

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
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,

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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CIRCUIT COURT OF COOK COUNTY
CHANCERY DIVISION

STATEMENT OF UNDISPUTED MATERIAL FACTS IN SUPPORT OF
PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT

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Plaintiffs James Darby and Patrick Bova, *et al.* (“Darby Plaintiffs”), by their attorneys from Kirkland & Ellis LLP and Lambda Legal Defense and Education Fund, Inc., and Plaintiffs Tanya Lazaro and Liz Matos, *et al.* (“Lazaro Plaintiffs,” and collectively with Darby Plaintiffs, “Plaintiffs”), by their attorneys from Mayer Brown LLP and the Roger Baldwin Foundation of ACLU, Inc., respectfully submit this Statement of Undisputed Material Facts in support of their Motion for Summary Judgment.¹

Attached as Exhibits are the following affidavits of Plaintiffs: James Darby (Ex. 1), Patrick Bova (Ex. 2), Donald Julian (Ex. 3), Timothy Rice (Ex. 4), Janean Watkins (Ex. 5), Lakeesha Harris (Ex. 6), Mercedes Santos (Ex. 7), Theresa Volpe (Ex. 8), Lee Korty (Ex. 9), Bert Morton (Ex. 10), Brian Fletcher (Ex. 11), Robert Hickok (Ex. 12), Ryan Cannon (Ex. 13), Daphne Scott-Henderson (Ex. 14), Angelica Lopez (Ex. 15), Claudia Mercado (Ex. 16), Jacqueline Michelle Chappell (Ex. 17), Michelle Franke (Ex. 18), Hector Martinez (Ex. 19), Robert Proctor (Ex. 20), Julie Barton (Ex. 21), Patricia Garcia (Ex. 22), Donna O’Crowly (Ex. 23), Peggy Burton (Ex. 24), Laura Hartman (Ex. 25), Anne Dickey (Ex. 26), Brandon Bowersox-Johnson (Ex. 27), Kevin Bowersox-Johnson (Ex. 28), Roberta O’Mara (Ex. 29), Lynne Burnett (Ex. 30), Jaime Garcia (Ex. 31), Daryl Rizzo (Ex. 32), Tanya Lazaro (Ex. 33), Elizabeth “Liz” Matos (Ex. 34), Lynn Sprout (Ex. 35), Kathie Spegal (Ex. 36), Robert “Bob” Carey-Walden (Ex. 37), Ross “Randy” Carey-Walden (Ex. 38), Michelle Mascaro (Ex. 39), Corynne Romine (Ex. 40), Rick Wade (Ex. 41), Tim Kee (Ex. 42), Suzanna “Suzie” Hutton (Ex. 43), Danielle Cook (Ex. 44), Carlos Briones (Ex. 45), Richard Rykhus (Ex. 46), Tanya

¹ This Statement of Facts is based on the attached Affidavits and is complete and accurate as of the respective dates each of those affidavits was executed. Movants reserve the right to supplement their record with further evidence, including expert testimony, of subsequently-occurring events and additional information anytime before final judgment, including at trial.

Lyonsford (Ex. 47), Kirsten Lyonsford (Ex. 48), Edwin Hamilton (Ex. 49), and Gary Magruder (Ex. 50).

Attached as Exhibits are the following affidavits of Plaintiffs' expert witnesses: M. V. Lee Badgett (Ex. 51), David Bentlin (Ex. 52), Jerry Bowman (Ex. 53), George Chauncey (Ex. 54), Nancy Cott (Ex. 55), Arthur Johnston (Ex. 56), Michael E. Lamb (Ex. 57), Ramona Faith Oswald (Ex. 58), Letitia Anne Peplau (Ex. 59), and Gary Segura (Ex. 60).

I. PLAINTIFFS ARE COMMITTED SAME-SEX COUPLES WHO WISH TO MARRY THE ONE UNIQUE PERSON THEY LOVE.

1. Plaintiffs are fifty lesbians and gay men who reside in Illinois and comprise twenty-three same-sex couples that seek to marry in their home state, and two same-sex couples who seek legal recognition of the marriages they entered into in Canada. (Affidavit of James Darby ("Darby Aff."), Ex. 1, ¶¶ 3, 4; Affidavit of Patrick Bova ("Bova Aff."), Ex. 2, ¶¶ 3, 5; Affidavit of Donald Julian ("Julian Aff."), Ex. 3, ¶¶ 3, 4; Affidavit of Timothy Rice ("Rice Aff."), Ex. 4, ¶¶ 3, 4; Affidavit of Janean Watkins ("Watkins Aff."), Ex. 5, ¶¶ 3, 4; Affidavit of Lakeesha Harris ("Harris Aff."), Ex. 6, ¶¶ 3, 6; Affidavit of Mercedes Santos ("Santos Aff."), Ex. 7, ¶ 3; Affidavit of Theresa Volpe ("Volpe Aff."), Ex. 8, ¶¶ 3, 5, 7; Affidavit of Lee Korty ("Korty Aff."), Ex. 9, ¶¶ 3, 4; Affidavit of Bert Morton ("Morton Aff."), Ex. 10, ¶¶ 3, 5; Affidavit of Brian Fletcher ("Fletcher Aff."), Ex. 11, ¶¶ 3, 4, 5; Affidavit of Robert Hickok ("Hickok Aff."), Ex. 12, ¶¶ 3, 4; Affidavit of Ryan Cannon ("Cannon Aff."), Ex. 13, ¶¶ 3, 4; Affidavit of Daphne Scott-Henderson ("Scott-Henderson Aff."), Ex. 14, ¶ 3; Affidavit of Angelica Lopez ("Lopez Aff."), Ex. 15, ¶¶ 3, 5; Affidavit of Claudia Mercado ("Mercado Aff."), Ex. 16, ¶¶ 3, 4; Affidavit of Jacqueline Michelle Chappell ("Chappell Aff."), Ex. 17, ¶¶ 3, 4; Affidavit of Michelle Franke ("Franke Aff."), Ex. 18, ¶¶ 3, 5; Affidavit of Hector Martinez ("Martinez Aff."), Ex. 19, ¶¶ 3, 4, 8, 10; Affidavit of Robert Proctor ("Proctor Aff."), Ex. 20,

¶¶ 3, 7, 9; Affidavit of Julie Barton (“Barton Aff.”), Ex. 21, ¶¶ 3, 6; Affidavit of Patricia Garcia (“P. Garcia Aff.”), Ex. 22, ¶¶ 3, 4; Affidavit of Donna O’Crowly (“O’Crowly Aff.”), Ex. 23, ¶¶ 3, 4; Affidavit of Peggy Burton (“Burton Aff.”), Ex. 24, ¶¶ 3, 4, 9; Affidavit of Laura Hartman (“Hartman Aff.”), Ex. 25, ¶¶ 3, 4; Affidavit of Anne Dickey (“Dickey Aff.”), Ex. 26, ¶¶ 3, 4; Affidavit of Brandon Bowersox-Johnson (“B. Bowersox-Johnson Aff.”), Ex. 27, ¶¶ 3, 5; Affidavit of Kevin Bowersox-Johnson (“K. Bowersox-Johnson Aff.”), Ex. 28., ¶¶ 3, 5; Affidavit of Roberta O’Mara (“O’Mara Aff.”), Ex. 29, ¶¶ 3, 4; Affidavit of Lynne Burnett (“Burnett Aff.”), Ex. 30, ¶¶ 3, 4; Affidavit of Jaime Garcia (“J. Garcia Aff.”), Ex. 31, ¶¶ 3, 4; Affidavit of Daryl Rizzo (“Rizzo Aff.”), Ex. 32, ¶¶ 3, 4; Affidavit of Tanya Lazaro (“Lazaro Aff.”), Ex. 33, ¶¶ 2, 4; Affidavit of Elizabeth “Liz” Matos (“Matos Aff.”), Ex. 34, ¶¶ 2, 3; Affidavit of Lynn Sprout (“Sprout Aff.”), Ex. 35, ¶¶ 2, 5; Affidavit of Kathie Spegal (“Spegal Aff.”), Ex. 36, ¶¶ 2, 4; Affidavit of Robert “Bob” Carey-Walden (“B. Carey-Walden Aff.”), Ex. 37, ¶¶ 2, 3, 4; Affidavit of Ross “Randy” Carey-Walden (“R. Carey-Walden Aff.”), Ex. 38, ¶¶ 2, 4; Affidavit of Michelle Mascaro (“Mascaro Aff.”), Ex. 39, ¶¶ 2, 5, 7; Affidavit of Corynne Romine (“Romine Aff.”), Ex. 40, ¶¶ 2, 4, 6; Affidavit of Rick Wade (“Wade Aff.”), Ex. 41, ¶¶ 3, 5; Affidavit of Tim Kee (“Kee Aff.”), Ex. 42, ¶¶ 3, 5; Affidavit of Suzanna “Suzie” Hutton (“Hutton Aff.”), Ex. 43, ¶¶ 3, 5; Affidavit of Danielle Cook (“Cook Aff.”), Ex. 44, ¶¶ 3, 5; Affidavit of Carlos Briones (“Briones Aff.”), Ex. 45, ¶¶ 3, 5; Affidavit of Richard Rykhus (“Rykhus Aff.”), Ex. 46, ¶¶ 3, 6; Affidavit of Tanya Lyonsford (“T. Lyonsford Aff.”), Ex. 47, ¶¶ 3, 11; Affidavit of Kirsten Lyonsford (“K. Lyonsford Aff.”), Ex. 48, ¶¶ 3, 6; Affidavit of Edwin Hamilton (“Hamilton Aff.”), Ex. 49, ¶¶ 3, 7; Affidavit of Gary Magruder (“Magruder Aff.”), Ex. 50, ¶¶ 3, 5, 8.)

