 instantly convey the depth and permanence of our relationship in a way that no substitute for  
9 marriage can do.

10           8.       Fletcher and I have longed to start a family and that dream finally became a reality  
11 in 2011, when we welcomed a baby girl, H.R.W., into our family through adoption. To increase  
12 our chances of being matched with a birth mother, we used an adoption agency that works  
13 nationally. All told, we spent around \$60,000 finalizing H.R.W.’s adoption.

14           9.       Despite the fact that I am a legal parent to H.R.W., I worry that others may  
15 challenge or question my parental relationship to her, particularly given confusion and  
16 misunderstanding around whether a same-sex couple in a domestic partnership can both be legal  
17 parents to a child in the same way as a married different-sex couple can. I therefore carry a letter  
18 with me, drafted by an attorney, explaining that Fletcher and I are in a domestic partnership and  
19 that both of us are legal parents of H.R.W. I have never heard of a married couple needing to do  
20 the same with respect to explaining their marriage or documenting legal ties to their own children.

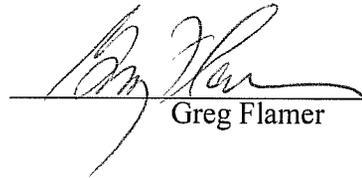
21           10.       Fletcher and I share the typical responsibilities and joys of parenting a young  
22 child: we feed, bathe, and clothe her; we teach her to walk and to recognize different shapes and  
23 colors; we play peek-a-boo with her and take her to visit her grandparents; we care for her when  
24 she’s sick; and we read her bedtime stories and rock her to sleep at night.

25           11.       Fletcher and I wish to marry for our daughter’s sake as well as our own. We  
26 worry that, as she grows older, she will be deprived of a sense of normalcy and may feel socially  
27 outcast because she will absorb the message she receives from her government that Fletcher and I  
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1 as her parents are not worthy of marriage. We hope that, one day, H.R.W. will be able to walk  
2 down the aisle at our wedding as the flower girl and that she will understand that the love and  
3 commitment Fletcher and I feel for one another—and for our family—is as great as that felt by  
4 other couples who currently may marry.

5 12. Fletcher and I are both over the age of 18, are not barred from marrying each other  
6 as a result of being too closely related to each other, and are not married to anyone else. On April  
7 4, 2012, we appeared in person at the Marriage Bureau for the Office of the Clerk for Clark  
8 County in Las Vegas, Nevada to seek a marriage license. We both were prepared to present valid  
9 forms of identification to prove our names and ages, pay the required \$60 fee, and complete a  
10 marriage application. When we took our application for a marriage license to the clerk, we were  
11 directed to the Secretary of State's website to register as domestic partners. When I clarified that  
12 we were there to get a marriage license, the clerk denied our request. It was hurtful and devaluing  
13 to be denied the same recognition of our relationship as other couples.

14 Signed under penalty of perjury under the laws of the United States this 30<sup>th</sup> day of  
15 August, 2012.

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19 Greg Flamer  
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16 *Attorneys for Plaintiffs*

17 **UNITED STATES DISTRICT COURT**

18 **DISTRICT OF NEVADA**

19 BEVERLY SEVCIK, et al.,  
20 Plaintiffs,

21 v.

22 BRIAN SANDOVAL, et al.,  
23 Defendants,

24 and

25 COALITION FOR THE PROTECTION  
OF MARRIAGE,  
26 Defendant-Intervenor.  
27

No. 2:12-CV-00578-RCJ-PAL

**DECLARATION OF PLAINTIFF  
FLETCHER WHITWELL IN SUPPORT  
OF PLAINTIFFS' MOTION FOR  
SUMMARY JUDGMENT**

28

1 I, Fletcher Whitwell, hereby declare and state as follows:

2 1. I am one of the Plaintiffs in this lawsuit along with my partner Greg Flamer. I am  
3 37 years old and reside in Las Vegas, Nevada. I have personal knowledge of the matters stated in  
4 this declaration and could and would so testify if called as a witness.

5 2. Greg and I are gay men in a loving, committed relationship. We have been  
6 together for more than 14 years and have registered with the State of Nevada as domestic  
7 partners.

8 3. I was born in Memphis, Tennessee, and was raised in Mississippi. I have a  
9 bachelor's degree in journalism and business from the University of Mississippi.

10 4. I am currently the Vice President of Media and Digital Activation at a regional  
11 advertising firm, which many know for its creation of the "what happens in Vegas stays in  
12 Vegas" advertising campaign.

13 5. Greg is one of the smartest, kindest, and most patient people I know. He is a  
14 selfless person and always puts others first.

15 6. Both Greg and I share a passion for advancing child welfare. Greg does this for  
16 his full-time job with the Clark County Department of Family Services. I serve on the board of a  
17 non-profit literacy program that distributes books to schools in southern Nevada. I am also an  
18 active member of a foundation through my work that is engaged in an anti-bullying campaign,  
19 which was launched in 2010 after a surge in reported suicides among gay teens. The campaign  
20 has worked to meet with superintendents about this issue and has donated \$1.5 million for radio  
21 spots to raise awareness about bullying.

22 7. Greg and I welcomed a daughter to our family last year. Greg and I often  
23 celebrate Christmas with my family in Mississippi, where extended family from surrounding  
24 areas gather and continue family traditions such as singing karaoke on Christmas eve. We were  
25 excited to introduce our daughter to these family traditions and added another stocking to the  
26 fireplace mantle for her last year. I also enjoy playing many sports and look forward to the day  
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28

1 when our daughter is old enough to enjoy these activities too and when I might be able to coach  
2 one of her teams.

3 8. One of the things that I dread, however, is the day when we will have to explain to  
4 our daughter why her parents are not married. I want her to understand that her family is as  
5 valuable and worthy of dignity as any other family in the community, but it will be difficult to  
6 reconcile that with the fact the State has barred our family from marriage.

7 9. Our inability to marry affects us in many ways, large and small, but each one is a  
8 constant reminder that we are somehow less worthy of equal respect and treatment than others.  
9 Every year, my mother writes my brother a check on his wedding anniversary, even though Greg  
10 and I have been together the same amount of time as my brother and his wife, and even though  
11 my parents visit Greg and I, and now H.R.W., several times a year. The money is not what is  
12 important, of course. I mention this example simply to show how our inability to marry causes  
13 strangers, friends, and even family to perceive us differently than other families. These moments  
14 are hurtful and devaluing and chip away at our sense of equal worth in the community.

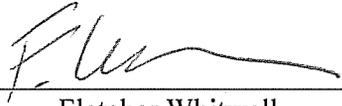
15 10. Greg and I are completely committed to each other and to our family, and our lives  
16 are intertwined. We have a joint checking account; our house is in both our names; and we have  
17 designated each other as beneficiaries for every account on which that is an option, including our  
18 life insurance policies. We also hired an estate planning attorney because, among other things,  
19 we were concerned that the one of us might be denied hospital visitation to the other in times of  
20 medical emergency.

21 11. Greg and I are over the age of 18, are not barred from marrying each other as a  
22 result of being too closely related to each other, and are not married to anyone else. On April 4,  
23 2012, we appeared in person at the Marriage Bureau for the Office of the Clerk for Clark County  
24 in Las Vegas, Nevada to seek a marriage license. We both were prepared to present valid forms  
25 of identification to prove our names and ages, pay the required \$60 fee, and complete a marriage  
26 application. When we took our application for a marriage license to the clerk, we were directed  
27 to the Secretary of State's website to register as domestic partners. When Greg clarified that we  
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were there to get a marriage license, the clerk denied our request.

Signed under penalty of perjury under the laws of the United States this 30<sup>th</sup> day of August, 2012.

  
\_\_\_\_\_  
Fletcher Whitwell

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16 *Attorneys for Plaintiffs*

17 **UNITED STATES DISTRICT COURT**

18 **DISTRICT OF NEVADA**

19 BEVERLY SEVCIK, et al.,  
 20 Plaintiffs,

21 v.

