



Pat Garcia and Julie Barton with their daughter Livi

## **Affidavit of Julie Barton**



COUNTY OF COOK        )  
                                  )  
STATE OF ILLINOIS     )        ss.

Julie Barton, having been duly sworn, states as follows:

1. I am one of the Plaintiffs in this lawsuit.
2. I was born on August 19, 1961, and I am 51 years old.
3. I am in a permanent, loving, and committed relationship of 21 years with Patricia (“Pat”) Garcia, and we wish to marry.
4. Pat also has provided an affidavit. We each will try not to repeat what the other has said.
5. I was born and raised in Bishop, California. I graduated from the University of California at Davis in 1984. I moved to Illinois from California to obtain my medical degree and am now an obstetrician in private practice and an assistant professor of Obstetrics and Gynecology at Northwestern University Feinberg School of Medicine.
6. Currently, I live with Pat, and our daughter, Olivia (“Livi”), in Evanston.
7. I first saw Pat in 1990 while attending a medical conference and thought, “I have to get to know that person.” Pat was a fellow while I was a resident, we spent a lot of time together at work because we work in teams, and we got to know one another closely and eventually fell in love.
8. Pat and I entered into a civil union December 31, 2011, with a small ceremony in front of family.
9. Pat and I have a family. I helped rear Max, now age 23 and a recent graduate of the University of Wisconsin, who is Pat’s son from her prior marriage.

10. Pat and I together planned Livi's birth. Livi, now age 16, was conceived via anonymous donor insemination.

11. When you are a parent, you really have to think about your responsibilities to protect and support your child throughout your child's life. I think that many non-gay parents take for granted that they will be respected as a family and be able to support and protect their children. However, when you have formed a family with someone of the same sex, you can't take anything for granted.

12. I remember how I felt when I was asked to undergo psychological evaluation and counseling prior to conceiving Livi. Pat and I were told that this was "required" for same-sex couples but not different-sex couples. I refused to do so and we were allowed to continue with the process. Nevertheless, I found the request both offensive and scientifically unsupported. Clearly, we had thought through our decision and invested a great deal already in becoming parents – unlike the 50% of the pregnancies that are unintended each year in the United States.

13. In order to decrease the chance of someone refusing to recognize Pat's relationship to our daughter, we needed to do a "second parent adoption," which was expensive and hurtful and included an intrusive home study. Married different-sex couples who conceive using the same reproductive technology that Pat and I used never have to think about adopting their own children.

14. We also have all sorts of legal documents and directives in place because I can't be sure that if something happens to one of us that Livi will be protected. If we could only say "we're married," we know that our family would be more likely to be understood as a family.

15. Pat and I opened our home to Pat's two nieces after Pat's older sister recently passed away. We provided hospice care in our home for her sister as she struggled with terminal breast cancer. We have taken on the role of mothers to her two daughters, Annie and Kate, since she passed away. We do what families do. We spend time working and playing together.

16. I find it demeaning that I cannot answer "yes" whenever someone asks me if I am married. But I am most distressed about our inability to marry when I think about what it means to our daughter Livi, who has asked us many questions about why we are not married, and found it crushing to learn that her government does not permit her parents to marry.

17. Livi doesn't understand why anyone would keep marriage from people who clearly love each other so much and have this loving home that everybody shares. Livi would be very happy if we were married, not only in the event itself, but in what it would mean to us and to society. She thinks it's really important. She does not feel this way about our civil union.

18. Civil Unions are a start but not equality. I feel as if I must sound ungrateful but the civil union seems like a very intermediate step. I don't like the feeling of being separate and only sort of equal. I want be able to say that I am equal in the eyes of the law and to me, that extends to the notion that I am supported by my government in the way that other families are. My relationship becomes formally legitimate and sanctioned.

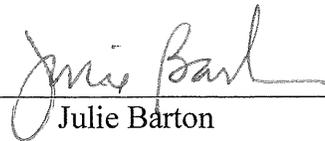
19. Marriage is the only word that reflects our commitment and our love for each other. It's that straight forward. The civil union felt administrative, incomplete, and hollow to us all, and not celebratory, as a marriage would be.

20. When I attend a wedding of a friend or family member, while I'm very happy for the people getting married and it's a very special occasion to be at, I've found that attending is one of the hardest things for me. I can't help but reflect on what it means to marry, and feel a deep sense of loss because I think "this isn't something I can have, it's not something my parents can share in, it's not something the rest of my family could share in."