2. Plaintiffs James Darby (“James”), 81, and Patrick Bova (“Patrick”), 74, are a gay couple who reside in Hyde Park, Cook County, Illinois. James and Patrick have been in a loving, committed relationship for 49 years. They had a commitment ceremony in 1995, and they entered into a civil union in Illinois on June 2, 2011, in Millennium Park, Chicago, Illinois. (Darby Aff., Ex. 1, ¶¶ 3, 4, 7, 8; Bova Aff., Ex. 2, ¶¶ 3, 10, 11.)

3. Plaintiffs Donald Julian (“Don”), 52, and Timothy Rice (“Tim”), 51, are a gay couple who reside together in Alto Pass, Union County, Illinois. Don and Tim have been in a loving, committed relationship for over 18 years. On August 10, 1996, their pastor blessed them in a holy union ceremony. Fifteen years later, on August 14, 2011, the same pastor united them in a civil union in a celebration at a local inn attended by 150 guests, including the village mayor and many family members and long time friends. (Julian Aff., Ex. 3, ¶¶ 3, 4, 7; Rice Aff., Ex. 4, ¶¶ 3, 6.)

4. Plaintiffs Janean Watkins (“Janean”), 39, and Lakeesha Harris (“Lakeesha”), 37, reside together in East Garfield Park, Chicago, Cook County, Illinois. Together they are rearing six children. Janean and Lakeesha have been in a loving, committed relationship for over 12 years. On June 2, 2011, they entered into a civil union in Millennium Park, Chicago, Illinois. (Watkins Aff., Ex. 5, ¶¶ 3, 7, 8; Harris Aff., Ex. 6, ¶¶ 3, 8.)

5. Plaintiffs Mercedes Santos (“Mercedes”), 47, and Theresa Volpe (“Theresa”), 42, are a lesbian couple who reside together in Rogers Park, Chicago, Cook County, Illinois. Mercedes and Theresa have been in a loving, committed relationship for 21 years, and have two children together. Mercedes and Theresa entered into a civil union on June 2, 2011 in Millennium Park, Chicago, Illinois. (Santos Aff., Ex. 7, ¶ 3; Volpe Aff., Ex. 8, ¶¶ 3, 5, 7, 9.)

6. Plaintiffs Lee Korty (“Lee”), 54, and Bert Morton (“Bert”), 64, are a gay couple who reside together in Springfield, Sangamon County, Illinois. Lee and Bert have been in a loving, committed relationship for 30 years, and entered into a civil union on June 7, 2011. (Korty Aff., Ex. 9, ¶¶ 3, 4, 6; Morton Aff., Ex. 10, ¶¶ 3, 6.)

7. Plaintiffs Brian Fletcher (“Brian”), 53, and Robert Hickok (“Robert”), 43, are a gay couple residing together in Oak Park, Cook County, Illinois. Brian and Robert have jointly adopted three children. Brian and Robert have been in a loving, committed relationship for 13 years. Brian and Robert held a commitment ceremony in front of family and friends in 2004, and they entered into a civil union with a service at their church, in which their children participated on March 17, 2012. (Fletcher Aff., Ex. 11, ¶¶ 3, 4, 9, 10; Hickok Aff., Ex. 12, ¶¶ 3, 6.)

8. Plaintiffs Ryan Cannon (“Ryan”), 34, and Daphne Scott-Henderson (“Daphne”), 42, are a lesbian couple residing together in Champaign, Champaign County, Illinois. Together, Ryan and Daphne are rearing three children. Ryan and Daphne have been in a loving committed relationship for 7 years, and they entered into a civil union on June 3, 2011. (Cannon Aff., Ex. 13, ¶¶ 3, 4, 5, 6; Scott-Henderson Aff., Ex. 14, ¶¶ 3, 5.)

9. Plaintiffs Angelica Lopez (“Angelica”), 37, and Claudia Mercado (“Claudia”), 35, are a lesbian couple residing together in the Belmont-Craigen neighborhood of Chicago, Cook County, Illinois. Angelica and Claudia are both the legal parents of their children, Isabel (4) and Indigo (1), who were conceived via anonymous donor insemination. In 2007, Angelica and Claudia held a commitment ceremony in front of family and friends, and they later entered into a civil union with a ceremony at Millennium Park, Chicago, Illinois, on June

2, 2011. Angelica and Claudia have been in a loving committed relationship for more than 14 years, and wish to marry. (Lopez Aff., Ex. 15, ¶¶ 3, 5, 6; Mercado Aff., Ex. 16, ¶¶ 3, 4, 7.)

10. Plaintiffs Jacqueline Michelle Chappell (“Jacqueline”), 46, and Michelle Franke (“Michelle”), 47, are a lesbian couple residing together in Champaign, Champaign County, Illinois. Jacqueline and Michelle are raising their daughter, Rose (9), who was conceived via anonymous donor insemination. On June 28, 1997, Jacqueline’s and Michelle’s respective fathers walked them down the aisle of a Unitarian church and they made commitments to each other in a holy union ceremony. Fourteen years later, on June 28, 2011, they renewed those promises in a civil union ceremony in their home church in Champaign, Illinois. Jacqueline and Michelle have been in a loving committed relationship for more than 21 years, and wish to marry. (Chappell Aff., Ex. 17, ¶¶ 3, 7, 8; Franke Aff., Ex. 18, ¶¶ 3, 7.)

11. Plaintiffs Hector Martinez (“Hector”), 50, and Robert Proctor (“Robert”), 50, are a gay couple residing together in Peoria, Peoria County, Illinois. Hector and Robert could not bring themselves to enter into a civil union because only marriage would reflect the depth of their feelings for each other and the significance of their relationship, and the term “civil union” would brand their family as inferior to others and less deserving of respect. Hector and Robert have been in a committed relationship for 20 years, and wish to marry. (Martinez Aff., Ex. 19, ¶¶ 3, 4, 8, 9; Proctor Aff., Ex. 20, ¶¶ 3, 7, 9.)

12. Julie Barton (“Julie”), 51, and Patricia Garcia (“Patricia”), 55, are a lesbian couple residing together in Evanston, Cook County, Illinois. Julie and Patricia together helped rear Max, now age 23 and a recent graduate of the University of Wisconsin, who is Patricia’s son from her prior marriage. Julie and Patricia also have a daughter, Olivia (“Livi”), 16, who was conceived via anonymous donor insemination and whose relationship to

both Julie and Patricia was secured by adoption. Julie and Patricia also have opened their home to Patricia's two nieces after Patricia's older sister recently passed away. Julie and Patricia entered into a civil union on December 31, 2011, with a small ceremony in front of family. Julie and Patricia have been in a loving committed relationship for 20 years, and wish to marry. (Barton Aff., Ex. 21, ¶¶ 3, 6, 9, 10; P. Garcia Aff., Ex. 22, ¶¶ 3, 4, 9, 10.)

13. Plaintiffs Donna O'Crowly ("Donna"), 67, and Peggy Burton ("Peggy"), 66, are a lesbian couple residing together in Bloomington, McLean County, Illinois. Donna and Peggy entered into a civil union on July 23, 2011. Donna and Peggy have been in a loving committed relationship for more than 37 years, and wish to marry. (O'Crowly Aff., Ex. 23, ¶¶ 3, 4; Burton Aff., Ex. 24, ¶¶ 3, 9.)

14. Plaintiffs Laura Hartman ("Laura"), 34, and Anne Dickey ("Anne"), 38, reside together in Rock Island, Rock Island County, Illinois. They are both legal parents to their son, Theodore (3), who was conceived by Anne via donor insemination and adopted by Laura. Laura and Anne entered into a civil union in Illinois on June 2, 2011. Laura and Anne have been in a loving committed relationship for almost seven years, and wish to marry. (Hartman Aff., Ex. 25, ¶¶ 3, 4, 5, 6; Dickey Aff., Ex. 26, ¶¶ 3, 4, 6, 8.)

15. Plaintiffs Brandon Bowersox-Johnson ("Brandon"), 32, and Kevin Bowersox-Johnson ("Kevin"), 45, are a gay couple residing together in Champaign-Urbana, Champaign County, Illinois. Kevin and Brandon are legal parents by adoption to their son, Garrett (5). On April 22, 2006, Kevin and Brandon celebrated their love and commitment with a ceremony in front of family and friends. On June 3, 2011. Kevin and Brandon entered into a civil union in Urbana, Champaign County, Illinois. Kevin Bowersox-Johnson and Brandon Bowersox-Johnson have been in a loving committed relationship for 10 years, and wish to marry. (B.

Bowersox-Johnson Aff., Ex. 27, ¶¶ 3, 5, 6, 7, 8; K. Bowersox-Johnson Aff., Ex. 28, ¶¶ 3, 5, 7, 8, 11.)

16. Plaintiffs Roberta (“Robyne”) O’Mara, 57, and Lynne Burnett (“Lynne”), 56, are a lesbian couple residing together in Godfrey, Madison County, Illinois. Robyne and Lynne entered into a civil union on September 10, 2011. Robyne and Lynne have been in a loving committed relationship for 32 years, and wish to marry. (O’Mara Aff., Ex. 29, ¶¶ 3, 4, 6; Burnett Aff., Ex. 30, ¶¶ 3, 4, 10.)

17. Plaintiffs Jaime Garcia (“Jaime”), 48, and Daryl Rizzo (“Daryl”), 51, reside together in La Grange, Cook County, Illinois. Jaime and Daryl are legal parents to their daughter, Siena (4), whom they adopted from foster care. Jaime and Daryl entered into a civil union on June 2, 2011, in Millennium Park, Chicago, Illinois. Jaime and Daryl have been in a loving committed relationship for 11 years, and wish to marry. (J. Garcia Aff., Ex. 31, ¶¶ 3, 4, 5, 6; Rizzo Aff., Ex. 32, ¶¶ 3, 4, 6.)

