

Supreme Court Nos. 75934-1, 75956-1

**IN THE SUPREME COURT
OF THE STATE OF WASHINGTON**

HEATHER ANDERSEN and LESLIE CHRISTIAN *et al.*, Respondents,

v.

KING COUNTY *et al.*, Appellants.

Appeal from the Superior Court of King County
The Honorable William L. Downing

CELIA CASTLE and BRENDA BAUER *et al.*, Respondents,

v.

STATE OF WASHINGTON, Appellant.

Appeal from the Superior Court of Thurston County
The Honorable Richard D. Hicks

**MOTION FOR PERMISSION TO FILE *AMICI CURIAE* BRIEF OF
LEGAL MARRIAGE ALLIANCE OF WASHINGTON, GAY AND
LESBIAN ADVOCATES AND DEFENDERS, AND VERMONT
FREEDOM TO MARRY TASK FORCE**

Michael R. Heath, WSBA# 33982
DORSEY & WHITNEY LLP
1420 Fifth Avenue, Suite 3400
Seattle, WA 98101
(206) 903-2385
Attorneys for Legal Marriage Alliance of
Washington, GLAD and Vermont
Freedom to Marry Task Force

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I. Introduction

Pursuant to RAP 10.6, amici curiae the Legal Marriage Alliance of Washington (“LMAW”), Gay and Lesbian Advocates and Defenders (“GLAD”), and the Vermont Freedom to Marry Task Force (“VFMTF”) respectfully move for permission to file the accompanying amici curiae brief with the Court.

II. Amici Statement of Interest

Amici, the Legal Marriage Alliance of Washington, Gay and Lesbian Advocates and Defenders, and the Vermont Freedom to Marry Task Force, represent a combination of civil rights groups and community organizations dedicated to seeking marriage equality for same-sex couples.

Legal Marriage Alliance of Washington

LMAW is a non-profit civil rights organization that has been dedicated to achieving the legal right of civil marriage for same-sex couples in Washington State since 1995. LMAW actively pursues full marriage rights for same-sex couples in Washington State through community education and outreach. More than 1,300 people from throughout the state exchange ideas, participate in calls to action, and receive information about same-sex marriage rights for Washington State residents through LMAW.

Gay and Lesbian Advocates and Defenders

GLAD was founded in 1978 and is New England's leading legal rights organization dedicated to ending discrimination based on sexual orientation, HIV status, and gender identity and expression. GLAD has a long history of working to end government discrimination against same-sex couples. Among its other efforts, GLAD was counsel in *Goodridge v. Department of Public Health* in Massachusetts and co-counsel in *Baker v. State of Vermont*.

Vermont Freedom to Marry Task Force

VFMTF represents a coalition of individuals and organizations in Vermont who support the freedom for same-sex couples to marry. VFMTF advocates full inclusion in marriage for same-sex couples. VFMTF is uniquely positioned to offer insight into the ways in which Vermont's civil union law falls short of the constitutional requirements of full equality and inclusion.

III. Amici Are Familiar With the Issues Presented and the Scope of Arguments in this Case

Amici have closely monitored this litigation at the trial court level, has reviewed the filings in this matter, and are familiar with the issues and scope of arguments presented.

IV. Specific Issues to Which the Amici Brief is Directed

The particular concern of these amici is that this Court hold and declare that the Respondent citizens of the State of Washington are entitled to participate in the same institution of civil marriage as their heterosexual counterparts, and that any separate quasi-marital substitute is not sufficient to meet the requirements of the Washington State Constitution.

V. Additional Argument Will Assist the Court

None of the parties briefs have provided an in-depth discussion of the constitutional inadequacies of the “separate but equal” remedy of civil unions proposed by Appellants. Amici believe that additional argument and authority on this subject will assist the Court in resolving the issues before it in this case. Amici respectfully request that the Court affirm the King County and Thurston County Superior Court rulings below, and hold that the prohibition on marriage between same-sex couples is not only fundamentally wrong and unconstitutional, but that the creation of “civil unions” is not an equal or constitutionally adequate substitute for civil marriage.

