



Angelica Lopez and Claudia Mercado with their children Indigo and Isabel

Affidavit of Angelica Lopez

**IN THE CIRCUIT COURT OF COOK COUNTY
COUNTY DEPARTMENT, CHANCERY DIVISION**

JAMES DARBY and PATRICK BOVA, *et al.*,

Plaintiffs,

v.

DAVID ORR, in his official capacity as Cook County
Clerk,

Defendant.

Case No. 12 CH 19718
The Honorable Judge
Sophia Hall

TANYA LAZARO and ELIZABETH "LIZ" MATOS,
et al.,

Plaintiffs,

v.

DAVID ORR, in his official capacity as Cook County
Clerk,

Defendant.

Case No. 12 CH 19719
The Honorable Judge
Sophia Hall

STATE OF ILLINOIS, *ex rel.* Lisa Madigan, Attorney
General of the State of Illinois,

Intervenor,

CHRISTIE WEBB, in her official capacity as Tazewell
County Clerk, and KERRY HIRTZEL, in his official
capacity as Effingham County Clerk, DANIEL S.
KUHN, in his official capacity as Putnam County
Clerk, PATRICIA LYCAN, in her official capacity as
Crawford County Clerk, BRENDA BRITTON, in her
official capacity as Clay County Clerk,

Intervenors.

**AFFIDAVIT OF
ANGELICA LOPEZ**

COUNTY OF COOK)
)
STATE OF ILLINOIS) ss.

AFFIDAVIT OF ANGELICA LOPEZ

Angelica Lopez, having been duly sworn, states as follows:

1. I am one of the Plaintiffs in this lawsuit.
2. I was born on January 31, 1976, and I am 37 years old.
3. I am in a permanent, loving and committed relationship for more than 14 years with Claudia Mercado, and we wish to marry. Claudia also has provided an affidavit and we will try not to repeat each other.
4. I met Claudia at Missouri State University and we fell in love. We attended graduate school together in Kansas before moving to Chicago.
5. I am a lawyer for the Legal Assistance Foundation, which provides civil legal assistance to low income residents of Cook County. I live with Claudia and our two children, Isabel (4) and Indigo (1), in the Belmont-Craigen neighborhood of Chicago.
6. In 2007, Claudia and I held a commitment ceremony in front of family and friends. Claudia and I entered into a civil union with a ceremony at Millennium Park, Chicago, Illinois, on June 2, 2011.
7. Claudia and I wish to marry because marriage is central to our values and concept of family. We also wish to marry for the sake of our children. We do not want our children growing up feeling different from other children, or that their family is less legitimate.
8. Although we were happy to receive some degree of state recognition for our commitment to each other through a civil union, we yearn to be able to say that we

are married, which evokes a legal, cultural, and symbolic meaning that is not encompassed in any other term.

9. Further, even though we are both the legal parents of our children, we continue to encounter people who do not respect our parent-child relationships. Indigo was born via anonymous donor insemination, during our civil union, and therefore Claudia was Indigo's presumed parent from Indigo's birth under Illinois law. In addition, Claudia and I have performed adoptions with respect to both of our children to further secure our legal parent-child ties, and their birth certificates both list the two of us as parents. Despite this, we still face questions about whether we both are parents to our children. We know that if we could describe ourselves as a married family, we would have fewer problems.

10. For example, when one of us recently had to take Indigo to the emergency room, while the other had to stay home with Isabel, we had to consider whether Claudia would have problems establishing herself as Indigo's parent and authorizing treatment. As a result, I went with Indigo. This should not have been a concern for us when we were already worried about Indigo's health. If we were married, we would not have to worry about how things would go in the emergency room because people understand what it means to be married and would better understand our family.

11. I cannot say to people that I am married when I know that I am not. This is not just a matter of semantics. It's an identity. To say, "I am unionized" does not evoke the same value or respect for the relationship.

12. Claudia and I both value highly our rich Mexican-American culture and traditions. We want to pass on those traditions and our culture to our children. We also

want to pass on our values and communicate to our children the strength of our family and our love for each other. Getting married is part of that.

13. Claudia and I are both over the age of 18, have the capacity to contract, are not within the degrees of consanguinity or affinity prohibited by law for a legal marriage, are not wards under a guardianship, and are not legally married to any other person.

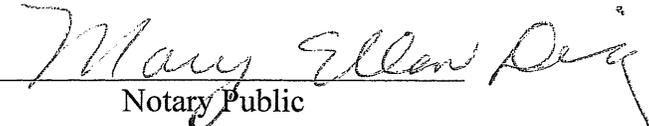
14. On or about the 23rd day of May, 2012, Claudia and I appeared in person, prepared to tender the \$60 application fee and identification documents, at the office of the Cook County Clerk to request an application for a marriage license so that we could marry each other in the state of Illinois. An employee of the Cook County Clerk denied us an application stating, "We can't issue marriage licenses to same-sex couples."

