

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF WEST VIRGINIA
HUNTINGTON DIVISION

CASIE JO MCGEE and SARAH ELIZABETH
ADKINS; JUSTIN MURDOCK and WILLIAM
GLAVARIS; and NANCY ELIZABETH
MICHAEL and JANE LOUISE FENTON,
individually and as next friends of A.S.M., a minor
child;

Plaintiffs,

v.

KAREN S. COLE, in her official capacity as
CABEL COUNTY CLERK; and VERA J.
MCCORMICK, in her official capacity as
KANAWHA COUNTY CLERK;

Defendants,

and

STATE of WEST VIRGINIA, *ex rel.*
PATRICK MORRISSEY, ATTORNEY
GENERAL,

Intervenor.

No. 3:13-cv-24068

DECLARATION OF JUSTIN MURDOCK

I, Justin Murdock, hereby declare as follows:

1. The testimony set forth in this Declaration is based on first-hand knowledge, about which I could and would testify competently in open Court if called upon to do so.

2. I am 32 years old and a life-long West Virginian. I am currently living in Huntington, West Virginia, and have been in a committed and loving relationship with William Glavaris (“Will”) for nearly three years. We wish to marry each other.

3. I grew up in Wayne County, West Virginia. I work for a business that supplies mobility products and home and vehicle modification for physically disabled persons that my family started in 1998. The business is located in Huntington. I am the General Manager.

4. I am a gay man, and have known that I was attracted to men most of my life. When I was younger, I attempted to ignore and combat these innate feelings, hoping they would go away. They did not.

5. When I was 20, and before I had acknowledged to myself or others that I am gay, I married a woman for whom I had great affection, and we subsequently had two children together. I hoped and prayed that somehow I would find contentment and satisfaction living a heterosexual life. I did not, and it became unfair to my wife, to our children, and to myself to continue being married because it felt untrue to who I was and am. We separated in October of 2010 and later divorced amicably. My former spouse and I share custody of our children.

6. My parents were married for about 30 years. Although my parents' marriage did not last a lifetime, I grew up understanding that marriage was important, defined a couple as committed, and was the means by which a couple communicated to their family, their community and each other the depth of their relationship. I was deeply distressed when I could not make my own marriage work as I gained a growing understanding and acceptance of my identity as a gay man. Marriage is part of my values. I want to get it right this time and fulfill my dream of being married for the rest of my life to Will, the person I love.

7. Will and I live together in a home in the Forest Hills neighborhood of Huntington, West Virginia. My two children, ages 8 and 9, live with us three or four days a week. We also live with and care for our pet dog, an 8 year old pug named Penny.

8. I met Will in January, 2011. I was instantly smitten, and soon fell very much in love with him. After a few dates, I knew he was the man I wanted to spend my life with.

9. Because I knew that Will was the man I hoped to spend my life with and because my faith is very important to me, on one of our first dates, I took him to my church, First Congregational United Church of Christ, to meet my church “family.” I learned that Will was also a Christian and that faith was important to him. My love for him grew deeper.

10. The feelings I felt and still feel for Will eclipse any love I have ever known. I believe he is my soul mate, my chosen one, my life’s love. The emotions, attraction and attachment I feel to him surpasses any connection I have had with anyone else.

11. Will and I feel like a family, and I love the life we share together. During the days when my children stay with us, we all interact as a family. Together and separately, Will and I help the children with their homework, take and pick them up from school and extracurricular activities, church and volunteer activities, eat our meals together, read stories, and do everything else a family does. My children sometimes refer to Will as “Daddy Two.”

12. My children love and adore Will. The children have other friends with same-sex parents, and understand that Will and I are a couple and love each other very much. Will loves them as if they were his own. To watch my children interact with Will is profoundly moving.

13. Will always keeps me on my toes and I love that about him. We complement each other in many ways. Will engages me, interests me, never bores me, and our life together is dynamic and wonderful.

14. I want to marry Will because marriage is the only way to communicate how important Will is to me. Marriage is the only way to communicate to Will and to the world that we are family to each other. Will is much more than my “boyfriend,” a “roommate,” a

“significant other” or any of the words unmarried couples are relegated to using. None of those words signify the depth of our relationship.

15. In January of 2012, I bought a ring and asked Will if he would marry me. He said yes to the cheers and delight of dozens of our friends with whom we shared the happy occasion. That was an incredible day.

16. Today, Will is my fiancé, which carries a measure of the significance of our relationship. It demeans us for our government to make us be perpetual fiancés to each other. As all engaged couples do, we wish to marry and to refer to each other with the words that signify our commitment: married, spouse, and husband.

17. West Virginia is our home. My children live here, attend school here, their mother is here, their relatives are here and their communities are here. My family business is here. For the sake of my children and to be close to my extended family, I intend to live in West Virginia for many years to come. Will and I should be able to marry here.

18. The inability to marry leaves our family vulnerable in a range of contexts. Will is relegated to being treated as a “family friend” in situations large and small, when he should be viewed as my spouse and as my children’s stepparent.

19. Will was close to his father and grandmother, but both passed away before he and I met. He does not have a close relationship with surviving family and I have never met any of them. This causes both of us anxiety given our inability to marry. While we are both young and healthy, I still worry that if Will should ever become unable to speak for himself, his remaining family members might prevent me from caring for him, and prevent my children from seeing him and being by his side. I fear that I would not be able to carry out his wishes if he should pass away.

20. Will and I have struggled to identify our family on forms that require us to indicate our marital status. On a daily basis, in ways both profound and mundane, we are reminded that West Virginia intentionally relegates us to being strangers to each other. Will and I long for the day that our family and commitment to each other can be recognized for what it is: equally loving and devoted, and worthy of the same vital protections granted to other couples who may marry and their families.

21. Will and I are able and eager to assume the responsibilities of marriage. We meet all of the requirements to marry under West Virginia law, except for the fact that we are a same-sex couple:

- a. I am 32 years old, and therefore over the age of 18.
- b. I am legally competent.
- c. I am not related to Will.
- d. I am not married to any other person.

22. Will and I have requested a marriage license application three times. In each attempt, we were prepared to present the requisite identification, fill out the requisite paperwork and pay the required fee.

23. On the last attempt to seek a marriage license, on or about September 24, 2013, an employee of the Cabell County Clerk's office handed us a copy of a letter prohibiting clerks from issuing marriage licenses or registering marriage licenses of same-sex couples. She told us "you know we can't give you a form to fill out." Will and I were accordingly denied the ability to obtain a marriage license by the Cabell County Clerk's office based solely on our sex and sexual orientations.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.