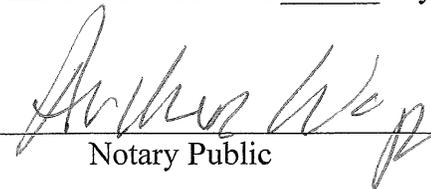
21. Pat and I are both over the age of 18, have the capacity to contract, are not within the degrees of consanguinity or affinity prohibited by law for a legal marriage, are not wards under a guardianship, and are not legally married to any other person.

22. On or about the 23rd day of May, 2012, Pat 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 for a marriage license because we are a same-sex couple.

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

  
\_\_\_\_\_  
Julie Barton

Sworn to before me this 21<sup>st</sup> day of March, 2013

  
\_\_\_\_\_  
Notary Public





Patricia Garcia and Julie Barton with their daughter Livi

## **Affidavit of Patricia Garcia**

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

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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> ,	)	
	)	
Plaintiffs,	)	
	)	
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,	)	
	)	
Intervenor,	)	<b>AFFIDAVIT OF</b>
	)	<b>PATRICIA GARCIA</b>
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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COUNTY OF COOK        )  
                                  )  
STATE OF ILLINOIS    )        ss.

**AFFIDAVIT OF PATRICIA GARCIA**

Patricia Garcia, having been duly sworn, states as follows:

1.       I am one of the Plaintiffs in this lawsuit.
2.       I was born on November 5, 1957, and I am 55 years old.
3.       I am in a permanent, loving, and committed relationship of 21 years with Julie Barton, and we wish to marry. Julie also has provided an affidavit, and we will try not to repeat each other.
4.       I was born in Fairmont City, Illinois and have lived here, in Illinois all of my life. I now live with Julie and our daughter, Olivia (Livi), in Evanston. We also opened our home to my two nieces after my older sister recently passed away.
5.       I attended a Catholic all-girls high school in East St. Louis, Illinois. The school was run by an order of nuns who were committed to social justice and that inspired me. I learned that my responsibility is to make the world a better place.
6.       I graduated from the University of Illinois at Urbana-Champaign. I am now a Professor of Obstetrics and Gynecology and director of the Perinatal HIV Program at Northwestern University Feinberg School of Medicine. I have been at working and teaching at Northwestern for the last 23 years.
7.       It was love at first sight the first time I saw Julie. I was awestruck and I remain so. Julie is simply the nicest, the most genuine and authentic person I have ever met. It was easy to fall in love with her.

8. I am very close to my sisters. They, along with my parents, provided a loving and supportive family in which to grow up. When I came out to them they were relieved because they knew being with Julie is what would make me happy in my life. It was no surprise to me that they welcomed Julie with open arms, and immediately she was their “sister-in-law,” and an aunt to their children. Julie is also very connected to them.

9. Julie and I together helped rear Max, now age 23 and a recent graduate of the University of Wisconsin, who is my son from my prior marriage.

10. Julie and I also have a daughter, Olivia (“Livi”), 16, who was conceived via anonymous donor insemination. Julie and I secured our relationship to Livi by adoption.

11. Livi, now age 16, is an amazing soul. She truly hurts that others do not see the value of my relationship to Julie, and in particular, that our government does not see us as a family.

12. I have to explain to people what a civil union is, and the experience can be demeaning. For example, I was appointed to the Presidential Advisory Council on HIV/AIDS, and was subject to a background check and interviews by the FBI, but could not give an unqualified “yes” to questions about my marital status.

13. I feel our inequality every single day. At least once every day, something happens to highlight that void of not being able to marry Julie or the inability to be validated as a family.

14. I grew up here. I went to school here. I've made a home here. I've devoted much of my professional life to ensuring that every labor and delivery unit in Illinois had rapid HIV testing and that no baby is born in Illinois ever again with HIV.

That goal is becoming a reality. I have given so much to our state and our community. The notion that Illinois would not recognize who I am, who our family is, is unfathomable and something I would work very hard to change.

15. Julie 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.

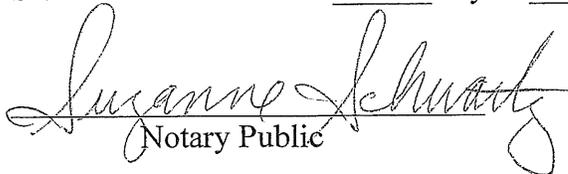
16. On or about the 23rd day of May, 2012, Julie and I appeared in person, prepared to tender the \$60 application fee and identification documents, at the office of the Cook County Clerk to request an application for a marriage license so that we could marry each other in the state of Illinois. An employee of the Cook County Clerk denied us an application for a marriage license because we are a same-sex couple.

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



Patricia Garcia

Sworn to before me this 22 day of March, 2013



Notary Public