15. I hereby declare, under penalties of perjury, that the facts stated in this affidavit are personally known to me, and that they are true.

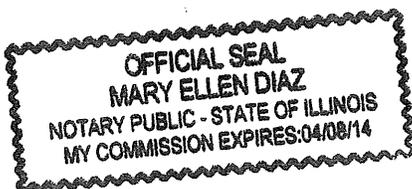


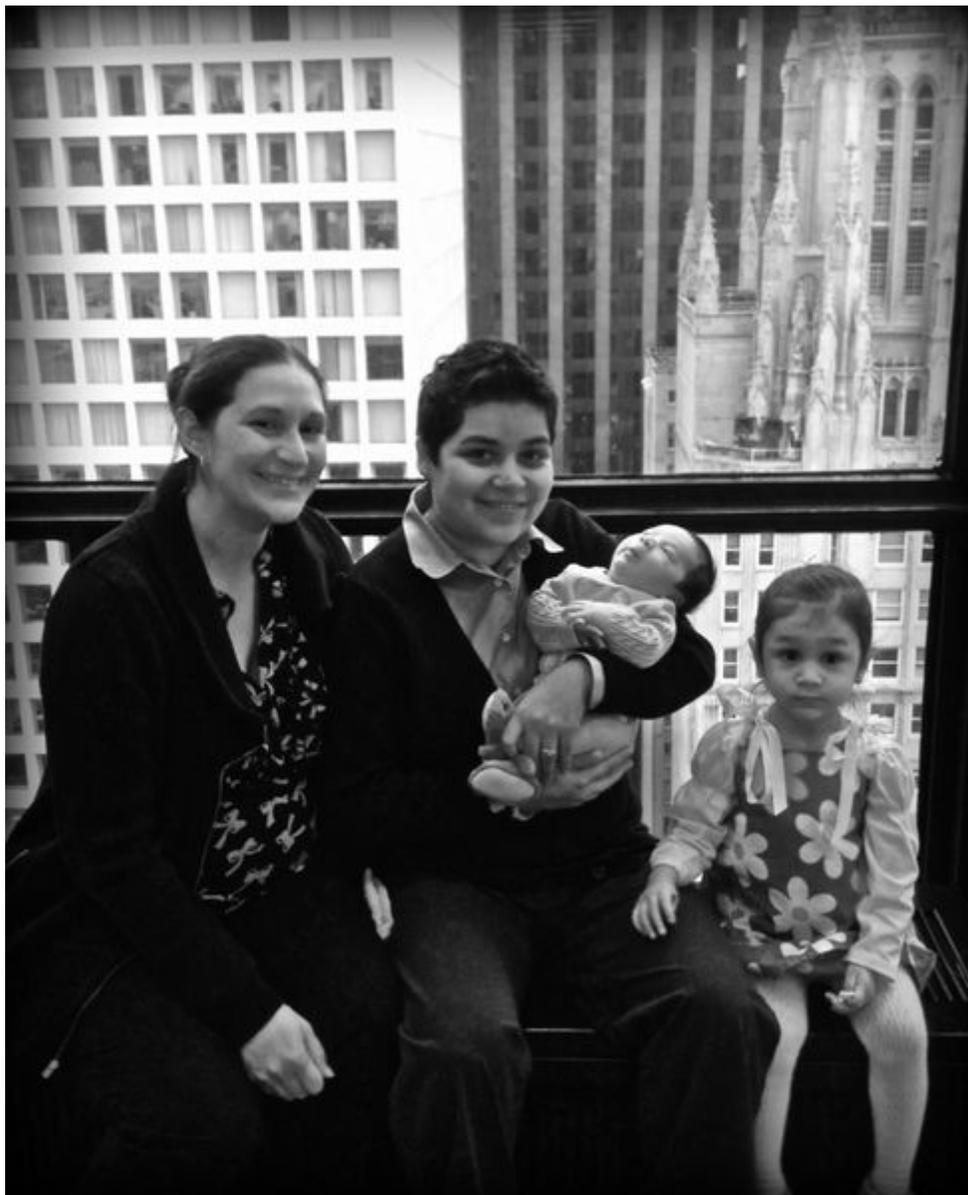
Angelica Lopez

Sworn to before me this 19th day of March, 2013



Notary Public





Angelica Lopez and Claudia Mercado with their children Indigo and Isabel

Affidavit of Claudia Mercado

**IN THE CIRCUIT COURT OF COOK COUNTY
COUNTY DEPARTMENT, CHANCERY DIVISION**

JAMES DARBY and PATRICK BOVA, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 12 CH 19718
)	The Honorable Judge
)	Sophia Hall
DAVID ORR, in his official capacity as Cook County)	
Clerk,)	
)	
Defendant.)	
)	
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TANYA LAZARO and ELIZABETH "LIZ" MATOS,)	
<i>et al.</i> ,)	
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Plaintiffs,)	
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v.)	Case No. 12 CH 19719
)	The Honorable Judge
)	Sophia Hall
DAVID ORR, in his official capacity as Cook County)	
Clerk,)	
)	
Defendant.)	
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STATE OF ILLINOIS, <i>ex rel.</i> Lisa Madigan, Attorney)	
General of the State of Illinois,)	
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Intervenor,)	
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CHRISTIE WEBB, in her official capacity as Tazewell)	
County Clerk, and KERRY HIRTZEL, in his official)	
capacity as Effingham County Clerk, DANIEL S.)	
KUHN, in his official capacity as Putnam County)	
Clerk, PATRICIA LYCAN, in her official capacity as)	
Crawford County Clerk, BRENDA BRITTON, in her)	
official capacity as Clay County Clerk,)	
)	
Intervenors.)	
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**AFFIDAVIT OF
CLAUDIA MERCADO**

COUNTY OF COOK)
)
STATE OF ILLINOIS) ss.

AFFIDAVIT OF CLAUDIA MERCADO

Claudia Mercado, having been duly sworn, states as follows:

1. I am one of the Plaintiffs in this lawsuit.
2. I was born on April 30, 1977, and I am 35 years old.
3. I am in a permanent, loving and committed relationship of 14 years with Angelica Lopez, and we wish to marry. Angelica also has provided an affidavit and we will try not to repeat each other.
4. I was born in Los Angeles and my family moved to Missouri with my family when I was eight years old. I now live in Chicago with Angelica and our children, Isabel (4) and Indigo (1).
5. I am the Director of Admissions for Northeastern Illinois University.
6. Our faith is very important to both of us. Angelica and I are Catholic and served as board members of Dignity Chicago.
7. Prior to starting our family, Angelica and I had a commitment ceremony performed by a priest in front of family and friends in July of 2007. On the first day that civil unions became available, we entered into a civil union with a ceremony at Millennium Park, Chicago, Illinois, on June 2, 2011.