22 BRIAN SANDOVAL, et al.,  
 23 Defendants,

24 and

25 COALITION FOR THE PROTECTION  
 OF MARRIAGE,  
 26 Defendant-Intervenor.  
 27

No. 2:12-CV-00578-RCJ-PAL

**DECLARATION OF PLAINTIFF  
 MIKYLA JEWEL MILLER IN SUPPORT  
 OF PLAINTIFFS' MOTION FOR  
 SUMMARY JUDGMENT**

28

1 I, Mikyla Jewel Miller, hereby declare and state as follows:

2 1. I am one of the Plaintiffs in this lawsuit along with my wife Katrina (Katie) Miller.  
3 I am 30 years old and live in Reno, Nevada. I have personal knowledge of the matters stated in  
4 this declaration and could and would so testify if called as a witness.

5 2. I was born in Oakland, California and raised in Redding, California.

6 3. I have a bachelor's degree in speech pathology and audiology from the California  
7 State University, Sacramento. In 2010, I received my law degree from the University of Pacific,  
8 McGeorge School of Law. Shortly after graduating I started my own legal practice and began  
9 providing services to low-income clients referred to me by a legal aid clinic. In January 2004 I  
10 met the love of my life, Katie Miller. She lived in my dormitory and one day asked me if she  
11 could borrow a hanger. To make a good impression, I gave her all of my hangers. We began  
12 dating in February 2004 after Katie asked me out in sign language in front of the capital building.  
13 Later that summer we moved in together.

14 4. I came out to my family in March 2004. My mother admitted that she had a  
15 feeling that Katie was more than a friend after I had introduced her to the family. While she and  
16 my stepfather were initially excited to meet Katie, my mother's attitude changed due to influence  
17 from her church. She told me that she was very concerned with my "soul." She began attending  
18 "pray the gay away" classes and tried to pressure me to accompany her. Fortunately, my mom's  
19 attitude changed again after her church appointed a new pastor. The pastor asked my mother if  
20 Katie would offer me everything a husband could. When she said yes, my pastor told her that she  
21 should love Katie. And so she did and does to this day.

22 5. Katie and I knew that we wanted to spend the rest of our lives together, so we  
23 planned a commitment ceremony for May 17, 2008. At that time we planned the ceremony,  
24 marriage was not yet available for same-sex couples in California but we wanted to celebrate our  
25 commitment to each other anyway. At around the same time, the California Supreme Court  
26 recognized the right of same-sex couples to marry and the state of California began issuing  
27 marriage licenses to same-sex couples. On June 17, 2008, we were thrilled to obtain our marriage  
28 license in California. The significance of our marriage was apparent in many ways, especially

1 with respect to my family’s treatment of Katie. Immediately after we were married, they started  
2 referring to her as family, which they did not do before, even though they had participated in our  
3 May 17, 2008 ceremony. This was one of the reasons why the passage of Proposition 8 a few  
4 months later was so devastating—we were heartbroken to see other couples barred from marriage  
5 after realizing how transformative it was for us.

6           6.       Katie and I moved to Nevada in May 2010. It was upsetting to learn that our  
7 marriage is not recognized here, and it has led to concrete problems for us. For example,  
8 sometime last February, I drove to the hospital after experiencing chest pain. When my name  
9 was called, I told the staff that my wife was en route and asked them to admit her to my room.  
10 One of the clerks did a double take when I used the word “wife” and said that they only allow  
11 patients to the rooms. I repeated the clerk’s words to the doctor, who informed me that the  
12 hospital allows visitors to see patients. When I told him that I felt like I was being discriminated  
13 against, he left to retrieve Katie and brought her to see me.

14           7.       Because Nevada does not recognize our marriage, Katie and I registered as  
15 domestic partners in Nevada on June 17, 2010. But a domestic partnership is not the same as  
16 marriage. Far from it. To me, domestic partnership feels like just a piece of paper. Marriage  
17 represents something far more significant—a universal recognition of our ability to love and be  
18 loved. Katie and I know that we will always be together, and that is why we chose to get married  
19 in California. But that commitment to each other is not recognized in Nevada.

20           8.       In July, I gave birth to our daughter, A. L. M. Her middle name “Love”—which  
21 has been passed down Katie’s family for five generations—symbolizes our desire to raise our  
22 daughter in an environment free of intolerance and bias. We do not want the misunderstanding  
23 that we have faced to affect her, but it has become difficult to protect her from it. For example, it  
24 took a great deal of legwork to arrange for the hospital to designate Katie as A.L.M.’s parent on  
25 her birth certificate. After researching the matter, I learned that the hospital was obliged to do  
26 this. However, the hospital records staff thought I was wrong and insisted that Katie first had to  
27 formally adopt A.L.M.—a step that no spouse would be required to take. I advised them to  
28 consult the hospital’s legal department, and after they did so they told me that they would only

1 add Katie's name if we provided additional paperwork and a copy of our domestic partnership  
2 registration. Once I gave the hospital this information they accepted our application to add  
3 Katie's name to the birth certificate, but if Katie and I had been married we would not have been  
4 put through this burdensome and stressful process.

5 9. Moreover, when we researched health insurance coverage for A.L.M., we  
6 encountered yet another frustrating hurdle. Providing our baby girl with good health coverage is  
7 a huge priority for us, and while I could have insured A.L.M. through my employment, the  
8 coverage is certainly not as comprehensive as Katie's health plan, which she receives through her  
9 university. Had we been married, we likely would have been able to have A.L.M. insured  
10 through Katie's plan as a matter of course. Instead, we were required to undertake the process  
11 described above to add Katie's name to A.L.M.'s birth certificate before we could insure A.L.M.  
12 through Katie's plan. This was another stressful roadblock and reminder of our second-class  
13 status as registered domestic partners.

14 10. Katie and I are both over the age of 18, are not barred from marrying each other as  
15 a result of being too closely related to each other, and are not married to anyone else.

16 Signed under penalty of perjury under the laws of the United States this 9<sup>th</sup> day of  
17 September, 2012.

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20 Mikyla Jewel Miller  
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TARA L. BORELLI (*pro hac vice*)  
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16 *Attorneys for Plaintiffs*

17 **UNITED STATES DISTRICT COURT**

18 **DISTRICT OF NEVADA**

19 BEVERLY SEVCIK, et al.,  
20 Plaintiffs,

21 v.

22 BRIAN SANDOVAL, et al.,  
23 Defendants,

24 and

25 COALITION FOR THE PROTECTION  
OF MARRIAGE,  
26 Defendant-Intervenor.  
27

No. 2:12-CV-00578-RCJ-PAL

**DECLARATION OF PLAINTIFF  
KATRINA MILLER IN SUPPORT OF  
PLAINTIFFS' MOTION FOR SUMMARY  
JUDGMENT**

28

1 I, Katrina Miller, hereby declare and state as follows:

2 1. I am one of the Plaintiffs in this lawsuit along with my wife Mikyla Jewel Miller.  
3 I am 27 years old and live in Reno, Nevada. I have personal knowledge of the matters stated in  
4 this declaration and could and would so testify if called as a witness. Although my legal name is  
5 “Katrina,” I go by the name “Katie.”

6 2. I was born in Pacific Grove, California and lived there until I was 18. My father  
7 passed away when I was a young child, but I had (and have) a great relationship with my mother.  
8 She and my grandmother raised me.

9 3. I have a bachelor’s and a master’s degree in English from the California State  
10 University, Sacramento. In 2010, I started a five-year doctoral program in English with a  
11 specialization in rhetoric and composition at the University of Nevada, Reno. I also work part-  
12 time as a teaching assistant.

13 4. I can say with certainty that I was born gay. It was not a choice for me. I realized  
14 in middle school that I did not have the same crushes my friends who were girls had. In high  
15 school I secretly dated a girl. Eventually, I began coming out to friends, and in March 2004 I  
16 came out to my family.

17 5. In January 2004, I met the woman who would become the “one” in my life,  
18 Mikyla Jewel Weber. We met while living in the same dormitory. I was smitten with her and we  
19 began dating in February 2004, after I asked her out in sign language in front of the capital  
20 building in Sacramento. That summer we moved in together.

21 6. By August 2005, Mikyla and I had grown extremely close. We lived together,  
22 bought a car and a dog, and started a joint bank account. We also began wearing monogamy  
23 rings. Finally, I bought her a diamond ring and proposed to her on New Year’s Day 2007.