18. Plaintiffs Tanya Lazaro (“Tanya”) and Elizabeth Matos (“Liz”) reside in Chicago, Cook County, Illinois. Tanya and Liz have been a couple for 15 years. Tanya and Liz have two small children, Jaiden (3 years) and Sophie (10 months). Jaiden suffers from cerebral palsy and epilepsy and requires specialized care. Tanya and Liz work staggered shifts to ensure that Jaiden gets the care that she needs. They love each other and wish to marry. (Lazaro Aff., Ex. 33, ¶¶ 2, 4; Matos Aff., Ex. 34, ¶¶ 2, 3.)

19. Plaintiffs Lynn Sprout (“Lynn”) and Katherine Spegal (“Kathie”) reside in Champaign, Champaign County, Illinois. Lynn and Kathie have been a couple for more than 10 years. Their relationship was solemnized in a Holy Union Ceremony at McKinley Presbyterian Church in Champaign on June 14, 2003. Lynn and Katie’s eleven children were there to

celebrate with them. They want to ensure that in times of crisis they are recognized as a family. They love each other and wish to marry. (Sprout Aff., Ex. 35, ¶¶ 2, 3, 5; Spegal Aff., Ex. 36, ¶¶ 2, 3, 4.)

20. Plaintiffs Ross Walden (“Randy”) and Robert Carey (“Bob”) reside in Springfield, Sangamon County, Illinois. Bob and Randy have been a couple for more than 7 years. They entered into a civil union on August 23, 2011, just as soon as civil unions became available in Illinois. They love each other and wish to marry. (B. Carey-Walden Aff., Ex. 37, ¶¶ 2, 3, 4; R. Carey-Walden Aff., Ex. 38, ¶¶ 2, 4.)

21. Plaintiffs Michelle Mascaro (“Michelle”) and Corynne Romine (“Corynne”) reside in Chicago, Cook County, Illinois. Corynne and Michelle have been a couple for 20 years. They first met in 1990 while they were both participating in a year-long chaplaincy residency at Rush Presbyterian St. Luke’s Hospital. In 1995 they had a commitment ceremony to affirm their love. Corynne and Michelle have adopted three children, a daughter and two sons. They love each other and wish to marry. (Mascaro Aff., Ex. 39, ¶¶ 2, 5, 6, 7; Romine Aff., Ex. 40, ¶¶ 2, 4, 5, 6.)

22. Plaintiffs Rick Wade (“Rick”) and Tim Kee (“Tim”) reside in Marion, Williamson County, Illinois. Rick and Tim have been a couple for 15 years. They entered into a civil union on June 2, 2011. Rick and Tim love each other and wish to marry. (Wade Aff., Ex. 41, ¶¶ 3, 5, 9; Kee Aff., Ex. 42, ¶¶ 3, 5.)

23. Plaintiffs Suzanna Hutton (“Suzie”) and Danielle Cook (“Danielle”) reside in Bloomington, McClean County, Illinois. Suzie and Danielle have been a couple for 11 years. On June 25, 2011, Suzie and Danielle had a civil union ceremony. Suzie’s son, Caleb,

participated in the ceremony. Suzie and Danielle love each other and wish to marry. (Hutton Aff., Ex. 43, ¶¶ 3, 5; Cook Aff., Ex. 44, ¶¶ 3, 5.)

24. Plaintiffs Carlos Briones (“Carlos”) and Richard Rykhus (“Richard”) reside in Evanston, Cook County, Chicago. Carlos and Richard have been a couple for 12 years. In 2004 they registered as Domestic Partners in Cook County, and in 2005 Richard and Carlos celebrated their commitment to each other in front of nearly 120 friends and family members. In September 2005, Carlos and Richard married in Canada because they felt marriage would reinforce the commitment they feel toward one another. Together they are raising their adopted son Ty’rith (“Ty”), who is a second grader in the Evanston public school system. Carlos and Richard love each other and wish for their marriage to be recognized in Illinois. (Briones Aff., Ex. 45, ¶¶ 3, 5, 6, 8; Rykhus Aff., Ex. 46, ¶¶ 3, 5, 6, 7, 8.)

25. Plaintiffs Tanya Lyonsford (“Tanya”) and Kirsten Lyonsford (“Kirsten”) reside in Aurora, DuPage County, Illinois. They met during a game of “Diversity Bingo” at a work training event. Both Tanya and Kirsten signed the “gay/lesbian” square. From that point onward their love grew, and they have been a couple for 13 years. Together they own a home in Aurora where they raise their two children, Andrea (10) and Zachary (8). Tanya and Kirsten love each other and wish to marry. (T. Lyonsford Aff., Ex. 47, ¶¶ 3, 7, 11; K. Lyonsford Aff., Ex. 48, ¶¶ 3, 6.)

26. Plaintiffs Edwin Hamilton (“Ed”) and Gary Magruder (“Gary”) live in Plainfield, Will County, Illinois. Gary and Ed have been a couple for 49 years. On January 17, 2004 they celebrated their love and commitment to one another by marrying in Toronto, Canada. They joke that they had a “40-year engagement.” They love each other and want their marriage to be recognized in Illinois. (Hamilton Aff., Ex. 49, ¶¶ 3, 5, 7; Magruder Aff., Ex. 50, ¶¶ 3, 5.)

27. Plaintiffs wish to marry because they love each other, and because they wish to spend their lives together. (Burnett Aff., Ex. 30, ¶ 7; Fletcher Aff., Ex. 11, ¶ 8; Hamilton Aff., Ex. 49, ¶ 8; Darby Aff., Ex. 1, ¶ 3; Bova Aff., Ex. 2, ¶ 3; Julian Aff., Ex. 3, ¶ 3; Rice Aff., Ex. 4, ¶ 3; Watkins Aff., Ex. 5, ¶ 3; Harris Aff., Ex. 6, ¶ 3; Santos Aff., Ex. 7, ¶ 3; Volpe Aff., Ex. 8, ¶ 3; Korty Aff., Ex. 9, ¶ 3; Morton Aff., Ex. 10, ¶ 3; Fletcher Aff., Ex. 11, ¶ 3; Hickok Aff., Ex. 12, ¶ 3; Cannon Aff., Ex. 13, ¶ 3; Scott-Henderson Aff., Ex. 14, ¶ 3; Lopez Aff., Ex. 15, ¶ 3; Mercado Aff., Ex. 16, ¶ 3; Chappell Aff., Ex. 17, ¶ 3; Franke Aff., Ex. 18, ¶ 3; Martinez Aff., Ex. 19, ¶ 3; Proctor Aff., Ex. 20, ¶ 3; Barton Aff., Ex. 21, ¶ 3; P. Garcia Aff., Ex. 22, ¶ 3; O’Crowly Aff., Ex. 23, ¶ 3; Burton Aff., Ex. 24, ¶ 3; Hartman Aff., Ex. 25, ¶ 3; Dickey Aff., Ex. 26, ¶ 3; B. Bowersox-Johnson Aff., Ex. 27, ¶ 3; K. Bowersox-Johnson Aff., Ex. 28, ¶ 3; O’Mara Aff., Ex. 29, ¶ 3; Burnett Aff., Ex. 30, ¶ 3; J. Garcia Aff., Ex. 31, ¶ 3; Rizzo Aff., Ex. 32, ¶ 3; Lazaro Aff., Ex. 33, ¶ 4; Matos Aff., Ex. 34, ¶ 3; Sprout Aff., Ex. 35, ¶ 4; Spegal Aff., Ex. 36, ¶ 3; B. Carey-Walden Aff., Ex. 37, ¶¶ 3, 4; R. Carey-Walden Aff., Ex. 38, ¶ 4; Mascaro Aff., Ex. 39, ¶¶ 5,7; Romine Aff., Ex. 40, ¶¶ 4, 6; Wade Aff., Ex. 41, ¶ 3; Kee Aff., Ex. 42, ¶ 3; Hutton Aff., Ex. 43, ¶ 3; Cook Aff., Ex. 44, ¶ 3; T. Lyonsford Aff., Ex. 47, ¶ 3; K. Lyonsford Aff., Ex. 48, ¶ 3.)

28. Plaintiffs wish to express the depth and quality of their lifelong commitment to each other in the way that they, their family, friends, and society at large best understand. (Darby Aff., Ex. 1, ¶ 10; Bova Aff., Ex. 2, ¶¶ 12, 13; Julian Aff., Ex. 3, ¶ 13; Harris Aff., Ex. 6, ¶ 9; Santos Aff., Ex. 7, ¶ 9; Korty Aff., Ex. 9, ¶ 10; Hickok Aff., Ex. 12, ¶¶ 10, 11; Scott-Henderson Aff., Ex. 14, ¶ 7; Chappell Aff., Ex. 17, ¶ 12; Martinez Aff., Ex. 19, ¶¶ 9, 10; Barton Aff., Ex. 21, ¶ 19; B. Bowersox-Johnson Aff., Ex. 27, ¶ 9; O’Mara Aff., Ex. 29, ¶ 14; Burnett Aff., Ex. 30, ¶ 12; J. Garcia Aff., Ex. 31, ¶ 10; Sprout Aff., Ex. 35, ¶ 5; Spegal Aff., Ex. 36, ¶ 4;

Mascaro Aff., Ex. 39, ¶ 7; Hutton Aff., Ex. 43, ¶ 10; Briones Aff., Ex. 45, ¶ 11 and Rykhus Aff., Ex. 46, ¶ 11.)

II. PLAINTIFFS HAVE BEEN DENIED THE FREEDOM TO MARRY.

29. The Cook County Clerk is authorized and required by law to issue marriage licenses and certificates for marriages in Cook County. (750 ILCS 5/203; Def. Orr's Answer to *Darby* Compl. ("*Darby* Answer") ¶ 18; Def. Orr's Answer to *Lazaro* Compl. ("*Lazaro* Answer") ¶ 21.)

30. Parties to a prospective marriage in Cook County may apply for and obtain a marriage license only from the Cook County Clerk. (750 ILCS 5/203; *Darby* Answer ¶ 19.)

31. If all legal requirements for a marriage in Cook County are met by applicants for a marriage license, the Cook County Clerk "shall issue a license to marry and a marriage certificate." (750 ILCS 5/203; *Darby* Answer ¶ 20.)