8. Recently, when Angelica and I took the children to the office of the Cook County Clerk after Indigo's adoption to pick up Indigo's birth certificate, which lists both of us as his parents, an administrator prevented me from approaching the vital records counter. The administrator asked us why we were there, and upon hearing that we

wished to pick up Indigo's birth certificate, the administrator asked, "Who's the mother?" We answered, "We both are." Angelica then told the administrator that she and I are in a civil union, that the birth certificate lists us both, and that we also have an adoption decree listing both of us as parents. Nevertheless, the administrator then asked, "Well, which one of you gave birth to the child?" Upon learning that Angelica was the parent who had given birth, which was not information that we would have preferred to share in that context, the administrator told Angelica, "Okay, you can go [up to the counter]," but forced me to wait in the waiting area. Just like that, I was not a true parent. It did not matter that my name was on Indigo's birth certificate.

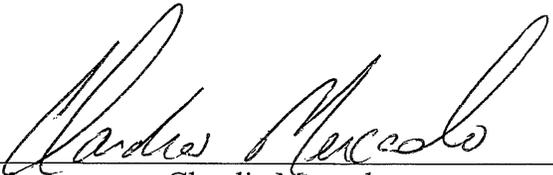
9. I found this humiliating. That was a big blow. I am a very active parent and I take equal responsibility for our children. Further, by telling me in front of Indigo and Isabel that I alone was not permitted to approach the counter, the administrator sent a message to the children that my parental relationship to each of them is less secure and worthy of respect than Angelica's, which undermines the values that we are rearing our children to understand – namely, that Indigo and Isabel have two equal parents who will always love and protect them as a family. I believe that we would have been treated differently if we could have said, "We are married."

10. Angelica and I are both over the age of 18, have the capacity to contract, are not within the degrees of consanguinity or affinity prohibited by law for a legal marriage, are not wards under a guardianship, and are not legally married to any other person.

11. On or about the 23rd day of May, 2012, Angelica and I appeared in person, prepared to tender the \$60 application fee and identification documents, at the

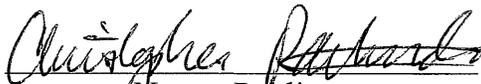
office of the Cook County Clerk to request an application for a marriage license so that we could marry each other in the state of Illinois. An employee of the Cook County Clerk denied us an application stating, "We can't issue marriage licenses to same-sex couples."

12. I hereby declare, under penalties of perjury, that the facts stated in this affidavit are personally known to me, and that they are true.



Claudia Mercado

Sworn to before me this 21st day of March, 2013



Notary Public

