



Theresa Volpe and Mercedes Santos with their children Ava and Jaidon

Affidavit of Mercedes Santos

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

JAMES DARBY and PATRICK BOVA, *et al.*,

Plaintiffs,

v.

DAVID ORR, in his official capacity as Cook County
Clerk,

Defendant.

Case No. 12 CH 19718
The Honorable Judge
Sophia Hall

TANYA LAZARO and ELIZABETH "LIZ" MATOS,
et al.,

Plaintiffs,

v.

DAVID ORR, in his official capacity as Cook County
Clerk,

Defendant.

Case No. 12 CH 19719
The Honorable Judge
Sophia Hall

STATE OF ILLINOIS, *ex rel.* Lisa Madigan, Attorney
General of the State of Illinois,

Intervenor,

**AFFIDAVIT OF
MERCEDES SANTOS**

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.

STATE OF FLORIDA)
)
COUNTY OF PINELLAS) ss.

AFFIDAVIT OF MERCEDES SANTOS

I, Mercedes Santos, being first duly sworn, do hereby state under oath and under penalty of perjury that the following facts are true:

1. I am one of the Plaintiffs in this lawsuit.
2. I was born on November 11, 1965, and I am 47 years old.
3. I am in a permanent, loving, and committed relationship of 21 years with Theresa Volpe, and we wish to marry. Theresa also has provided an affidavit, and we will try not to repeat each other.
4. I was born in the Philippines and moved to the United States at age 14 and was naturalized in 1990.
5. I attended the University of Illinois at Chicago and received a bachelors of fine arts degree in graphic design.
6. Theresa and I were raised Catholic and we incorporate spirituality into our family life. Both of our children have been baptized. Until recently, we attended St. Clements church in Lincoln Park. Every Christmas we participate, with my family, in “Simbang Gabi,” a Christmas tradition from the Philippines. The children get to hear the traditional songs in Tagalog and participate in part of their culture.

7. We constantly struggle with school and hospital administrators for recognition that we are a family. In fact, every time we have to fill out paperwork can be a struggle. I handle our family finances, and this year, our financial advisor expressed complete confusion about how to label us as a family. He put us down as single. We have joint accounts and individual accounts, and we need to make sure that Theresa can access all of them, particularly if something were to happen to me. The confusion of our legal status causes us worry and affects our plans for retirement and how we fill out our taxes, to name just a few ways in which we're affected.

8. We also are concerned that Ava and Jaidon do not receive the respect conferred on children of married parents by Illinois law, which provides security to children in good times and bad. Additionally, we fear that Ava and Jaidon will internalize the message that they receive from their government that their family is not as worthy as other families.

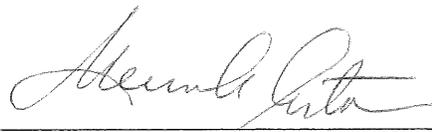
9. All but two of my siblings declined the invitation to attend our civil union ceremony, citing routine obligations that almost certainly would not have prevented them from attending a family wedding. I know that these members of my extended family would have a different feeling of respect and support for my relationship to Theresa if we were legally married.

10. I cannot imagine not being with Theresa or with our family. Our family unit is the core of my life.

11. Theresa 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.

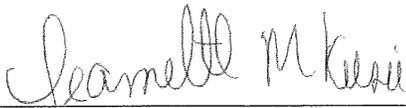
12. On or about the 16th day of May, 2012, Theresa and I appeared in person, prepared to tender the \$60 application fee and identification documents, at the office of the Cook County Clerk, Department of Vital Records, to request an application for a marriage license so that we could marry each other in the State of Illinois. An employee of the Cook County Clerk consulted with a fellow employee, asking whether a same-sex couple in a civil union could get what the employee characterized as “an upgrade” to a marriage. Upon being told that two women are not permitted to marry in Illinois, the employee declined our request.

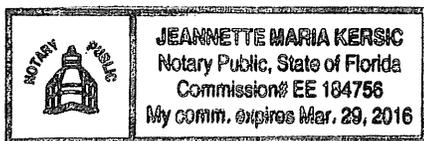
13. I hereby declare, under penalties of perjury, that the facts stated in this affidavit are personally known to me, and that they are true.



Mercedes Santos

Sworn to before me this 25 day of March, 2013



Notary Public



Theresa Volpe and Mercedes Santos with their children Ava and Jaidon

Affidavit of Theresa Volpe

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

JAMES DARBY and PATRICK BOVA, <i>et al.</i> ,)	
)	
Plaintiffs,)	
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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,)	
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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,)	AFFIDAVIT OF
)	THERESA VOLPE
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.)	
)	

STATE OF FLORIDA)
)
COUNTY OF PINELLAS) ss.