32. As Cook County Clerk, David Orr and his agents and employees ("Defendant"), furnished and processed applications for licenses to marry in Illinois, including accepting and denying applications for marriage licenses. (*Darby* Compl. ¶¶ 18-25; *Lazaro* Compl. ¶ 21.)

33. At all relevant times, Defendant executed these duties from the Office of the Cook County Clerk at 50 West Washington Street, Chicago, Illinois 60602. (*Darby* Compl. ¶ 18.)

34. On various dates in May 2012, certain Plaintiffs 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 they could marry each other in the State of Illinois. (*Darby* Aff., Ex. 1, ¶ 16; *Bova* Aff., Ex. 2, ¶ 17; *Julian* Aff., Ex. 3, ¶ 16; *Rice* Aff., Ex. 4, ¶ 8; *Watkins* Aff., Ex. 5, ¶ 12; *Harris* Aff., Ex. 6, ¶ 13; *Santos* Aff., Ex. 7, ¶ 12; *Volpe* Aff., Ex. 8, ¶ 19; *Korty* Aff., Ex. 9, ¶ 12; *Morton* Aff., Ex. 10, ¶ 11; *Fletcher* Aff., Ex. 11,

¶ 18; Hickok Aff., Ex. 12, ¶ 13; Cannon Aff., Ex. 13, ¶ 14; Scott-Henderson Aff., Ex. 14, ¶ 13; Lopez Aff., Ex. 15, ¶ 14; Mercado Aff., Ex. 16, ¶ 11; Chappell Aff., Ex. 17, ¶ 15; Franke Aff., Ex. 18, ¶ 15; Martinez Aff., Ex. 19, ¶ 13; Proctor Aff., Ex. 20, ¶ 13; Barton Aff., Ex. 21, ¶ 22; P. Garcia Aff., Ex. 22, ¶ 16; O’Crowly Aff., Ex. 23, ¶ 8; Burton Aff., Ex. 24, ¶ 13; Hartman Aff., Ex. 25, ¶ 11; Dickey Aff., Ex. 26, ¶ 12; B. Bowersox-Johnson Aff., Ex. 27, ¶ 16; K. Bowersox-Johnson Aff., Ex. 28, ¶ 13; O’Mara Aff., Ex. 29, ¶ 16; Burnett Aff., Ex. 30, ¶ 15; J. Garcia Aff., Ex. 31, ¶ 12; Rizzo Aff., Ex. 32, ¶ 14.)

35. In each case, Defendant refused to accept Plaintiffs’ applications for marriage licenses or to issue marriage licenses to Plaintiffs only because each is a lesbian or gay person who seeks to marry a person of the same sex. (Darby Aff., Ex. 1, ¶ 16; Bova Aff., Ex. 2, ¶ 17; Julian Aff., Ex. 3, ¶ 16; Rice Aff., Ex. 4, ¶ 8; Watkins Aff., Ex. 5, ¶ 12; Harris Aff., Ex. 6, ¶ 13; Santos Aff., Ex. 7, ¶ 12; Volpe Aff., Ex. 8, ¶ 19; Korty Aff., Ex. 9, ¶ 12; Morton Aff., Ex. 10, ¶ 11; Fletcher Aff., Ex. 11, ¶ 18; Hickok Aff., Ex. 12, ¶ 13; Cannon Aff., Ex. 13, ¶ 14; Scott-Henderson Aff., Ex. 14, ¶ 13; Lopez Aff., Ex. 15, ¶ 14; Mercado Aff., Ex. 16, ¶ 11; Chappell Aff., Ex. 17, ¶ 15; Franke Aff., Ex. 18, ¶ 15; Martincz Aff., Ex. 19, ¶ 13; Proctor Aff., Ex. 20, ¶ 13; Barton Aff., Ex. 21, ¶ 22; P. Garcia Aff., Ex. 22, ¶ 16; O’Crowly Aff., Ex. 23, ¶ 8; Burton Aff., Ex. 24, ¶ 13; Hartman Aff., Ex. 25, ¶ 11; Dickey Aff., Ex. 26, ¶ 12; B. Bowersox-Johnson Aff., Ex. 27, ¶ 16; K. Bowersox-Johnson Aff., Ex. 28, ¶ 13; O’Mara Aff., Ex. 29, ¶ 16; Burnett Aff., Ex. 30, ¶ 15; J. Garcia Aff., Ex. 31, ¶ 12; Rizzo Aff., Ex. 32, ¶ 14.)

36. Plaintiffs otherwise meet all legal requirements to obtain a marriage license and to marry in Illinois. They each 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. (Darby Aff., Ex. 1, ¶ 15; Bova

Aff., Ex. 2, ¶ 16; Julian Aff., Ex. 3, ¶ 15; Rice Aff., Ex. 4, ¶ 7; Watkins Aff., Ex. 5, ¶ 11; Harris Aff., Ex. 6, ¶ 14; Santos Aff., Ex. 7, ¶ 11; Volpe Aff., Ex. 8, ¶ 18; Korty Aff., Ex. 9, ¶ 11; Morton Aff., Ex. 10, ¶ 10; Fletcher Aff., Ex. 11, ¶ 17; Hickok Aff., Ex. 12, ¶ 12; Cannon Aff., Ex. 13, ¶ 13; Scott-Henderson Aff., Ex. 14, ¶ 12; Lopez Aff., Ex. 15, ¶ 13; Mercado Aff., Ex. 16, ¶ 10; Chappell Aff., Ex. 17, ¶ 14; Franke Aff., Ex. 18, ¶ 14; Martinez Aff., Ex. 19, ¶ 12; Proctor Aff., Ex. 20, ¶ 12; Barton Aff., Ex. 21, ¶ 21; P. Garcia Aff., Ex. 22, ¶ 15; O’Crowly Aff., Ex. 23, ¶ 7; Burton Aff., Ex. 24, ¶ 12; Hartman Aff., Ex. 25, ¶ 10; Dickey Aff., Ex. 26, ¶ 11; B. Bowersox-Johnson Aff., Ex. 27, ¶ 15; K. Bowersox-Johnson Aff., Ex. 28, ¶ 12; O’Mara Aff., Ex. 29, ¶ 15; Burnett Aff., Ex. 30, ¶ 14; J. Garcia Aff., Ex. 31, ¶ 11; Rizzo Aff., Ex. 32, ¶ 13; Lazaro Aff., Ex. 33, ¶ 8; Matos Aff., Ex. 34, ¶ 8; Sprout Aff., Ex. 35, ¶ 12; Spegal Aff., Ex. 36, ¶ 6; B. Carey-Walden Aff., Ex. 37, ¶ 7; R. Carey-Walden Aff., Ex. 38, ¶ 10; Mascaro Aff., Ex. 39, ¶ 9; Romine Aff., Ex. 40, ¶ 7; Wade Aff., Ex. 41, ¶ 10; Kee Aff., Ex. 42, ¶ 11; Hutton Aff., Ex. 43, ¶ 11; Cook Aff., Ex. 44, ¶ 10; Briones Aff., Ex. 45, ¶ 13; Rykhus Aff., Ex. 46, ¶ 13; T. Lyonsford Aff., Ex. 47, ¶ 16; K. Lyonsford Aff., Ex. 48, ¶ 15; Hamilton Aff., Ex. 49, ¶ 12; Magruder Aff., Ex. 50, ¶ 13.)

III. PLAINTIFFS AND THEIR CHILDREN SUFFER NUMEROUS TANGIBLE AND DIGNITARY HARMS AS A RESULT OF THE STATE DENYING THEM THE RIGHT TO MARRY.

A. The Marriage Ban Inflicts Tangible Harm On Plaintiffs And Their Families.

37. Plaintiffs who obtained civil unions by license from Illinois county clerks, and those Plaintiffs whom Illinois deems as in civil unions because they entered into marriages in other jurisdictions that permit same-sex couples to marry, currently are uncertain of receiving, if not unlikely to receive, a number of federal benefits and protections that would be available to them and their families absent Illinois’s marriage ban now that the federal Defense of Marriage Act (DOMA), 1 U.S.C. § 7, has been struck down, see *United States v. Windsor*, 570 U.S. ___,

No. 12-307, slip op. (Jun. 26, 2013). *See, e.g.*, Family Medical Leave Act (“FMLA”), 29 U.S.C. § 2601, *et seq.* and C.F.R. § 825.102 (defining “spouse” for FMLA leave based on whether the marriage is “recognized under State law for purposes of marriage in the State where the employee resides”); 17 U.S.C. § 101 (benefits for surviving spouse under copyright statute dependent upon whether marriage was valid in place of domicile); § 38 U.S.C.A. § 103 (defining “spouse” for veteran benefits by whether the marriage is valid “according to the law of the place where the parties resided at the time of the marriage or the law of the place where the parties resided when the right to benefits accrued”).

38. With the striking down of DOMA, couples who are validly married in the eyes of state law, including married same-sex couples, are eligible for more than 1100 federal benefits, protections, rights, and responsibilities. Under current law, no status other than marriage can afford Illinois same-sex couples and their children all of the federal protections and benefits afforded to different-sex married couples and their children. *See, e.g.*, 5 U.S.C. § 8901 (health insurance coverage for spouses of federal employees); 5 U.S.C. § 8905 (payment of money to “widow or widower” of deceased federal employee); 5 U.S.C. § 5737 (spousal travel expenses when federal employee is performing an extended assignment); 11 U.S.C. §§ 101(14A), 507(a)(1)(A), 523(a)(5), 523(a)(15) (Bankruptcy Code’s special protections for domestic-support obligations); 8 U.S.C. § 1186a (citizen can sponsor spouse for immigration purposes); 26 U.S.C. §§ 105, 106(a), 152 (exemption from income tax payments on health care benefits for a spouse); 29 U.S.C. § 1163(1)-(6), 1167(3) (access to COBRA coverage for spouse and spouse’s children). *See also* Office of Personnel Management, Benefits Administration Letter No. 13-203 re Coverage of Same-Sex Spouses (July 3, 2013), *available at* <http://www.opm.gov/retirement-services/publications-forms/benefits-administration-letters/2013/13-203.pdf> (“The Supreme

Court’s decision addressed the constitutionality of a statute that defined ‘marriage’ and ‘spouse’ for purposes of federal law to include only opposite-sex couples. Therefore same-sex couples who are in a civil union or other form of domestic partnership other than marriage will remain ineligible for most Federal benefits programs.”).