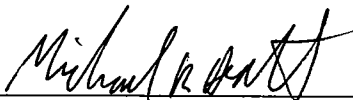
VI. CONCLUSION

For these reasons, the Legal Marriage Alliance of Washington, Gay and Lesbian Advocates and Defenders and the Vermont Freedom to

Marry Task Force respectfully request that the Court grant it leave to file a brief as amici curiae, and that the Court accept the accompanying amici curiae brief for consideration in this case.

RESPECTFULLY SUBMITTED on February 7, 2005.

DORSEY & WHITNEY LLP

By: 
Michael R. Heath, WSBA #33982

Attorneys for the Legal Marriage
Alliance of Washington, Gay and
Lesbian Advocates and Defenders,
and the Vermont Freedom to Marry
Task Force

CERTIFICATE OF SERVICE

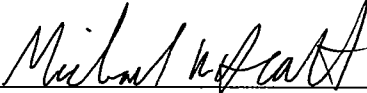
I certify that copies of the foregoing document were served via U.S. Mail, postage prepaid, or served by legal messenger, on counsel of record as follows:

Patricia Novotny 3418 NE 65 th Street, Suite A Seattle, WA 98115	<input checked="" type="checkbox"/> First Class Mail <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Legal Messenger
Nancy Sapiro, Lisa M. Stone Northwest Women's Law Center 3161 Elliott Ave., Suite 101 Seattle, WA 98121	<input checked="" type="checkbox"/> First Class Mail <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Legal Messenger
Jennifer C. Pizer Lambda Legal Defense & Education Fund Western Regional Office 3325 Wilshire Boulevard, #1300 Los Angeles, CA 90010-1729	<input checked="" type="checkbox"/> First Class Mail <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Legal Messenger
Jamie D. Pedersen Preston Gates & Ellis 925 Fourth Avenue, Suite 2900 Seattle, WA 98104	<input type="checkbox"/> First Class Mail <input type="checkbox"/> Overnight Mail <input checked="" type="checkbox"/> Legal Messenger
Bradley H. Bagshaw Jennifer S. Divine Helsell Fetterman LLP 1001 Fourth Avenue, # 4200 Seattle, WA 98154	<input checked="" type="checkbox"/> First Class Mail <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Legal Messenger

Darren Carnell Janine E. Joly Kristofer J. Bundy Senior Deputy Prosecutors Office of the King County Prosecutor NORM MALENG, Prosecuting Attorney Civil Division 701 – Fifth Ave., Suite 3500 Seattle, WA 98104	<input type="checkbox"/> First Class Mail <input type="checkbox"/> Overnight Mail <input checked="" type="checkbox"/> Legal Messenger
Steven T. O’Ban Kristin K. Waggoner Jordan Lorence Gary S. McCaleb Glen Lavey Ellis, Li & McKinstry PLLC 601 Union Street, Suite 4900 Seattle, WA 98101	<input type="checkbox"/> First Class Mail <input type="checkbox"/> Overnight Mail <input checked="" type="checkbox"/> Legal Messenger
William B. Collins Office of the Attorney General State of Washington 1125 Washington St. SE Olympia, WA 98504	<input checked="" type="checkbox"/> First Class Mail <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Legal Messenger <input checked="" type="checkbox"/> Electronic delivery
Paul Lawrence Matthew Segal Preston Gates & Ellis 925 Fourth Avenue, Suite 2900 Seattle, WA 98204-1158	<input type="checkbox"/> First Class Mail <input type="checkbox"/> Overnight Mail <input checked="" type="checkbox"/> Legal Messenger
Roger A. Leishman Davis Wright Tremaine 1501 Fourth Avenue, Suite 2600 Seattle, WA 98101-1688	<input checked="" type="checkbox"/> First Class Mail <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Legal Messenger

Karolyn A. Hicks Stokes Lawrence 800 Fifth Avenue, Suite 4000 Seattle, WA 98104-3179	<input checked="" type="checkbox"/> First Class Mail <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Legal Messenger
Aaron H. Caplan American Civil Liberties Union of Washington 705 Second Avenue, Suite 300 Seattle, WA 98104-1799	<input checked="" type="checkbox"/> First Class Mail <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Legal Messenger

DATED this 7th day of February, 2005.



Michael R. Heath