24 7. Mikyla and I had a commitment ceremony in California on May 17, 2008,  
25 attended by friends and family. At around the same time, the California Supreme Court  
26 recognized the right of same-sex couples to marry and the state of California began issuing  
27 marriage licenses to same-sex couples.

28 8. On June 17, 2008, we obtained our marriage license, a few weeks after the

1 California Supreme Court recognized the right of same-sex couples to marry in the state. The  
2 impact of our marriage on our family was immediately apparent. While Mikyla's mother and  
3 stepfather had considered me a part of their family, it wasn't until after our marriage that they  
4 began publicly referring to me as family by introducing me to others as their daughter-in-law.

5 9. Mikyla and I moved to Nevada in May 2010 and were upset to learn that our  
6 marriage would not be recognized here. Instead, we registered as domestic partners with the state  
7 the following month. But that is not the same. We have embraced Nevada as our home, but we  
8 are pained by constant reminders that we are second class citizens because the state will not  
9 recognize our marriage. These reminders became more visceral after Mikyla became pregnant  
10 and gave birth to our child, A.L.M., in July 2012. People have questioned my status as a parent  
11 and often consider me A.L.M.'s stepparent rather than her mother. Some have challenged the  
12 veracity of my claim that Mikyla is my wife. I try to treat these moments as educational  
13 opportunities, but it can be frustrating and tiresome. When filling out medical and other forms,  
14 Mikyla and I cannot state that we are married. We would check the domestic partnership box, but  
15 it usually does not appear on these forms.

16 10. As another example, last February, Mikyla had to go to the hospital after  
17 experiencing chest pain at work. I rushed to the hospital she called me, but the staff refused to let  
18 me see her. Mikyla finally had to ask the doctor to intercede on our behalf. It is terribly  
19 distressing that I was prevented from seeing my wife during a medical emergency. Visitors are in  
20 fact allowed to see patients and the staff knew this. I do not believe that this would have  
21 happened if our marriage was recognized in Nevada.

22 11. Another incident arose when I applied for financial aid at my university. On my  
23 financial aid forms, I designated Mikyla as the person in charge of our household finances, but  
24 the school initially declined to accept the forms because our marriage is not recognized in  
25 Nevada. After a long argument with the staff, the cashier's office finally accepted the forms.

26 12. Because of the marriage ban, I feel like my voice does not matter. I feel like other  
27 people who have decided that my relationship with Mikyla does not deserve to be considered a  
28 marriage are controlling my fate. I want to be in control of my own destiny by being recognized

1 as married to the woman I love.

2 13. Mikyla and I are both over the age of 18, are not barred from marrying each other  
3 as a result of being too closely related to each other, and are not married to anyone else.

4 Signed under penalty of perjury under the laws of the United States this 9<sup>th</sup> day of  
5 September, 2012.

  
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Katrina (Katie) Miller

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16 *Attorneys for Plaintiffs*

17 **UNITED STATES DISTRICT COURT**  
 18 **DISTRICT OF NEVADA**

19 BEVERLY SEVCIK, et al.,  
 20 Plaintiffs,

21 v.

22 BRIAN SANDOVAL, et al.,  
 23 Defendants,

24 and

25 COALITION FOR THE PROTECTION  
 OF MARRIAGE,  
 26 Defendant-Intervenor.  
 27

No. 2:12-CV-00578-RCJ-PAL

**DECLARATION OF PLAINTIFF  
 ADELE NEWBERRY IN SUPPORT OF  
 PLAINTIFFS' MOTION FOR  
 SUMMARY JUDGMENT**

28

1 I, Adele Newberry (formerly known as Adele Terranova), hereby declare and state as  
2 follows:

3 1. I am one of the Plaintiffs in this lawsuit along with my partner Tara Newberry. I  
4 am 31 years old and reside in Las Vegas, Nevada. I have personal knowledge of the matters  
5 stated in this declaration and could and would so testify if called as a witness.

6 2. Tara and I are lesbian individuals in a loving, committed relationship. We have  
7 been together for 7 years and have registered as domestic partners in Nevada.

8 3. I was born in Boston, Massachusetts and have lived in Nevada for approximately  
9 5 years. I have a bachelor's degree in criminology and psychology from University of  
10 Massachusetts Amherst. I also obtained a certificate for fraud examination and accounting from  
11 the University of California, San Diego. I work as the office manager at the Connaghan  
12 Newberry Law Firm.

13 4. I met Tara in 2005 at a dinner organized by a mutual friend. We hit it off and  
14 began meeting for lunch. Within months we were officially dating and we have been together  
15 ever since. One thing that clued me in from the beginning that Tara was a warm and wonderful  
16 person was how loving she was toward my dog. I found that very endearing.

17 5. Tara and I registered as domestic partners in California in October 2006. When  
18 we filled out the domestic partnership paperwork, we went to a postal annex to get the forms  
19 notarized. The notary asked us what kind of business we were opening up. This is just one  
20 example of how domestic partnership is viewed differently from marriage -- I've never heard of  
21 marriage ceremony being confused with starting a business. Domestic partnership was important  
22 to us regardless, since it was all we could obtain at the time.

23 6. Tara and I moved to Nevada in 2007, and then traveled back to California to marry  
24 in San Diego on October 25, 2008. We chose to get married in 2008 to demonstrate our love for  
25 each other through the universally understood bonds of marriage. We celebrated the occasion  
26 with friends.

27 7. Because Nevada does not recognize our marriage, and therefore did not afford us  
28 with any of the recognition, rights or responsibilities of marriage, we registered as domestic

1 partners in Nevada when it became available in 2009.

2 8. Our lives currently revolve around our two-and-a-half year old son, E.D.N., and  
3 our nine-month old daughter, E.A.N. I stayed home with E.D.N. until he started preschool at  
4 eighteen months old. We took him out of preschool when his sister, E.A.N., was born earlier this  
5 year. We returned him to school when she was approximately six weeks old, but he brought  
6 home a virus that made her very ill. When that happened, we decided to keep the children at  
7 home. Tara and I split our time between work and taking care of our children, with part-time help  
8 from a nanny.

9 9. I recently changed my last name from Terranova to Newberry. Tara and I wanted  
10 a single family surname for easy recognition of our parental and family relationship. Having the  
11 same last name as our children is important to me so that I am not questioned when I am picking  
12 up the kids from school or going to the hospital. In the past, I have been asked why I have a  
13 different last name than my children and school officials assumed that the E.D.N. was Tara's  
14 child because he had Tara's last name.

15 10. We are often forced to answer questions that generally are never asked of  
16 different-sex spouses. When we took E.A.N. to the emergency room in February, hospital staff  
17 asked "which one of you is the mom?" We responded that we are both E.A.N.'s mother. In  
18 response, staff asked "which one is the real mom?" If we could tell hospital staff that we are  
19 married, our family structure and relationship to our children would be less subject to question  
20 and disrespect.

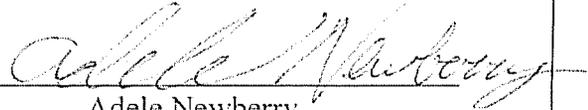
21 11. Tara and I are financially interdependent. We have a trust, pour-over will,  
22 financial power of attorney, and durable power of attorney for medical decisions. We took these  
23 steps to protect our family and children as soon as E.D.N. was born. If our marriage was  
24 recognized in Nevada, we would not have had to take these steps because these protections and  
25 responsibilities would be secure and recognized in the state.

26 12. We have encountered other examples of disrespect for our domestic partnership.  
27 For example, we were denied a marriage-related discount by our insurance company for our  
28 family health coverage. This means that we have had to pay higher premiums than if our

1 marriage was recognized. I believe that, if the state of Nevada recognized our marriage, the  
2 insurance company would have done so as well.

3 13. Tara and I are both over the age of 18, are not barred from marrying each other as  
4 a result of being too closely related to each other, and are not married to anyone else.