39. Plaintiff Jim Darby is a Korean War veteran entitled to the honor of burial in Abraham Lincoln National Cemetery, and wishes his partner of almost 50 years, Patrick Bova, to be buried by his side (Darby Aff., Ex. 1, ¶ 12), which is an honor afforded by statute to married veterans under federal law. 38 U.S.C. § 2402 (a) (5). Because this federal law says nothing about civil unions, but refers only to “spouse[s],” Jim and Patrick cannot be certain that they will receive this honor. Even if Jim and Patrick were to marry in Iowa or another state that permits same-sex couples the freedom to marry, they would remain uncertain of receiving this honor as a result of Illinois’s marriage ban. 38 U.S.C. § 103. Plaintiff Randy Carey-Walden is an army veteran whose civil union partner Bob is also denied access to spousal veteran’s benefits, including special mortgage rates for veterans and access to the VA healthcare system, because they are unable to marry. (R. Carey-Walden Aff., Ex. 38, ¶¶ 1, 8.)

40. Plaintiffs wish to be married to ensure that they will receive the same rights and benefits that legally married couples receive, and without fear that any such rights or benefits will be denied because Plaintiffs’ relationship status is not understood or respected. (Darby Aff., Ex. 1, ¶ 12; Bova Aff., Ex. 2, ¶ 15; Julian Aff., Ex. 3, ¶ 11; Watkins Aff., Ex. 5, ¶ 10; Harris Aff., Ex. 6, ¶ 11; Santos Aff., Ex. 7, ¶ 7; Volpe Aff., Ex. 8, ¶¶ 14, 15; Korty Aff., Ex. 9, ¶ 9; Morton Aff., Ex. 10, ¶ 8; Fletcher Aff., Ex. 11, ¶¶ 14, 15; Cannon Aff., Ex. 13, ¶¶ 7, 9, 10; Franke Aff., Ex. 18, ¶ 13; Proctor Aff., Ex. 20, ¶ 10; Barton Aff., Ex. 21, ¶ 14; O’Crowly Aff., Ex. 23, ¶¶ 5, 6; Burton Aff., Ex. 24, ¶ 10; B. Bowersox-Johnson Aff., Ex. 27, ¶¶ 11, 13; K.

Bowersox-Johnson Aff., Ex. 28, ¶ 10; O’Mara Aff., Ex. 29, ¶¶ 7, 8, 9, 10; Burnett Aff., Ex. 30, ¶ 11; J. Garcia Aff., Ex. 31, ¶ 7; Rizzo Aff., Ex. 32, ¶ 11; Matos Aff., Ex. 34, ¶¶ 5, 7; Sprout Aff., Ex. 35, ¶¶ 6, 7; Spegal Aff., Ex. 36, ¶ 5; R. Carey-Walden Aff., Ex. 38, ¶ 8; Mascaro Aff., Ex. 39, ¶ 8; Romine Aff., Ex. 40, ¶ 6; Briones Aff., Ex. 45, ¶ 9; Rykhus Aff., Ex. 46, ¶ 8; T. Lyonsford Aff., Ex. 47, ¶¶ 14, 15; K. Lyonsford Aff., Ex. 48, ¶ 13; Hamilton Aff., Ex. 49, ¶ 9; Magruder Aff., Ex. 50, ¶ 10.)

41. The marriage ban has caused many Plaintiffs to face discrimination from public officials and government agencies — including police officers, court officers, foster care agencies, county offices, and state agencies — that refuse to recognize their familial relationships because they are not legally married. (Harris Aff., Ex. 6, ¶ 11 (a state employee refused to recognize Janean and Lakeesha as a “real” family even though they “went into the office together, put everyone in [their] family on the application forms, and explained [their] situation as having a civil union in the state of Illinois.”); Watkins Aff., Ex. 5, ¶10 (police officers refused to speak to Janean or recognize that she was part of the family when she and Lakeesha went to a police station for a restraining order against a stalker who was threatening one of their teenaged daughters); Franke Aff., Ex. 18, ¶ 10 (exclusion of partner from court mediation because partner not considered a “spouse”); Chappell Aff., Ex. 17, ¶ 13 (state employee denied opportunity to add civil union partner to health insurance policy); Rizzo Aff., Ex. 32, ¶ 7 (discrimination by foster care agencies who refused to place a child with them because of their sexual orientation); Mercado Aff., Ex. 16, ¶ 8-9 (official at county clerk’s office prohibited parent from approaching the counter to seek her son’s birth certificate even though she was a legal parent both by virtue of an adoption order, and because her son was born during her civil union to the gestational mother, and the birth certificate listed her as a parent).)

42. The marriage ban invites discrimination by private actors including employers and service providers. One Plaintiff experienced discrimination by a funeral home and newspaper when a previous life partner died, and another Plaintiff suffered discrimination by a hospital when a previous life partner was dying. (Sprout Aff., Ex. 35, ¶¶ 9-10; R. Carey-Walden Aff., Ex. 38, ¶ 5.) Private employers have denied civil unionized Plaintiffs spousal health insurance despite offering such insurance to different-sex spouses. (O’Mara Aff., Ex. 29, ¶ 10.) Family members do not treat some Plaintiffs as married, or their civil union ceremonies as marriages. (Santos Aff., Ex. 7, ¶ 9; T. Lyonsford Aff., Ex. 47, ¶ 10.)

43. The marriage ban has caused many Plaintiffs to experience discrimination in hospitals and other medical settings and creates uncertainty about Plaintiffs’ ability to care for each other in times of crisis. (Cannon Aff., Ex. 13, ¶ 6; Watkins Aff., Ex. 5, ¶ 10; Burnett Aff., Ex. 30, ¶ 11; R. Carey-Walden Aff., Ex. 38, ¶ 7; Darby Aff., Ex. 1, ¶ 11; Julian Aff., Ex. 3, ¶¶ 11, 12; Morton Aff., Ex. 10, ¶ 8; J. Garcia Aff., Ex. 31, ¶ 7; Rizzo Aff., Ex. 32, ¶¶ 8, 9; Scott-Henderson Aff., Ex. 14, ¶ 6; Lopez Aff., Ex. 15, ¶ 10; O’Crowly Aff., Ex. 23, ¶ 5; Korty Aff., Ex. 9, ¶ 9; O’Mara Aff., Ex. 29, ¶¶ 7-9; B. Morton Aff., Ex. 10, ¶¶ 7,8; Franke Aff., Ex. 18, ¶ 13; Hutton Aff., Ex. 43, ¶ 9.) When Mercedes Santos and Theresa Volpe’s son Jaidon collapsed with kidney failure and was taken to the pediatric intensive care unit, hospital staff barred Theresa from the room unless she could identify herself as a “stepmother,” telling Theresa that admission to the ICU was for “parents only,” that a child could only have one “real” mother, and that Mercedes was already inside. (Volpe Aff. ¶¶ 12, 13.) The hospital administrator did not care that both Theresa and Mercedes were Jaidon’s legal parents, and Theresa was forced to call Mercedes’, who had to leave Jaidon’s side to argue with the hospital administrator. *Id.*

44. Plaintiffs' inability to marry interferes with their ability to take care of their children in tangible ways, including by draining their families of financial resources that otherwise could go toward child-centered things, such as educational expenses. (Harris Aff., Ex. 6, ¶ 11; Scott-Henderson Aff., Ex. 14, ¶ 6; B. Bowersox-Johnson Aff., Ex. 27, ¶¶ 10, 11, 12; K. Bowersox-Johnson Aff., Ex. 28, ¶¶ 9, 10; Cannon Aff., Ex. 13, ¶ 10; Lopez Aff., Ex. 15, ¶ 9; Franke Aff., Ex. 18, ¶ 9; Barton Aff., Ex. 21, ¶¶ 11-14; M. Santos Aff., Ex. 7, ¶ 7, Fletcher Aff., Ex. 11, ¶ 15; Rizzo Aff., Ex. 32, ¶¶ 8, 9, 11; Affidavit of Michael E. Lamb ("Lamb Aff."), Ex. 57 ¶ 45.)

45. Plaintiffs also face myriad inconveniences and misunderstandings caused by the status of their relationships simply because partnerships and civil unions are not universally recognized by society in the same way that marriage is recognized. (Darby Aff., Ex. 1, ¶¶ 10, 11, 14; Rice Aff., Ex. 4, ¶ 6; Watkins Aff., Ex. 5, ¶ 10; Harris Aff., Ex. 6, ¶ 11; Santos Aff., Ex. 7, ¶ 7; Korty Aff., Ex. 9, ¶¶ 9, 10; Morton Aff., Ex. 10, ¶ 8; Cannon Aff., Ex. 13, ¶ 9; Scott-Henderson Aff., Ex. 14, ¶ 6; Chappell Aff., Ex. 17, ¶¶ 9, 13; Franke Aff., Ex. 18, ¶¶ 10, 12; Proctor Aff., Ex. 20, ¶ 11; P. Garcia Aff., Ex. 22, ¶ 12; O'Crowly Aff., Ex. 23, ¶ 5; Burton Aff., Ex. 24, ¶¶ 9, 10; Dickey Aff., Ex. 26, ¶ 9; Hutton Aff., Ex. 43, ¶ 9; Cook Aff., Ex. 44, ¶ 8; Briones Aff., Ex. 45, ¶ 10; T. Lyonsford Aff., Ex. 47, ¶ 14; K. Lyonsford Aff., Ex. 48, ¶ 13; Bova Aff., Ex. 2, ¶¶ 13, 14; Hickok Aff., Ex. 12, ¶ 10; O'Mara Aff., Ex. 29, ¶ 7; Mascaro Aff., Ex. 39, ¶ 7.) As a result of the marriage ban, many Plaintiffs fear they will not be able to be by each other's side during future health emergencies or be able to make medical decisions for each other. (Franke Aff., Ex. 18, ¶ 13; Lopez Aff., Ex. 15, ¶ 10.)

