

MARK LEWIS, et al.,
Plaintiffs-Appellants,
v.
GWENDOLYN L. HARRIS, et al.,
Defendants-Appellees.

SUPREME COURT OF NEW JERSEY

DOCKET NO. 58,389
CIVIL ACTION

**AFFIDAVIT OF
ALICIA TOBY**

State of New Jersey)
 : ss.
County of Essex)

Alicia Toby, having been duly sworn, states as follows:

1. I am one of the Plaintiffs in this lawsuit, and I provide this affidavit in support of the Plaintiffs' Motion in Aid of Litigants' Rights.
2. I was born in the Bronx on December 3, 1962, and I am 47 years old. However, I am a long-time New Jersey citizen, and currently live in Newark with Sandra Heath, who has also provided an affidavit. Sandra and I have been in a permanent committed relationship of over 20 years.
3. While we have not had legal name changes, we commonly hyphenate our surnames, as a sign of our commitment to each other, and are known in our community as Alicia Heath-Toby and Sandra Toby-Heath. I am signing this affidavit with my legal name.
4. I am an ordained reverend at the Liberation In Truth Unity Fellowship, a church in

Newark. I am also a Program Coordinator at the Gay Men's Health Crisis in New York.

5. Sandra and I got a civil union on March 31, 2007. I want to take every available step to provide Sandra with the greatest possible security and protection, especially if something were to happen to me.

6. Although Sandra and I have the same level of love and commitment as our married friends, I have found that their marriages evoke a level of respect and honor that my civil union does not. I believe that marriage is the ultimate expression of love, commitment, and honor; the mere fact that a couple is married speaks volumes about how very seriously they should be, and will be, treated as a couple by society. "Civil union" is marriage with a caveat. Saying that we are in a civil union confuses many people. They don't know what it is or what it means. In situations ranging from medical issues to filing taxes, my civil union is not respected or treated the same as a marriage. When this happens, it is insulting and unfair. For these reasons, it is still important to me to be able to be in a marriage with Sandra.

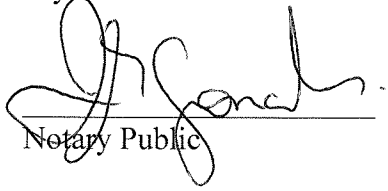
7. In our church and outside of it, we still see that marriage is everywhere in daily life, and weddings are commonplace. For me, being an ordained member of the clergy, with the authority to officiate marriages in the state of New Jersey, it saddens me when I sign a 'civil union' certificate for a same-sex couple, because I know from experience that the reality for them is that they will encounter confused looks and likely be disrespected.

8. Attached to this affidavit is a true and correct copy of a photograph of Sandra and me.

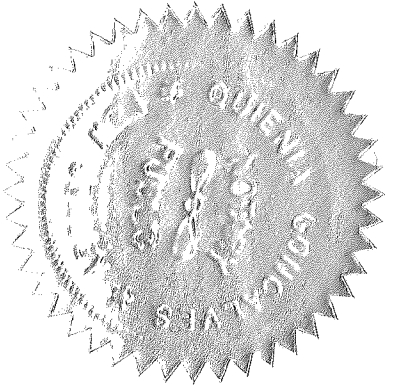
9. I hereby declare, under penalties of perjury, that the facts stated in this affidavit are personally known to me, and that they are true.


Alicia Foby

Sworn to me this 16
day of March 2010.


Notary Public

QUIENIA GONCALVES
NOTARY PUBLIC OF NEW JERSEY
Commission Expires 7/31/2011





Heath-Toby Family