5 Signed under penalty of perjury under the laws of the United States this 7<sup>th</sup> day of  
6 September, 2012.

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9 Adele Newberry

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16 *Attorneys for Plaintiffs*

17 **UNITED STATES DISTRICT COURT**  
 18 **DISTRICT OF NEVADA**

19 BEVERLY SEVCIK, et al.,  
 20 Plaintiffs,  
 21 v.  
 22 BRIAN SANDOVAL, et al.,  
 23 Defendants,  
 24 and  
 25 COALITION FOR THE PROTECTION  
 OF MARRIAGE,  
 26 Defendant-Intervenor.  
 27

No. 2:12-CV-00578-RCJ-PAL

**DECLARATION OF PLAINTIFF TARA  
 NEWBERRY IN SUPPORT OF  
 PLAINTIFFS' MOTION FOR  
 SUMMARY JUDGMENT**

28

1 I, Tara Newberry, hereby declare and state as follows:

2 1. I am one of the Plaintiffs in this lawsuit along with my partner Adele Newberry  
3 (who was previously known as Adele Terranova). I am 37 years old and reside in Las Vegas,  
4 Nevada. I have personal knowledge of the matters stated in this declaration and could and would  
5 so testify if called as a witness.

6 2. Adele and I are lesbian individuals in a loving, committed relationship. We have  
7 been together for 7 years and have registered as domestic partners in Nevada.

8 3. I was born in Shreveport, Louisiana and have lived in Nevada for approximately 5  
9 years. I have a bachelor's degree in criminal justice and history. From 1997 until 2004, I worked  
10 as a police officer. I then attended California Western School of Law and graduated with a J.D.  
11 in 2006. I currently work at a small law firm in Las Vegas, Connaghan Newberry Law Firm.

12 4. I am involved in the community. I have volunteered with Trial by Peers since  
13 2007. Trial by Peers is a diversion program for first-time juvenile offenders. The attorneys and  
14 jurors are all peers. I act as a mentor and sometimes as a judge. I am also active in a children's  
15 play group for same-sex couples' families called "We are Family." I also act as a state-appointed  
16 mediator through a program with the Nevada Supreme Court.

17 5. I met Adele in 2005 at a dinner organized by a mutual friend. We began dating  
18 shortly after that and we have been together continuously ever since. Adele is the nicest person I  
19 have ever met. Her incredible kindness is part of what initially drew me to her.

20 6. Adele and I registered as domestic partners in California in October 2006. We  
21 moved to Nevada in 2007, and then traveled back to California to marry in San Diego on October  
22 25, 2008, while that was legally permissible there. When domestic partnership became available  
23 in 2009, we also registered as domestic partners in Nevada.

24 7. Our lives currently revolve around our two-and-a-half year old son, E.D.N., and  
25 our nine-month old daughter, E.A.N. Although registered domestic partners are presumed the  
26 parents of children born into the relationship, when E.D.N. was born a hospital social worker  
27 insisted that "the dad" had to fill out the declaration of paternity and refused to let me be listed.  
28 Because of this, E.D.N.'s birth certificate was returned from the State with a blank for the second

1 parent's name. It took a year-and-a-half to get a corrected certificate listing me as the second  
2 parent. During this process, I had to complete another declaration of paternity form, although I  
3 had to alter it by crossing out various provisions to make references to me in it accurate. The  
4 State returned the form, insisting that it could not be processed as altered. It was a struggle to get  
5 the State to accept the form as modified. I eventually had to point out that I would be required to  
6 perjure myself on the form if I was not able to modify it. The entire process was demoralizing. I  
7 believe that, if Nevada treated us as the married couple we are rather than forcing us to be  
8 considered in a novel, little understood status, none of this would have happened.

9 8. There were similar issues when E.A.N. was born earlier this year. The hospital  
10 social worker agreed that I could be listed on the birth certificate, but I had to provide a copy of  
11 our domestic partnership paperwork and other documentation showing that Adele and I live at the  
12 same address. I do not believe that I would have been required to provide that same  
13 documentation if our marriage was recognized in Nevada. In order to comply, I had to leave the  
14 hospital shortly after the birth of my daughter to bring back the demanded paperwork. Once I did  
15 that, my name was put on E.A.N.'s birth certificate.

16 9. This is not the only example of our relationship with our children being  
17 disrespected. We are sometimes asked by medical and government personnel which one of us is  
18 the "real" mother and other questions that are not generally asked of different-sex, married  
19 couples. As another example, E.A.N. was sick and had to be taken to the emergency room in  
20 February 2012. The hospital assumed that I was the biological mother (probably because the  
21 children had my last name -- Newberry -- and Adele had not yet changed her name), and were  
22 told that only one of us could go into the emergency room with E.A.N. It was only after we  
23 explained that we are both E.A.N.'s legal parents because we are registered domestic partners that  
24 the staff let us both into the emergency room. These types of situations cause me a lot of concern  
25 and so I feel a particular sense of urgency to have our marriage recognized. I believe that it will  
26 help reduce this and other sorts of confusion if Adele and I can say that we are married.

27 10. I recently adopted both our children. Adopting both children was very important  
28 to me because I wanted to be sure that I would be recognized as a legal parent even if we were

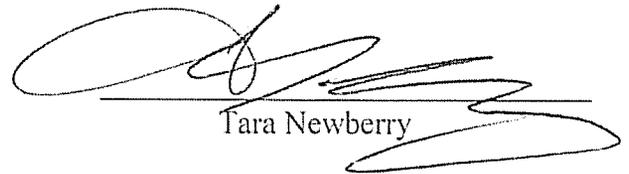
1 out-of-state with the children (such as at Disneyworld in Florida). Although an adoption  
2 normally costs several thousand dollars per child, I am a lawyer and was able to do the legal work  
3 for the adoption. I know through my legal practice, however, that many other same-sex couples  
4 must spend valuable family resources on adoption lawyers to help reduce the chance of confusion  
5 about their status as a legal parent, because they cannot count on the assured recognition of  
6 parentage that generally flows from marriage.

7 11. As our children get older, I believe that it would help their social development if  
8 we were considered married in Nevada. We want our children to know that our relationship is  
9 just as permanent and stable as that of any other married couple. Neither Adele nor I are going to  
10 leave, and we want E.D.N. and E.A.N. to feel secure in our family.

11 12. Adele and I are both over the age of 18, are not barred from marrying each other as  
12 a result of being too closely related to each other, and are not married to anyone else.

13 Signed under penalty of perjury under the laws of the United States this 7<sup>th</sup> day of

14 September, 2012.

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17 Tara Newberry  
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16 *Attorneys for Plaintiffs*

17 **UNITED STATES DISTRICT COURT**  
 18 **DISTRICT OF NEVADA**

19 BEVERLY SEVCIK, et al.,  
 20 Plaintiffs,

21 v.

22 BRIAN SANDOVAL, et al.,  
 23 Defendants,

24 and

25 COALITION FOR THE PROTECTION  
 OF MARRIAGE,  
 26 Defendant-Intervenor.  
 27

No. 2:12-CV-00578-RCJ-PAL

**DECLARATION OF PLAINTIFF  
 CAREN CAFFERATA-JENKINS IN  
 SUPPORT OF PLAINTIFFS' MOTION  
 FOR SUMMARY JUDGMENT**

1 I, Caren Cafferata-Jenkins, hereby declare and state as follows:

2 1. I am one of the Plaintiffs in this lawsuit along with my partner Farrell Cafferata-  
3 Jenkins. I am 54 years old and reside in Carson City, Nevada. I have personal knowledge of the  
4 matters stated in this declaration and could and would so testify if called as a witness.

5 2. Farrell and I are lesbian individuals in a loving, committed relationship. We have  
6 been together for more than 15 years and have registered as domestic partners in Nevada.

7 3. I was born in Philadelphia, Pennsylvania and have lived in Nevada for  
8 approximately 25 years. I have a bachelor's degree in parks and recreation from Penn State, a  
9 master's degree in arts administration from Golden Gate University, and a law degree from  
10 Golden Gate University School of Law. I am currently the Executive Director of the Nevada  
11 Commission on Ethics.

12 4. Both Farrell and I believe that it is important to give back to the community in  
13 which we are raising our two children, and we enjoy doing so. We are both on the board of a  
14 statewide advocacy and resource center for those who are deaf and hard of hearing. I also  
15 previously served as the president of the Carson City Court Appointed Special Advocates, which  
16 works on behalf of abused and neglected children, and as the vice-chairman of the Carson City  
17 Library Board of Trustees and as an officer of the First Judicial District Bar Association.