B. The Marriage Ban Perpetuates Stigma And Inflicts Dignitary Harm On Plaintiffs And Their Families.

46. By prohibiting same-sex couples from marrying, Illinois law both reflects and perpetuates stigma against lesbians, gay men, and same-sex couples. Illinois law devalues and delegitimizes the relationships of same-sex couples. By giving heterosexuals exclusive access to the benefits associated with the institution of marriage, Illinois law perpetuates power differentials between heterosexual citizens and non-heterosexual citizens. Illinois law signals that in the eyes of the state, the committed relationships of same-sex couples are inferior to different-sex relationships and that partners in same-sex relationships are less deserving of social recognition and government protection. The stigma perpetuated by Illinois law affects not only individuals in committed relationships with a person of the same sex, but all gay, lesbian, and bisexual individuals as a group. (Affidavit of Letitia Anne Peplau (“Peplau Aff.”), Ex. 59, ¶¶ 54-56.) The extent to which lesbian and gay Illinoisans experience stigma is related to the establishment of statewide legal protections based on sexual orientation. (Affidavit of Ramona Faith Oswald (“Oswald Aff.”), Ex. 58, ¶¶ 14.)

47. Many Plaintiffs feel like inferior or “second class” citizens because they cannot legally marry and are only permitted to enter into civil unions. (Julian Aff., Ex. 3, ¶ 10; Volpe Aff., Ex. 8, ¶ 7; Scott-Henderson Aff., Ex. 14, ¶ 10; Franke Aff., Ex. 18, ¶ 11; Barton Aff., Ex. 21, ¶ 18; O’Mara Aff., Ex. 29, ¶ 13; Burnett Aff., Ex. 30, ¶ 13; J. Garcia Aff., Ex. 31, ¶8; Matos Aff., Ex. 34, ¶ 6; Spegal Aff., Ex. 36, ¶ 4; Rykhus Aff., Ex. 46, ¶ 12; T. Lyonsford Aff., Ex. 47, ¶ 13; K. Lyonsford Aff., Ex. 48, ¶ 10; Hamilton Aff., Ex. 49, ¶ 10; Magruder Aff., Ex. 50, ¶ 11.)

48. Plaintiffs’ exclusion from marriage frustrates their happiness and self-determination, and causes them distress. (Darby Aff., Ex. 1, ¶ 13; Harris Aff., Ex. 6, ¶¶ 11, 12; Santos Aff., Ex. 7, ¶ 7; Volpe Aff., Ex. 8, ¶ 15; Korty Aff., Ex. 9, ¶ 8; Fletcher Aff., Ex. 11, ¶ 15; Cannon Aff., Ex. 13, ¶ 6; Scott-Henderson Aff., Ex. 14, ¶ 11; Barton Aff., Ex. 21, ¶ 20; P. Garcia

Aff., Ex. 22, ¶ 13; Burton Aff., Ex. 24, ¶ 9; Hartman Aff., Ex. 25, ¶ 8; O’Mara Aff., Ex. 29, ¶¶ 7, 8, 9; 11; J. Garcia Aff., Ex. 31, ¶¶ 8,10; Rizzo Aff., Ex. 32, ¶ 12; Briones Aff., Ex. 45, ¶ 10; Hamilton Aff., Ex. 49, ¶ 9.)

49. Social science concerning stigmatized minority groups, including lesbians and gay men as well as ethnic/racial minorities, confirms that these groups may experience additional stress caused by prejudice and discrimination, and that this stress, termed “minority stress,” is associated with an increased risk of anxiety and depression. (Peplau Aff., Ex. 59, ¶ 31.)

50. The ban on same-sex marriage also causes significant dignitary harms to children of same-sex couples. (Lamb Aff., Ex. 57, ¶ 45.)

51. The marriage ban stigmatizes same-sex couples and their families and brands them as worth less than other families, inviting disrespect for parent-child relationships. (Watkins Aff., Ex. 5, ¶ 10; Mercado Aff., Ex. 16, ¶ 8; Rizzo Aff., Ex. 32, ¶¶ 9-11; Volpe Aff., Ex. 8, ¶ 14; Harris Aff., Ex. 6, ¶ 11; Scott-Henderson Aff., Ex. 14, ¶ 6; Sprout Aff., Ex. 35, ¶ 9.)

52. Illinois’s refusal to permit Plaintiffs to marry, and relegation of Plaintiffs families to civil unions, pains Plaintiffs’ children by sending the message that there is something wrong with their families of which they should feel ashamed (Hartman Aff., Ex. 25, ¶ 7; K. Bowersox-Johnson Aff., Ex. 28, ¶ 9; K. Lyonsford Aff., Ex. 48, ¶ 13; D. Scott-Henderson Aff., Ex. 14, ¶ 6; Santos Aff., Ex. 7, ¶ 8; Volpe Aff., Ex. 8, ¶¶ 11, 16; Chappell Aff., Ex. 17, ¶ 12; Rykhus Aff., Ex. 46, ¶ 11; Romine Aff., Ex. 40, ¶ 6; Barton Aff., Ex. 21, ¶¶ 11, 17), or that their families are less legitimate than other families (Lopez Aff., Ex. 15, ¶ 7; *see also, e.g.*, Dickey Aff., Ex. 26, ¶ 10; Volpe Aff., Ex. 8, ¶ 17).

53. Many Plaintiff couples wish to marry because marriage will afford Plaintiffs’ families and children greater comfort, stability, and security, and will enable children to grow up

feeling that their family is worthy of equal dignity and respect. (Watkins Aff., Ex. 5, ¶¶ 7, 10; Harris Aff., Ex. 6, ¶¶ 6, 10, 11; Santos Aff., Ex. 7, ¶ 8; Volpe Aff., Ex. 8, ¶¶ 11, 16; 17; Fletcher Aff., Ex. 11, ¶¶ 11, 12, 14; Hickok Aff., Ex. 12, ¶ 11; Cannon Aff., Ex. 13, ¶¶ 6, 7, 8; Scott-Henderson Aff., Ex. 14, ¶¶ 5, 6, 7, 8; Lopez Aff., Ex. 15, ¶¶ 7, 9, 10; Mercado Aff., Ex. 16, ¶¶ 8, 9; Chappell Aff., Ex. 17, ¶¶ 8, 9, 12; Barton Aff., Ex. 21, ¶¶ 16, 17; P. Garcia Aff., Ex. 22, ¶ 9, 11; Hartman Aff., Ex. 25, ¶ 6, 7; Dickey Aff., Ex. 26, ¶ 6, 10; B. Bowersox-Johnson Aff., Ex. 27, ¶¶ 7, 13, 14; K. Bowersox-Johnson Aff., Ex. 28, ¶ 8, 9; J. Garcia Aff., Ex. 31, ¶ 5, 9; Rizzo Aff., Ex. 32, ¶¶ 7, 11; Matos Aff., Ex. 34, ¶¶ 4, 5; Mascaro Aff., Ex. 39, ¶¶ 6, 8; Romine Aff., Ex. 40, ¶¶ 5, 6; Briones Aff., Ex. 45, ¶¶ 6, 12; Rykhus Aff., Ex. 46, ¶¶ 5, 11; T. Lyonsford Aff., Ex. 47, ¶¶ 11, 12, 15; K. Lyonsford Aff., Ex. 48, ¶ 13; Burnett Aff., Ex. 30, ¶ 11.)

C. Civil Unions Further Stigmatize Plaintiffs Because They Are Not Afforded The Same Level Of Respect As Marriage.

54. Many Plaintiff couples have entered into civil unions under the Illinois Religious Freedom Protection and Civil Union Act, 750 ILCS 75/1, *et seq.* (Darby Aff., Ex. 1, ¶ 8; Bova Aff., Ex. 2, ¶ 11; Julian Aff., Ex. 3, ¶ 7; Rice Aff., Ex. 4, ¶ 6; Watkins Aff., Ex. 5, ¶ 8; Harris Aff., Ex. 6, ¶ 8; Santos Aff., Ex. 7, ¶ 9; Volpe Aff., Ex. 8, ¶ 7; Korty Aff., Ex. 9, ¶ 6; Morton Aff., Ex. 10, ¶ 7; Fletcher Aff., Ex. 11, ¶ 10; Hickok Aff., Ex. 12, ¶ 6; Cannon Aff., Ex. 13, ¶ 5; Scott-Henderson Aff., Ex. 14, ¶ 5; Lopez Aff., Ex. 15, ¶ 6; Mercado Aff., Ex. 16, ¶ 7; Chappell Aff., Ex. 17, ¶ 7; Franke Aff., Ex. 18, ¶ 7; Barton Aff., Ex. 21, ¶ 8; O’Crowly Aff., Ex. 23, ¶ 5; Burton Aff., Ex. 24, ¶ 9; Hartman Aff., Ex. 25, ¶ 5; Dickey Aff., Ex. 26, ¶ 8; B. Bowersox-Johnson Aff., Ex. 27, ¶ 8; K. Bowersox-Johnson Aff., Ex. 28, ¶ 11; O’Mara Aff., Ex. 29, ¶ 6; Burnett Aff., Ex. 30, ¶ 10; J. Garcia Aff., Ex. 31, ¶ 6; Rizzo Aff., Ex. 32, ¶ 6; Sprout Aff., Ex. 35, ¶ 11; Spegal Aff., Ex. 36, ¶ 4; B. Carey-Walden Aff., Ex. 37, ¶ 3; R. Carey-Walden Aff., Ex.

