

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

JAMES DARBY and PATRICK BOVA;)
DONALD JULIAN and TIMOTHY RICE;)
JANEAN WATKINS and LAKEESHA)
HARRIS; MERCEDES SANTOS and)
THERESA VOLPE; LEE KORTY and BERT)
MORTON; BRIAN FLETCHER and)
ROBERT HICKOK; RYAN CANNON and)
DAPHNE SCOTT-HENDERSON;)
ANGELICA LOPEZ and CLAUDIA)
MERCADO; JACQUELINE MICHELLE)
CHAPPELL and MICHELLE FRANKE;)
HECTOR MARTINEZ and ROBERT)
PROCTOR; JULIE BARTON and PATRICIA)
GARCIA; DONNA O’CROWLY and PEGGY)
BURTON; LAURA HARTMAN and ANNE)
DICKY; BRANDON BOWERSOX-)
JOHNSON and KEVIN BOWERSOX-)
JOHNSON; ROBERTA O’MARA and)
LYNNE BURNETT; JAIME GARCIA and)
DARYL RIZZO,)

Plaintiffs,

v.

DAVID ORR in his official capacity as COOK)
COUNTY CLERK,)

Defendant

CASE NO. _____

**NOTICE OF CLAIM OF
UNCONSTITUTIONALITY**

NOTICE OF CLAIM OF UNCONSTITUTIONALITY

Pursuant to Illinois Supreme Court Rule 19, Plaintiffs hereby provide notice to ILLINOIS ATTORNEY GENERAL LISA MADIGAN of the above-captioned action that challenges the constitutionality of the provisions of the Illinois Marriage and Dissolution of Marriage Act, 750 ILCS 5/201 (“Marriage Act”), that exclude lesbian and gay couples from marriage in the State of Illinois. Specifically, the Marriage Act only permits marriages “between a man and a woman,” 750 ILCS 5/201, expressly prohibits marriages “between 2 individuals of the same sex,” 750

ILCS 5/212(a)(5), states that marriages of same-sex couples are “contrary to the public policy of this State,” 750 ILCS 5/213.1, and states that any marriage contracted in another jurisdiction that would be prohibited if solemnized in Illinois “shall be null and void for all purposes in this state with the same effect as though such prohibited marriage had been entered into in this state,” 750 ILCS 5/216(a). These provisions of the Marriage Act that individually and collectively exclude lesbian and gay couples from marriage constitute the “marriage ban.”

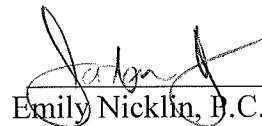
As set forth more fully in the enclosed Complaint, the marriage ban violates numerous provisions of the Illinois Constitution. First, the marriage ban violates Plaintiffs’ right in the Due Process Clause, Article I § 2, that “No person shall be deprived of life, liberty or property without due process of law.” The right to marry the unique person of one’s choice and to direct the course of one’s life in this intimate realm without undue government restriction is one of the fundamental liberty interests protected for all by this Clause. Second, the marriage ban violates Plaintiffs’ right “to be secure in their persons...against...invasions of privacy,” as set forth in the Article I § 6. Defendant’s actions interfere directly and substantially with each Plaintiff’s deeply intimate, personal and private decisions regarding family life, and precludes them from obtaining full liberty, dignity, integrity, autonomy, and security for themselves and their family. Third, the marriage ban violates Plaintiffs’ rights under the State’s Equal Protection Clause, Article I § 2, which provides that “No person shall . . . be denied the equal protection of the laws,” and under Article I, § 18, which provides that “The equal protection of the laws shall not be denied or abridged on account of sex by the State or its units of local government and school districts.” Defendant’s actions violate Plaintiffs’ right to equal protection of the laws by discriminating impermissibly on the basis of sexual orientation and sex. Fourth, the marriage ban violates Article IV, § 13, which provides that “The General Assembly shall pass no special or local law

when a general law is or can be made applicable,” by preferring different-sex couples to same-sex couples, and according different-sex couples a benefit that is prohibited to Plaintiffs and other same-sex couples.

THEREFORE, Plaintiffs provide notice to Attorney General Lisa Madigan of the constitutional challenges to the marriage ban as set forth in the enclosed Complaint.

Respectfully Submitted,

Dated: May 30, 2012



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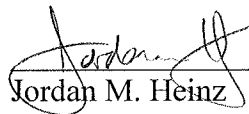
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ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing document was served on May 30, 2012, on the following via certified first class U.S. Mail:

Attorney General Lisa Madigan
100 West Randolph Street
Chicago, Illinois 60601



Jordan M. Heinz