18 5. I met Farrell 15 years ago at a potluck. As an excuse to get to know her better, I  
19 hired Farrell to help with my landscaping; and she, in turn, took longer than necessary pulling  
20 weeds so the two of us could spend more time together. We have been together ever since.

21 6. We had our first son in 2003 and then welcomed a second son in 2005. Farrell and  
22 I traveled to California to marry in 2008 both because of our love for each other and our desire to  
23 unite our entire family, including our children, through the universally understood bonds of  
24 marriage. Our marriage in California possessed and imparted a legitimacy that was absent from  
25 both a prior commitment ceremony that we held in Nevada in 2002, as well as our registration as  
26 domestic partners in Nevada in 2009. But that legitimacy evaporated once we returned to  
27 Nevada, because Farrell and I are deemed unmarried in our home state, which makes us feel like  
28 outsiders in our own community, undeserving of equal respect and treatment.

1           7.       Farrell and I changed our last names to Cafferata-Jenkins—a hybrid of both our  
2 last names—because, among other reasons, we wanted to convey to others that we are a family.  
3 Unlike different-sex married couples, however, registered domestic partners do not have access to  
4 the same streamlined process for one partner to adopt the other’s last name. Different-sex  
5 spouses can complete a name change through the federal Social Security Administration and the  
6 Nevada Department of Motor Vehicles with a marriage certificate, but domestic partners must  
7 seek and obtain a court-ordered name change. Farrell and I undertook this expensive and time-  
8 consuming process. The name change required us to file verified petitions that we were not  
9 felons and that we were not attempting to defraud creditors. We also had to publish notice of our  
10 requested name change in the newspaper. This was a demeaning reminder of how lesbian and  
11 gay couples are treated as inferior to heterosexual couples: while heterosexual couples’ marriages  
12 are profiled in the society pages, lesbian and gay couples who merely want to change their names  
13 to unite their family must publicly attest that they are not criminals. We subsequently learned,  
14 however, that same-sex couples who married in California need not go through this process,  
15 which is an example of the confusion that same-sex couples in Nevada face even for something as  
16 seemingly simple as a name change and that could be avoided if they were permitted to marry or  
17 have their marriages recognized. Same-sex registered domestic partners in Nevada, who are not  
18 married elsewhere, must still go through this process to change their names.

19           8.       For the vast majority of the time that I have worked as a state employee, and until  
20 very recently, I was excluded from receiving the same subsidized family health care coverage that  
21 the State provides to different-sex spouses of state employees. Although the State allowed its  
22 employees to access domestic partner health coverage, those employees were required to pay the  
23 entire premium, whereas spouses of state employees received subsidized coverage. Earlier this  
24 year, the state agency in charge of public employee benefits, the Public Employees’ Benefits  
25 Program Board, agreed to provide domestic partners with the same subsidy as it provides to  
26 spouses of state employees.<sup>1</sup> But, for several years, I paid hundreds of dollars more per month for

27 \_\_\_\_\_  
28 <sup>1</sup> This decision is reflected in the March 29, 2012 action minutes of the Public Employees’  
Benefits Program Board, which are available at <http://www.pebp.state.nv.us/brdpkts/3-29-12ActionMinutes.pdf> (last visited Sept. 3, 2012).

1 covering Farrell as compared to a heterosexual colleague covering his or her spouse. This  
2 siphoned off family resources that otherwise could have otherwise seeded our children's college  
3 fund or helped with retirement plans. Furthermore, the domestic partnership law specifically  
4 exempts public employers from any obligation to provide domestic partner coverage.<sup>2</sup> Thus,  
5 there is no statute that prevents the state agency from reversing its course and reverting to its prior  
6 policy, particularly given that its new policy is funded from the state agency's current reserves.<sup>3</sup>

7 9. Farrell and I are both over the age of 18, are not barred from marrying each other  
8 as a result of being too closely related to each other, and are not married to anyone else.

9 Signed under penalty of perjury under the laws of the United States this 6<sup>th</sup> day of  
10 September, 2012.

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14 Caren Cafferata-Jenkins  
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24 <sup>2</sup> The domestic partnership law states that it “do[es] not require a public or private employer in  
25 this State to provide health care benefits to or for the domestic partner of an officer or employee.”  
Nev. Rev. Stat. § 122A.210.

26 <sup>3</sup> The Public Employees' Benefits Program Board stated that “Due to available reserves, it is  
27 possible for the Board to approve providing the same level of subsidization to domestic partners  
28 as it provides to spouses.” Meeting Notice and Agenda, Agenda Item VII (“Plan Year 2013 Plan  
Design and Rates”), <http://www.pebp.state.nv.us/brdpkts/03-29-12Packet.pdf> (last visited Sept. 3,  
2012)

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16 *Attorneys for Plaintiffs*

17 **UNITED STATES DISTRICT COURT**  
 18 **DISTRICT OF NEVADA**

19 BEVERLY SEVCIK, et al.,  
 20 Plaintiffs,

21 v.

22 BRIAN SANDOVAL, et al.,  
 23 Defendants,

24 and

25 COALITION FOR THE PROTECTION  
 OF MARRIAGE,  
 26 Defendant-Intervenor.  
 27

No. 2:12-CV-00578-RCJ-PAL

**DECLARATION OF PLAINTIFF  
 FARRELL CAFFERATA-JENKINS IN  
 SUPPORT OF PLAINTIFFS' MOTION  
 FOR SUMMARY JUDGMENT**

28

1 I, J. Farrell Cafferata-Jenkins, hereby declare and state as follows:

2 1. I am one of the Plaintiffs in this lawsuit along with Caren Cafferata-Jenkins. I am  
3 49 years old and reside in Carson City, Nevada. I have personal knowledge of the matters stated  
4 in this declaration and could and would so testify if called as a witness.

5 2. I was born in Portland, Oregon, and I was raised in Reno, where my father was  
6 born. Our family has deep ties to Nevada, and my grandmother was the first woman elected to  
7 federal office in Nevada.

8 3. I have a bachelor's degree in general studies from the University of Nevada at  
9 Reno and recently obtained an associate's degree in deaf studies.

10 4. Both Caren and I believe it is important to be engaged in our community. In  
11 addition to my work on behalf of the deaf community, described below, I am also involved in the  
12 Parent Teachers Association at our children's school, and I formerly served on the Board of the  
13 Nevada AIDS Foundation.

14 5. Caren and I have two boys, ages 8 and 7. Our older son was diagnosed with  
15 autism at age 2 and became non-verbal for a period of time. His therapist encouraged sign  
16 language as a way to communicate with him, and so I took sign language classes at a local  
17 college. Our son no longer needs to sign to communicate, but I am still active in the deaf  
18 community. I founded, and am currently the president of, the Nevada Academy of Sign  
19 Language. Caren and I also serve on the board of a statewide advocacy and resource center for  
20 those who are deaf and hard of hearing.

21 6. Caren and I met 15 years ago at a potluck, at which Caren had arrived on a  
22 motorcycle. When Caren took off her helmet, and I locked eyes with her, there was an instant  
23 "zing." I was doing landscaping work at the time and gave Caren my business card; when I got  
24 home from the potluck, there was already a voicemail message from Caren.

25 7. Both Caren and I are Jewish and, in 2002, we held a commitment ceremony in  
26 Reno that incorporated elements of our faith. Surrounded by loved ones, we committed our lives  
27 to each other under a red velvet *chuppah*, or canopy, signifying the home that we wanted to build  
28 together. However, we felt that we could not accurately call it a "wedding" because same-sex

1 couples could not marry in Nevada and it would therefore be inaccurate for us to use the word  
2 “wedding” on our invitations to friends and family. Instead, we had to explain on our invitations  
3 that the ceremony was instead a *b’rit ahu’vah*, and then define that the phrase, in Hebrew, meant  
4 “covenant of love.” It was a painful reminder—in the midst of what should have been a joyful  
5 occasion—that we were not equal to other couples and could not use the same vocabulary to  
6 express our love and commitment to one another. It was also a bittersweet time for us because  
7 just a few days after our ceremony, which took place on October 27, 2002, the Constitution of the  
8 State of Nevada was amended to exclude same-sex couples from marriage, even though there was  
9 already a statute that did the same thing.