38, ¶ 4; Mascaro Aff., Ex. 39, ¶ 7; Romine Aff., Ex. 40, ¶ 5; Wade Aff., Ex. 41, ¶ 9; Kee Aff., Ex. 42, ¶ 9; Hutton Aff., Ex. 43, ¶ 6; Cook Aff., Ex. 44, ¶ 6.)

55. However, Plaintiffs feel that a civil union is not equal to a marriage because it does not convey the same commitment or garner the same respect as marriage, and is held in less regard by society. (Darby Aff., Ex. 1, ¶ 9; Bova Aff., Ex. 2, ¶¶ 12, 13; Rice Aff., Ex. 4, ¶ 6; Julian Aff., Ex. 3, ¶ 10; Watkins Aff., Ex. 5, ¶¶ 8, 9; Harris Aff., Ex. 6, ¶ 9; Santos Aff., Ex. 7, ¶ 9; Volpe Aff., Ex. 8, ¶ 7; Korty Aff., Ex. 9, ¶¶ 6, 10; Morton Aff., Ex. 10, ¶¶ 7, 8, 9; Fletcher Aff., Ex. 11, ¶ 13; Lopez Aff., Ex. 15, ¶ 8; Chappell Aff., Ex. 17, ¶ 13; Martinez Aff., Ex. 19, ¶ 9; Proctor Aff., Ex. 20, ¶ 9, 11; Barton Aff., Ex. 21, ¶ 18; P. Garcia Aff., Ex. 22, ¶ 13; Hartman Aff., Ex. 25, ¶ 8; Dickey Aff., Ex. 26, ¶ 8; B. Bowersox-Johnson Aff., Ex. 27, ¶ 9; O'Mara Aff., Ex. 29, ¶¶ 6-10, 13; Burnett Aff., Ex. 30, ¶ 13; J. Garcia Aff., Ex. 31, ¶ 8; Rizzo Aff., Ex. 32, ¶ 12; Matos Aff., Ex. 34, ¶¶ 6, 7; Sprout Aff., Ex. 35, ¶ 11; .Spegal Aff., Ex. 36, ¶ 4; R. Carey-Walden Aff., Ex. 38, ¶ 8; Wade Aff., Ex. 41, ¶ 9; Kee Aff., Ex. 42, ¶ 9; Hutton Aff., Ex. 43, ¶¶ 8, 9-10; Cook Aff., Ex. 44, ¶¶ 8, 9; Briones Aff., Ex. 45, ¶ 10; Rykhus Aff., Ex. 46, ¶ 10; T. Lyonsford Aff., Ex. 47, ¶ 13; K. Lyonsford Aff., Ex. 48, ¶ 12.)

56. The language of civil unions sets same-sex couples apart in relation to married families and perpetuates stigma even as it affords certain rights. (Oswald Aff., Ex. 58, ¶ 15.) Civil unions send the message that Plaintiff couples' relationships are less worthy and less deserving of respect than married couples. (Volpe Aff., Ex. 8, ¶ 11; Cook Aff., Ex. 44, ¶ 9; Burnett Aff., Ex. 30, ¶ 13; Dickey Aff., Ex. 26, ¶ 9; Bova Aff., Ex. 2, ¶¶ 13, 14; Peplau Aff., Ex. 59, ¶¶ 54-56.)

57. Plaintiffs are forced to explain the meaning of a civil union and their inability to marry to others, further stigmatizing Plaintiffs and invoking a sense of shame. (Darby Aff., Ex.

1, ¶ 14; B. Bowersox-Johnson Aff., Ex. 27, ¶ 9; J. Garcia Aff., Ex. 31, ¶ 8; Harris Aff., Ex. 6, ¶ 9; Barton Aff., Ex. 21, ¶¶ 16, 18; Korty Aff., Ex. 9, ¶ 8; Mascaro Aff., Ex. 39, ¶ 7; O'Mara Aff., Ex. 29, ¶ 7.)

58. When Plaintiffs describe themselves as having entered a civil union, it sometimes prompts questions or laughter rather than mutual understanding, respect, and congratulations. (Volpe Aff., Ex. 8, ¶ 11; Cook Aff., Ex. 44, ¶ 9; Burnett Aff., Ex. 3, ¶ 13; Dickey Aff., Ex. 26, ¶ 9; Julian Aff., Ex. 3, ¶¶ 11, 12; Bova Aff., Ex. 2, ¶¶ 13, 14.)

D. Plaintiffs Are Excluded From The Intangible Benefits Of Marriage.

59. A majority of lesbians and gay men in this country would like to marry. (Peplau Aff., Ex. 59, ¶ 35.)

60. Marriage is widely regarded as one of the most important rites of passage for adulthood, and it marks a major transition in a person's life. For many, marriage signifies entry into full adulthood, with expectations that the individual will act in more mature ways. When a couple marries, they may bring with them separate networks of family, friends, and others who can support them in time of need. (*Id.* ¶¶ 46-48.) Marriage embodies many cultural values and expectations, often reflected in marriage vows by which spouses pledge to love and care for each other, to be faithful to each other, and to stay together through good times and bad until separated by death. (*Id.* ¶ 51.) Leading organizations of mental health professionals recognize the benefits of marriage for same-sex couples and the harm created by denying access to civil marriage to same sex couples. (*Id.* ¶ 53.)

61. Civil marriage would afford Plaintiff couples a level of dignity, legitimacy and respect that civil unions cannot. (Watkins Aff., Ex. 5, ¶ 9; Harris Aff., Ex. 6, ¶¶ 9, 11; Santos Aff., Ex. 7, ¶ 8; Volpe Aff., Ex. 8, ¶ 17; Morton Aff., Ex. 10, ¶¶ 7, 9; Fletcher Aff., Ex. 11, ¶ 11; Cannon Aff., Ex. 13, ¶ 10; Scott-Henderson Aff., Ex. 14, ¶¶ 7, 8, 10; Lopez Aff., Ex. 15, ¶ 12;

Franke Aff., Ex. 18, ¶ 8; Barton Aff., Ex. 21, ¶¶ 16, 19; Burton Aff., Ex. 24, ¶¶ 9, 11; B. Bowersox-Johnson Aff., Ex. 27, ¶ 9; O'Mara Aff., Ex. 29, ¶ 11; Burnett Aff., Ex. 30, ¶ 12; J. Garcia Aff., Ex. 31, ¶ 8; Rizzo Aff., Ex. 32, ¶ 12; Matos Aff., Ex. 34, ¶ 5; Spegal Aff., Ex. 36, ¶¶ 4, 5; R. Carey-Walden Aff., Ex. 38, ¶¶ 4, 9; Romine Aff., Ex. 40, ¶ 6; Hutton Aff., Ex. 43, ¶¶ 8, 10; Cook Aff., Ex. 44, ¶¶ 7, 9; Briones Aff., Ex. 45, ¶ 11; Rykhus Aff., Ex. 46, ¶¶ 10, 11; K. Lyonsford Aff., Ex. 48, ¶ 14; Hamilton Aff., Ex. 49, ¶ 11; Magruder Aff., Ex. 50, ¶ 12.)

62. Marriage has a unique and important cultural meaning and social significance that civil unions cannot provide. (Chappell Aff., Ex. 17, ¶ 12; Burton Aff., Ex. 24, ¶ 11; Burnett Aff., Ex. 30, ¶ 12; Sprout Aff., Ex. 35, ¶ 5; Briones Aff., Ex. 45, ¶ 11.) For some Plaintiff couples, marriage is part of their deeply-held values in a way that civil unions are not. (Fletcher Aff., Ex. 11, ¶¶ 13, 16; Kee Aff., Ex. 42, ¶ 9; Burton Aff., Ex. 24, ¶ 11; Volpe Aff., Ex. 8, ¶ 6.)

63. Plaintiffs wish to be able to accurately and legally refer to their relationships as marriages and to their partners as spouses. (Darby Aff., Ex. 1, ¶ 10; Bova Aff., Ex. 2, ¶ 14; Julian Aff., Ex. 3, ¶ 13; Morton Aff., Ex. 10, ¶ 7; Lopez Aff., Ex. 15, ¶¶ 8, 11; Barton Aff., Ex. 21, ¶ 19; O'Crowly Aff., Ex. 23, ¶ 6; O'Mara Aff., Ex. 29, ¶¶ 11, 14; T. Lyonsford Aff., Ex. 47, ¶ 14.)

64. Some Plaintiff couples feel as though their ability to express the depth of their love and commitment to their partner is stifled by their inability to marry. (Darby Aff., Ex. 1, ¶ 13; Briones Aff., Ex. 45, ¶ 10; Lopez Aff., Ex. 15, ¶ 8; Dickey Aff., Ex. 26, ¶ 8; Barton Aff., Ex. 21, 19-20; J. Garcia Aff., Ex. 31, 10; Watkins Aff., Ex. 5, ¶ 8; P. Garcia Aff., Ex. 22, 13; Burton Aff., Ex. 24, ¶ 9; Rizzo Aff., Ex. 32, ¶¶ 6, 12; Burnett Aff., Ex. 30, ¶ 12; O'Mara Aff., Ex. 29, ¶¶ 12-14; Cannon Aff., Ex. 13, ¶ 12.)

65. Marriage provides spouses with a well-understood social network of in-laws, friends, and others who can provide emotional support and tangible assistance, and allow them to draw upon shared cultural expectations and respect. (Peplau Aff., Ex. 59, ¶ 50-51.) Lesbian and gay people benefit not only from close intimate relationships but from social, emotional, and material support for their relationships. (*Id.* ¶ 32.)

66. A large body of scientific research comparing heterosexuals who are currently married to those who are not married establishes that marriage fosters psychological well-being, physical health, and longevity. (*Id.* ¶¶ 39-43.) Studies consistently associate marriage with better health and greater longevity; marriage also has a moderating effect on individual risk-taking behavior, and helps promote more healthful lifestyles. (*Id.* ¶¶ 40, 44.)