AFFIDAVIT OF THERESA VOLPE

I, Theresa Volpe, being first duly sworn, do hereby state under oath and under penalty of perjury that the following facts are true:

1. I am one of the Plaintiffs in this lawsuit.
2. I was born on August 24, 1970, and I am 42 years old.
3. I am in a permanent, loving, and committed relationship of 21 years with Mercedes Santos, and we wish to marry. Mercedes also has provided an affidavit, and we will try not to repeat each other.
4. I grew up in an Italian-American family in the Chicago suburbs. I attended Columbia College in Chicago and have a degree in Journalism.
5. Mercedes and I bought our first house in Rogers Park, Chicago 17 years ago and still live in that house today. We started a small business together in the basement of that same home, and today we have offices in East Rogers Park where we have been riding to work together for the last 13 years, and work side-by-side. Eight years ago, we made the best decision of our lives when we decided to have children, and now are raising Ava (8) and Jaidon (4), the biggest joys of our lives.
6. Mercedes and I met and fell in love 21 years ago. We weren't expecting it to happen, but it did. It was clear to us very early on in our relationship that if "we could get married to one another, we would." We said those exact words to each other. It was the only language we knew. We both come from families where our parents were in loving, committed relationships, and they were responsible for our families. Our parents were our role models.
7. Mercedes and I entered into a civil union on June 2, 2011 in Millennium Park, Chicago, Illinois. We felt proud to show our children through the ceremony

that our family deserves some measure of respect and state sanction. However, we nevertheless have to confront on a daily basis that our civil union marks our family as second class. After our ceremony, a friend of mine said, "Welcome to the middle of the bus," and that really struck home for me. Civil unions are not enough.

8. I have always wanted to have a family and raise children. When my father, with whom I was very close, became ill, that was the catalyst for Mercedes and I to begin our family. We wanted to bring a new life into the world.

9. We decided together to have children and I gave birth to Ava and Jaidon, who were conceived via anonymous donor insemination with a Filipino donor selected to match Mercedes' background. We underwent an expensive and intrusive adoption proceeding to secure Mercedes' legal relationship to both children.

10. Mercedes and I were very careful when selecting a school for the children. We ruled out public schools because we were concerned that they would face problems as the children of two moms. We interviewed three parochial schools. When we asked how they teach about different families, not one of the schools was able to provide an answer. Essentially all of the schools told us they "just wouldn't talk about it." This was not the response we were looking for.

11. Ava is in third grade at Baker School. At school, Ava feels comfortable talking about her family of two moms. She was excited to share the news of her parents' civil union with her class. However, some of her classmates did not know what a civil union meant, and Ava was forced to explain that a civil union is like a marriage, but not the same. We felt pained to think that our separate status and inability to marry has marked Ava's family as different and forced her to defend her family structure to her peers and teachers.

12. A few years ago, Jaidon was hospitalized and close to death. He was in the pediatric intensive care unit for kidney failure. I traveled with Jaidon to the hospital in an ambulance and was admitted to the intensive care unit to be with

Jaidon. Mercedes followed in our car and was given a wristband identifying her as a parent so that she could enter the ICU, too.

13. However, when I briefly left the room and attempted to return, a hospital administrator refused to let me pass unless I could identify myself as a “stepmother,” telling me that a child could have only one “real” mother, that Mercedes was already inside, and that admission to the intensive care unit was for “parents only.” It didn’t matter when I told the administrator that we were both Jaidon’s legal parents. I called Mercedes on her cell phone, and she was forced to leave Jaidon’s side despite his condition to argue with the administrator that I should be let in.

14. As this story shows, sometimes being a legal parent is not enough. All the administrator wanted to know was whether we were married. I would have been allowed in if I could have described myself as a “stepmother”—even though many stepmoms aren’t even legal parents. Eventually I was given a limited “guest pass” but not a pass for a parent. We worry that we will have to fight for respect as a family in future emergencies.

15. Our children have had other visits to the emergency room, and Mercedes and I both become a bit panicked, thinking we will have to explain why we both need to be with our child. We shouldn’t have to always carry paperwork to explain that we are the “real mothers” of our children. We shouldn’t have to fight for respect as a family in future emergencies.

16. Mercedes and I often joke that we would like to be married before we have to use walkers to go down the aisle. We love each other. Our daughter, Ava is very aware that a civil union is not marriage, and she understands that civil unions separate her family from those of her friends.

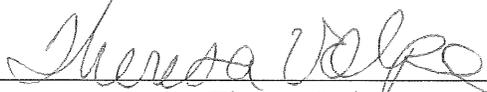
17. Our children want us to be married. We want to feel secure that we can protect them and be there for them when they need us. We want them to understand that their family is just as worthy of respect as any other Illinois

family. We want to marry – not just for ourselves, but for them. Marriage, to us, is about a lot of things but more than anything—it's about our family.

18. Mercedes 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.

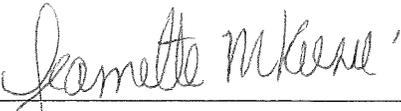
19. On or about the 16th day of May, 2012, Mercedes and I appeared in person, prepared to tender the \$60 application fee and identification documents, at the office of the Cook County Clerk, Department of Vital Records, to request an application for a marriage license so that we could marry each other in the State of Illinois. An employee of the Cook County Clerk consulted with a fellow employee, asking whether a same-sex couple in a civil union could get what the employee characterized as “an upgrade” to a marriage. Upon being told that two women are not permitted to marry in Illinois, the employee declined our request.

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



Theresa Volpe

Sworn to before me this 25 day of March, 2013



Notary Public