10 8. Caren and I traveled to California to marry in 2008, during the brief window of  
11 time before the passage of Proposition 8 when it was possible for same-sex couples to marry  
12 there. Because of that experience, we know first-hand how marriage can change the way we and  
13 others view our relationship—but we also know first-hand how hurtful it can feel for that  
14 marriage to be disregarded. After returning to our home state of Nevada, we felt as though the  
15 State “unmarried” us and that we had to start over from scratch. Although we subsequently  
16 registered as domestic partners in Nevada, it felt like consigning ourselves to an inferior, second-  
17 class status, compared to being treated as married.

18 9. Marriage has always been important in our family: both Caren’s parents and my  
19 parents have been married for more than 50 years, and Caren and I long for the opportunity to  
20 follow in our parents’ footsteps and celebrate a golden anniversary.

21 10. Recognition of our marriage would also be important for our children. To take just  
22 one example, Caren and I experience difficulty identifying to others that both of us are parents to  
23 our children, because school forms often only envision different-sex married parents.

24 11. Caren and I are financially interdependent and we have also taken as many steps as  
25 we can, through private contract, to protect our family in the event of death or disaster. We have  
26 powers of attorney, a family trust, and pour-over wills, which were costly to obtain. But no  
27 amount of estate planning can replicate the security that uniquely flows from marriage, which  
28 everyone understands and respects.

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12. Caren and I are both over the age of 18, are not barred from marrying each other as a result of being too closely related to each other, and are not married to anyone else.

Signed under penalty of perjury under the laws of the United States this 6<sup>th</sup> day of September, 2012.

  
\_\_\_\_\_  
J. Farrell Cafferata-Jenkins

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17 **UNITED STATES DISTRICT COURT**

18 **DISTRICT OF NEVADA**

19 BEVERLY SEVCIK, et al.,  
 20 Plaintiffs,

21 v.

22 BRIAN SANDOVAL, et al.,  
 23 Defendants,

24 and

25 COALITION FOR THE PROTECTION  
 OF MARRIAGE,  
 26 Defendant-Intervenor.  
 27

No. 2:12-CV-00578-RCJ-PAL

**DECLARATION OF PLAINTIFF  
 SARA GEIGER IN SUPPORT OF  
 PLAINTIFFS' MOTION FOR SUMMARY  
 JUDGMENT**

1 I, Sara Geiger, hereby declare and state as follows:

2 1. I am one of the plaintiffs in this lawsuit along with my partner Megan Lanz. I am  
3 27 years old and reside in Las Vegas, Nevada. I have personal knowledge of the matters stated in  
4 this declaration and could and would so testify if called as a witness.

5 2. Megan and I are lesbian women in a loving, committed relationship. We have  
6 been together for seven years. We are married in Canada and are registered as domestic partners  
7 in Nevada.

8 3. I was born in Atlantic City, New Jersey, and grew up in Marietta, Georgia. I  
9 moved to Nevada when I was 17 and have lived here ever since. Both of my parents now live in  
10 Nevada as well. Megan, our daughter, and I see my mother on most Tuesdays and Wednesdays,  
11 and my father watches our daughter on Thursdays. My family frequently spends weekends with  
12 my parents and siblings at my father's house on Lake Mohave.

13 4. I received my bachelor's degree in music performance from the University of  
14 Nevada, Las Vegas, in 2007. After college, I taught high school band for the Clark County  
15 School District. I really enjoyed teaching and decided to pursue additional education so I could  
16 teach at the College of Southern Nevada ("CSN"). This past May, I received my master's degree  
17 in music performance from UNLV. I currently teach two music appreciation classes at CSN, and  
18 I also work at a coffee shop.

19 5. I met Megan at a mutual friend's birthday party in September of 2005. She was  
20 warm and inviting, and I was drawn to what I now call her "five-part smile": first, the corners of  
21 her lips start to curl up; then her lips part and you can see a little bit of her teeth; her eyes squint;  
22 her lips expand into a full-blown smile; and then her tongue sticks a tiny bit between her teeth.  
23 The night we met, we didn't really talk about anything of substance, and I don't know that I was  
24 listening that much because I was just staring at her the whole time. I had a feeling I'd never felt  
25 before. Someone took my chair, and I sat on the ground so I could continue talking to her.

26 6. Soon after we started dating in November of 2005, I knew a relationship couldn't  
27 get any better than this. Megan and I can talk with each other about anything, and we often spend  
28 hours and hours talking without even realizing the time has gone by. When we disagree, our

1 feelings are never hurt because we respect each other and know the best ways to communicate  
2 with one another. Megan is one of the most selfless and giving people that I know, and she is an  
3 incredibly talented musician. She puts so much passion into everything she does, even if she's  
4 not getting something out of it. For example, she'll continue working with students after their  
5 private lessons have ended so that her students can finish a piece of music or so they can finish a  
6 discussion. She doesn't get paid for that time, but she does it because she loves teaching and she  
7 wants her students to succeed.

8 7. I proposed to Megan in November of 2006, and we got married in Vancouver,  
9 Canada, in June of 2007. It was important for us to get married, once we knew that marriage was  
10 available to us in Canada, rather than to voluntarily enter into a second-class status in another  
11 state, such as registering as domestic partners in California. The word "partnership" makes it  
12 sound like we have entered a business transaction. I don't want to downgrade how I feel about  
13 Megan.

14 8. We talked about having kids around the time we got married, and I got pregnant  
15 through donor insemination in the spring of 2008. I loved being pregnant (up until the last two  
16 weeks), and we couldn't wait to become parents.

17 9. Megan was a superhero during my 22 hours of labor. I was in so much pain that I  
18 couldn't do anything but breathe, and I don't think I could even speak to her the entire time.

19 10. Because our marriage is not recognized in Nevada and because domestic  
20 partnerships were not available until after J.G.L. was born, Megan does not have an automatically  
21 recognized status as the legal parent of J.G.L.

22 11. As Megan told me later, while we were in the recovery room, a nurse reminded  
23 Megan that she wasn't entitled to be there because the staff did not see her as immediate family.  
24 Megan is such an integral part of my life and of our daughter's life, and I couldn't believe that  
25 someone would just dismiss her like that. It was agonizing for me just to hear what had happened  
26 to her, particularly because I was powerless to change it — I can't imagine being in Megan's  
27 shoes during that conversation.

28 12. J.G.L. is now 3 ½ years old, and she surprises us every day with how much she

1 knows about the world. She loves anything musical, and she makes up her own rhyming songs.  
2 She knows when she is being funny and she gets proud of herself when she makes us laugh. She  
3 is very empathetic — if she sees that I have a bruise or a cut, she’ll say “Oh, poor girl!” and give  
4 me a kiss. J.G.L. reads books that teach her about all kinds of families (single mom, multi-racial  
5 parents, grandparents raising kids, etc.), and when we ask her how she feels about having a  
6 mommy and a momma, she says, “It makes me so happy.” We worry, however, that as she grows  
7 older and learns that we cannot be recognized as married in Nevada, she will absorb a message  
8 that the state sees her family as less worthy than others. We want her always to feel proud of our  
9 family, and that’s one of the biggest reasons that being recognized as married is so important to  
10 us.

11 13. Although Megan and I feel strongly that registering as domestic partners does not  
12 capture the full extent of our love, commitment, and devotion to each other, we registered in  
13 Nevada as soon as it was permissible, in 2009. Our marriage is not recognized in Nevada and we  
14 wanted the rights and responsibilities that came with entering a legal status in our home state. We  
15 also wanted to make sure that our daughter was protected to the fullest legal extent possible, and  
16 we wanted to be “counted” among partnered gay couples in Nevada.

17 14. Every time Megan and I have to fill out a form that requires us to check “single” or  
18 “married,” it’s a hassle. We are never sure how to list our names, and we dread the explaining  
19 that is often required when we turn in forms.

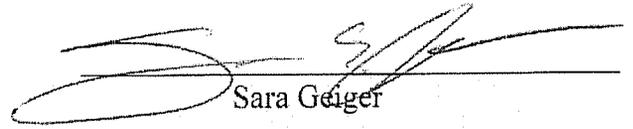
20 15. We know that Megan might not be recognized as a parent at doctor’s offices or,  
21 eventually, at schools. Once, J.G.L. needed to go to the doctor’s office while Megan was  
22 watching her. We didn’t want to risk Megan being turned away, so I left work to bring J.G.L. to  
23 the doctor.

24 16. I believe that marriage is viewed as a more stable and more final institution than  
25 domestic partnership. In stark contrast to what most people envision when they think about their  
26 wedding day, you can notarize your domestic partnership form at a shipping outlet like PostNet,  
27 and, in many instances, it can be easily dissolved. People often dismiss the relationship as “*just* a  
28 domestic partnership.” My relationship with Megan means so much more than that.

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17. Megan and I are over the age of 18, are not barred from marrying each other as a result of being too closely related to each other, and are not married to anyone else.

Signed under penalty of perjury under the laws of the United States this 6<sup>th</sup> day of September, 2012.



Sara Geiger

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16 *Attorneys for Plaintiffs*

17 **UNITED STATES DISTRICT COURT**

18 **DISTRICT OF NEVADA**

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No. 2:12-CV-00578-RCJ-PAL

**DECLARATION OF PLAINTIFF  
 MEGAN LANZ IN SUPPORT OF  
 PLAINTIFFS' MOTION FOR SUMMARY  
 JUDGMENT**

1 I, Megan Lanz, hereby declare and state as follows:

2 1. I am one of the plaintiffs in this lawsuit along with my partner Sara Geiger. I am  
3 31 years old and reside in Las Vegas, Nevada. I have personal knowledge of the matters stated in  
4 this declaration and could and would so testify if called as a witness.

5 2. Sara and I are lesbian women in a loving, committed relationship. We have been  
6 together for seven years. We are married in Canada and are registered as domestic partners in  
7 Nevada.

8 3. I was born in Denver, Colorado, and I have lived in Las Vegas, Nevada, for the  
9 past eight years. I received a bachelor's degree from the University of North Texas in 2004 and a  
10 master's in 2006 and a doctorate in 2010 from the University of Nevada, Las Vegas ("UNLV").  
11 All of my degrees are in music performance.

12 4. I teach private flute lessons to children and adults across Las Vegas as well as  
13 classroom lessons at the College of Southern Nevada. I also perform in local orchestras. For  
14 example, I am currently performing in the pit orchestra of the touring musical Wicked, which is  
15 playing a six-week run at the Smith Center in Las Vegas.

16 5. In the fall of 2005, Sara and I were both attending UNLV. I had seen her around  
17 campus, and I thought she was adorable. My friend from school was having a birthday party in  
18 September, and I asked her to invite Sara. Sara and I ended up talking all night, and the  
19 conversation flowed seamlessly. Over the next few weeks, we spent a lot of time together. I  
20 enjoyed her company, no matter what we were doing. She eventually told me she also was gay,  
21 and soon after we started dating.

22 6. Sara and I have complementary personalities. When one of us is feeling stressed  
23 out, the other tries to be everything that that person needs. During graduate school, I was often  
24 uptight, and Sara provided the comic relief. Sara recently started teaching, so now she is  
25 experiencing more stress and I am more laid back. Sara is a great listener and friend, and she's  
26 extremely trustworthy. We both have strong values and believe in the importance of honesty and  
27 responsibility.

28 7. On June 15, 2007, Sara and I got married in Vancouver, Canada. Soon after, we

1 talked about having children. One day we were standing in the bathroom both brushing our teeth,  
2 and I envisioned a child walking through the door to join us at the sink — I just couldn't wait. I  
3 longed to be a parent and mentor to a child, just like my parents were to me.

4 8. I was so thrilled when Sara gave birth to our daughter J.G.L. in January of 2009.  
5 The technical legal status of my relationship with my daughter was the last thing on my mind on  
6 that incredible day. But then a nurse in the recovery room said words to the effect of, "You  
7 know, we don't have to let you stay here, but we're just going to look the other way." I couldn't  
8 understand why this nurse would taint something so special by saying that — it had no effect on  
9 the ultimate outcome, but it was hurtful and stressful at a time when we were supposed to be  
10 celebrating. If Nevada recognized Sara and me as married at the time our daughter was born, I  
11 would have automatically been recognized as our daughter's parent, and this hurtful incident  
12 would not have occurred.

13 9. J.G.L. calls me "Momma" and calls Sara "Mommy." Our work schedules allow us  
14 to spend a good deal of time with J.G.L., and we are fortunate to have babysitting help from our  
15 friends and family for the time when Sara and I have performances or meetings at the same time.  
16 Although she is not yet four years old, J.G.L. is developing a great sense of imagination, and Sara  
17 and I have so much fun watching her play creatively. She has wide range of interests, from  
18 Tinkerbell to pirates, from *Beauty and the Beast* to *Star Wars*.

19 10. Several months after J.G.L. was born, Nevada began allowing domestic  
20 partnerships. Sara and I entered into a domestic partnership on the first day it was permitted in  
21 October of 2009. But since J.G.L. was born before domestic partnerships were available, and, as  
22 noted above, since our Canadian marriage is not recognized in Nevada, I was not considered a  
23 parent to our daughter when she was born, or even after we registered as domestic partners. Sara  
24 and I have thought about me adopting J.G.L. as a second parent as is permitted by Nevada law,  
25 but the process costs around \$3,000, and, at this point in our careers, we cannot afford it. We also  
26 are frustrated that the state's refusal to recognize our marriage means having to divert resources to  
27 have our child legally recognized as ours — different-sex spouses can put that money toward  
28 summer camp for their children or a college fund.



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16 *Attorneys for Plaintiffs*

17 **UNITED STATES DISTRICT COURT**  
 18 **DISTRICT OF NEVADA**

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 26 Defendant-Intervenor.  
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No. 2:12-CV-00578-RCJ-PAL

**DECLARATION OF TARA L. BORELLI  
 IN SUPPORT OF PLAINTIFFS' MOTION  
 FOR SUMMARY JUDGMENT**



# **Exhibit A**

# Do you want your children taught that a same-sex union has the same moral authority as marriage?

In Vermont same-sex unions have been given the approval and power of the state. Here is what is happening right now in Vermont Schools:

- There has been a wholesale revision of classroom discussion of marriage and family.
- Sex education now involves instructions for both heterosexual and homosexual interaction.
- A same-sex union is taught as a viable and healthy alternative lifestyle, violating the beliefs and desires of parents.

It's happening in Vermont right now, and homosexual activists want to export that system to us here in Nevada.

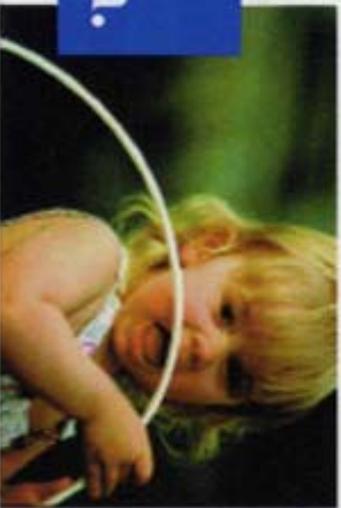
Question 2, the Protection of Marriage Initiative, gives constitutional protection to Nevada's current definition of marriage between a man and a woman by adding just 18 words to the Nevada Constitution: "Only a marriage between a male and female person shall be recognized and given effect in this state."

The impact of Vermont's cultural shift will be seen for generations to come.



Appendix - Page 74

Let's not experiment with Nevada's children.



VOTE **YES** on **2**

**November 5th**

Or Early Vote: Oct. 19 - Nov. 1

# **Exhibit B**

FROM : Kendall Stagg

FAX NO. : 7753339431

Aug. 26 2002 11:23AM P1

Aug 26 02 10:42a

WASHINGTON LEGAL

775 324 5509

p.2



# Coalition For The Protection Of Marriage in Nevada

"Only a marriage between a male and female person shall be recognized and given effect in this state."

### Sponsoring Committee:

Coalition Chairman  
Richard B Sandi Ziser

Gene Appel  
Jay B Fran Bingham  
Mollie Bowman  
N. Morgan Burdick  
D. Michael Carpenter  
Jay B Karna Chamberlain  
Don L. Christensen, M.D.  
Glen Cochrane  
Assemblyman Tom & Kathy Collins  
Damar Dahl

Joe & Judy DeRuge  
Diane R. DeCrocker  
Dan J. & Christy B. Dyer  
Ross S. Entley  
Clair & Mildred Sad  
Flaine Ferris  
Gerard & Patricia Gleason  
Assemblyman Don Gustafson  
Jonine Hansen  
Becky Blackhead Harris  
Dr. Ken Hawkins  
Michael J. & Joyce Hazard  
Pastor Paul M. Hulland  
Mayor Charles Horne  
Craig & Kristine Jensen  
Robin Joyce  
Rev. Larry & Valerie Kincaid  
Louise Kopf  
Nita S. Lawert  
Assemblyman John E. Marilyn Lee  
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Becky Maddux  
Pastor Greg Mastarati  
Caucuswoman Lynette E. McDonald  
Nannette Moffatt  
Mayor Michael & Antonette Montshoon  
Rebecca Bingham Morgan  
Judith Moses  
Erver T. & Lisa P. Nalser  
Senator Ann & Robert O'Connell  
Pastor Kevin Odo  
Brock Ohtail  
Grant & Ayns Peterson  
John Pater  
School Trustee Leslie Porter  
Senator Ray & Linda Hawick  
Joni & Pierce Sanford  
Wye E. Julia Stephens  
Alan & Rhoda Stock  
William H. Stodger  
Dr. Joe K. Taylor  
Barbara F. Vucanovich  
J.C.T. & Susan Ward  
Russell E. & Gail M. Warmers  
Senator Maurice & Donna Washington  
Michael & Bonnie Weber  
Alice E. White  
Partial list.

August 2002

Dear Protection of Marriage Supporters:

Protection of marriage between one man and one woman is important to Nevadans! On November 7, 2000, Nevada voters overwhelmingly passed Question 2 - the Nevada Protection of Marriage Initiative - with 70% of the vote statewide. As an amendment to the Nevada Constitution, Question 2 will require a second vote on November 5, 2002.

As many of you know, one of the key arguments against Question 2 during the 2000 campaign was that no one was trying to change our marriage laws in Nevada and that there was no national agenda to do so anywhere else. They concluded that Question 2 was unnecessary.

It's a good thing that Nevadans didn't listen to the homosexual community and its supporters. Just four months after Question 2 passed with 70% of the vote, homosexual activists introduced legislation in our Nevada Legislature that would have allowed for same-sex unions in Nevada. They were trying to squeeze it in before the next and final vote on Question 2.

So much for the argument that no one is trying to change Nevada law!

Many of you know that the legislature in the State of Vermont was forced by their Supreme Court to enact a same-sex marriage statute, which they call a "civil union." Last summer a homosexual couple traveled to Vermont and obtained a "civil union." They then returned to their home state of Georgia and challenged Georgia's marriage laws. Fortunately, Georgia had enacted a protection of marriage statute similar to our Question 2 and just this last February the Georgia Court of Appeals ruled against the recognition of Vermont's "civil unions."

So much for the argument that Question 2 is unnecessary!

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FROM : Kendall Stagg

FAX NO. : 7753339431

Aug. 26 2002 11:23AM P2

Aug 26 02 10:42a

WASHINGTON LEGAL

775 324 5509

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During the 2000 campaign we were repeatedly told that allowing same-sex marriages in Nevada would not affect our heterosexual marriages and families. Our response was that any state recognition of same-sex unions would give those unions the full power and sanction of the state. We argued that such recognition and state sanction would lead to schools teaching our children that the homosexual lifestyle is a viable and healthy alternative to heterosexual marriages.

We were right.

Just two months ago it was disclosed at a Capitol Hill conference that the Gay, Lesbian and Straight Education Network (GLSEN) had developed and was distributing curricula that promotes cross-dressing to kindergartners.

GLSEN is selling and distributing a curriculum guide titled *Preventing Prejudice: Lesbian/Gay/Bisexual/Trans-gendered Lesson Plan Guide for Elementary Schools*. It includes a lesson geared to children in kindergarten through the third grade that uses a children's book titled *Jesse's Dream Skirt*.

*Jesse's Dream Skirt* is a story about a young boy named Jesse who likes trying on his mother's dresses and dreams of a skirt "that whirled, twirled, flowed and glowed, and felt soft inside." Jesse's mom makes him a skirt and he wears it to day care, where his classmates tease him. The day care teacher, Bruce, gathers the kids and gives them a lesson in tolerance and acceptance. The children then discuss it, with one boy pointing out his father's intolerance over him dressing up in his mom's dresses. All of the children end up liking Jesse's skirt and some want one for themselves. The story ends with Jesse twirling in his "dream skirt," with his boy-style underwear showing. GLSEN says the "key message" in *Jesse's Dream Skirt* is: "Respect means keeping our minds open. Having open minds means giving people freedom to be who they want to be."

Some may think *Jesse's Dream Skirt* to be mild. And it is, compared to the explicit homosexual sex acts taught at a GLSEN conference held in Massachusetts with young high school girls present. Believe me, you don't want to hear the details.

We have stated in our campaign that adults are free to make lifestyle choices for themselves. But allowing the Gay, Lesbian and Straight Education Network to teach its lifestyle to our children in our public schools is stepping far over that line.

You may not be aware that GLSEN-sponsored student groups are now active in seven of Clark County's high schools. If Nevada was to recognize or give state sanction to same-sex unions at any level, we would be unable to stop the proliferation of teaching that promotes homosexuality in our schools.

With this kind of teaching in our public schools, there is no question that state-sanctioned, same-sex unions would affect our entire society - marriages, families and children.

So much for the argument that same-sex marriage won't affect our families!

FROM : Kendall Stagg

FAX NO. : 7753339431

Aug. 26 2002 11:24AM P4

Aug 26 02 10:44a

WISHOE LEGAL

775 324 5509

p.5

We have kept the campaign for Question 2, the Protection of Marriage Initiative, on high ground. We have consistently stated that this campaign is about protecting Nevada's current marriage laws from judges and legislators in other states. We have carefully pointed out that Question 2 will not give or take away any rights based on current Nevada law. We have confidently affirmed that the institution of marriage has been the cornerstone of our society for thousands of years, and that Question 2 sends a clear and positive message to our children that marriage between a man and a woman is a valuable and respected institution.

We must now continue the good fight for the Protection of Marriage. The battle is not over, and we must endure to the very end - until marriage between a man and a woman is securely protected in the Nevada Constitution. Our opposition has the power of the media on their side and we are continuously attacked for standing up for the sacred institution of marriage.

Many of you played an important role in our 2000 victory and now we need your help again. It is very important that we increase our 70% margin on November 5, 2002. Anything less will be to give up ground to the opposition.

Here is what we need you to do:

- ✦ Encourage all your family members and friends to register to vote.
- ✦ Put a Question 2 yard sign in your yard and ask your family and friends to do the same.
- ✦ Vote in the Primary and General elections and urge your family and friends to do the same.

Please return the enclosed volunteer card and let us know you are ready to help protect marriage.

For Marriage and the Family,

Richard Ziser  
Chairman

P.S. As I mentioned above, our opposition has the power of the media on their side. In order to get out our message and overcome our opposition's misrepresentations and distortions of the truth, we must use paid media. As you know, paid media is expensive. Please help us in this battle with your financial support by sending us your most generous gift today. Thank you!

P.P.S. The Coalition for the protection of Marriage does not endorse or recommend candidates for political office. It is, however, very important that Nevadans elect public officials that will continue to defend marriage after the November election. The coalition has asked candidates statewide to sign a Marriage Protection Pledge supporting Question 2 and affirming their continued support beyond November. A copy of the pledge is on the back of this letter. They were asked very specifically whether they supported the initiative and if they would continue to protect the essence of marriage - not just the word "marriage" - as being between a man and a woman. Because so many of you have asked where various candidates stand on this issue we have enclosed a list of candidates who have signed the pledge.

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**CERTIFICATE OF SERVICE**

I hereby certify that I have electronically filed the foregoing with the Clerk of the Court for the United States District Court, District of Nevada by using the CM/ECF system on September 10, 2012. All participants in the case are registered CM/ECF users, and will be served by the CM/ECF system.

By: /s/ Sklar Toy  
Sklar Toy  
3325 Wilshire Boulevard, Suite 1300  
Los Angeles, CA 90010