IV. SEXUAL ORIENTATION AND SAME-SEX RELATIONSHIPS.

67. Sexual orientation refers to an enduring pattern of emotional, romantic, and/or sexual attractions to men, women, or both sexes. (Peplau Aff., Ex. 59, ¶¶ 10, 16-20.) Sexual orientation is most often discussed in terms of three categories: heterosexual (having emotional, romantic, or sexual attractions to members of the other sex), gay/lesbian (having attractions to members of one's own sex), and bisexual (having attractions to both men and women). (*Id.* ¶ 17.) One's sexual orientation, whether gay or non-gay, is expressed through relationships, including marriage. (*Id.* ¶ 20.)

68. Most adults are attracted to and form relationships with members of only one sex. (*Id.* ¶ 22.) The significant majority of adults exhibit a "significant and enduring sexual orientation," that remains stable over time. (*Id.* ¶ 25.) Most gay men and lesbian women report experiencing "no choice at all" or "very little choice" about their sexual orientation. (*Id.* ¶ 25.)

69. Sexual orientation has proven to be "highly resistant to change" through psychological or religious interventions. (*Id.* ¶ 26.) No major mental health professional

organization has approved interventions to change sexual orientation, and virtually all of them have adopted policy statements cautioning professionals and the public about these treatments. (*Id.* ¶¶ 26-27.)

70. It is well-established that homosexuality is a normal expression of human sexuality. It is not a mental illness, and “being gay or lesbian has no inherent association with a person’s ability to participate in or contribute to society. Lesbians and gay men are as capable as heterosexuals of leading a happy, healthy, and productive life. They are also as capable as heterosexuals of doing well in their jobs and of excelling in school.” (*Id.* ¶¶ 29-32.)

71. Research documents striking similarities between same-sex and heterosexual couples on standardized measures of love, relationship satisfaction, and relationship adjustment. Like their heterosexual counterparts, many lesbian, gay, and bisexual individuals form loving, longlasting relationships with a partner, which serve basic human needs for love, attachment and intimacy. The extensive body of research that examines the quality and functioning of same-sex relationships demonstrates that same-sex couples are not inherently different from heterosexual couples. To the contrary, same-sex couples closely resemble heterosexual couples and the processes that affect both types of relationships are remarkably similar. The same factors that contribute to commitment and stability in same-sex relationships apply to different-sex couples. Just as is true for non-gay individuals, lesbian and gay people benefit not only from close intimate relationships but from social, emotional, and material support for their relationships. As is true of non-gay Americans, a majority of lesbians and gay men in this country would like to marry. (*Id.* ¶¶ 12, 20, 23, 34-36, 38; Badgett Aff., Ex. 51, ¶¶ 17-18 (estimating that between 6,053 and 11,525 same-sex couples living in Illinois would marry within three years of the removal of the marriage ban).)

72. Plaintiffs' commitments to each other and to their families are no different from the commitments made to each other by different-sex married couples. (Bova Aff., Ex. 2, ¶ 15; Harris Aff., Ex. 6, ¶¶ 7, 12; Santos Aff., Ex. 7, ¶¶ 6, 10; Korty Aff., Ex. 9, ¶ 6; Cannon Aff., Ex. 13, ¶¶ 7, 12; Lopez Aff., Ex. 15, ¶ 7; Chappell Aff., Ex. 17, ¶ 12; Martinez Aff., Ex. 19, ¶ 7; Barton Aff., Ex. 21, ¶ 15; P. Garcia Aff., Ex. 22, ¶ 8; Burton Aff., Ex. 24, ¶ 11; B. Bowersox-Johnson Aff., Ex. 27, ¶ 9; Burnett Aff., Ex. 30, ¶¶ 7, 8; Briones Aff., Ex. 45, ¶ 9; Rykhus Aff., Ex. 46, ¶ 9; T. Lyonsford Aff., Ex. 47, ¶ 15; K. Lyonsford Aff., Ex. 48, ¶ 14.)

73. There is no credible evidence that heterosexual relationships would be harmed if same-sex couples were permitted to marry, nor will allowing same-sex couples to marry affect the quality or stability of different-sex relationships. (Peplau Aff., Ex. 59, ¶¶ 57-64.)

V. PARENTING BY SAME-SEX COUPLES.

74. The Census Bureau counted 23,049 same-sex couples living together in Illinois in 2010. Same-sex couples comprised at least 0.5% of all households in Illinois. Approximately 17% of these same-sex couples in Illinois are raising children under the age of 18. (Badgett Aff., Ex. 51, ¶ 13.) Approximately 2.6% of adopted children in Illinois live with a lesbian or gay parent. (*Id.* ¶ 14.) For Plaintiff couples with children, familial arrangements take many forms including same-sex couples with adopted children, foster children, children from previous different-sex marriages, and children born into the same-sex relationship via assisted reproduction. (Volpe Aff., Ex. 8, ¶ 9; Scott-Henderson Aff., Ex. 14, ¶ 5; Hutton Aff., Ex. 43, § 6; Hickok Aff., Ex. 12, ¶ 7; Rykhus Aff., Ex. 46, ¶ 9; Rizzo Aff., Ex. 32, ¶ 7.)

75. Psychologists use the term "adjustment" to refer to psychological well-being and successful functioning in everyday life. The main factors accounting for children's adjustment in both "traditional" and "non-traditional" family structures, including families headed by same-sex couples, are: 1) the quality of a child's relationship with their parents or important parental

figures; 2) the quality of the adults' relationship, with conflict predicting maladjustment and a harmonious relationship predicting healthy adjustment; and, 3) the availability of economic and social resources, with adequate resources predicting better adjustment. (Lamb Aff., Ex. 57, ¶¶ 12-16.)

76. There is consensus within the mainstream scientific community that parental sexual orientation has no effect on children's adjustment. Nothing about a parent's sex or sexual orientation affects either that parent's capacity to be a good parent or a child's healthy development. Numerous leading organizations representing mental health and child welfare professionals (*e.g.*, the American Academy of Pediatrics, the American Psychiatric Association, the American Psychological Association, the National Association of Social Workers and the Child Welfare League of America) have issued statements confirming that lesbian and gay parents are as effective as heterosexual parents in raising well-adjusted children and that these parents and their children should not face discrimination. (*Id.* ¶¶ 19, 22-30.)

77. The fact that children raised by gay and lesbian parents are as well-adjusted and as psychologically, emotionally, educationally and socially successful as children raised by heterosexual parents has been documented by numerous studies conducted over 30 years by respected researchers, including more than 50 peer-reviewed empirical reports. This conclusion is based on studies published in mainstream journals in developmental and child clinical psychology, including the flagship peer-review journals (*Child Development*, *Developmental Psychology* and the *Journal of Child Psychology and Psychiatry*). These periodicals are rigorously peer-reviewed and highly selective and their standards reflect expert consensus on generally accepted social scientific standards for research on child development. The studies

discussed in these paragraphs represent the type of research that members of these professions consider reliable. (Lamb Aff., Ex. 57, ¶¶ 27-30, 32-33.)

78. The scientific research by Professors Loren Marks² and Mark Regnerus³ cited in the *Amici Curiae* Brief of Illinois Legislators in Support of Intervening Clerks has been thoroughly discredited by an internal audit conducted by the journal that published them. (Lamb Aff., Ex. 57, ¶¶ 34-39.)

79. Dr. Marks' piece is a materially incomplete review of the literature that mischaracterizes the extensive research about same-sex parents published before 2005, and ignores entirely the many informative studies published since then. (Lamb Aff., Ex. 57, ¶ 36.)

80. Dr. Regnerus's article did not actually assess what it purported to study — namely, the effect on child development of having same-sex parents, and the article does not yield any conclusions about children who grow up in families with same-sex parents. (Lamb Aff., Ex. 57, ¶¶ 37-39.)

81. As a result of over 50 years of research into nontraditional families, and 25 years of scholarship on developmental outcomes specifically for children of same-sex couples, it also is well-established that children do not need a parent of each gender to be well adjusted, that both men and women have the capacity to be good parents, and that children do not need male and female role models in the home to develop normally. (*Id.* ¶¶ 18-19.) “The social science literature overwhelmingly rejects the notion that there is an optimal gender mix of parents or that

² L. Marks, *Same-Sex Parenting and Children's Outcomes: A Closer Examination of the American Psychological Association's Brief on Lesbian and Gay Parenting*, 41 SOC. SCI. RES. 735 (2012).

³ M. Regnerus, *How Different are the Adult Children of Parents who have Same-Sex Relationships? Findings from the New Family Structures Study*, 41 SOC. SCI. RES. 752 (2012).

children and adolescents with same-sex parents suffer any developmental disadvantages compared with those with two different-sex parents.” (*Id.* ¶ 29.)

82. There is no empirical support for the notion that children need both male and female role models in their homes to adjust well. Children encounter many role models in addition to their parents in everyday life. Despite the absence of male role models in the home, for example, children who have only one resident female parent are no more likely than other children to have gender identity disorders or gender roles that differ from their peers. (*Id.* ¶¶ 22-26, 31.)

83. There is nothing about the sex of a parent that directly affects that parent’s capacity to be a good parent. Disparities in parenting skills reflect greater or lesser “on the job” experience and opportunities to learn rather than biological differences. Nothing about a parent’s sex determines one’s parenting style. While, on average, men and women tend to assume different styles when parenting the same child, men who parent alone or are the child’s primary caregiver tend to adopt the parenting style often characteristic of mothers. Observed differences appear to reflect differences between the responsibilities of the primary or secondary parent rather than sex-based differences. Many parents do not assume traditional gender roles or offer both of the typical male and female parenting styles and this has been shown not to affect a child’s adjustment. (*Id.* ¶¶ 23-25.)

84. Studies reporting that children of gay and lesbian parents have less sex-stereotyped beliefs, and are more open-minded in their views of societal norms and standards about appropriate gender roles (*e.g.*, seeing becoming a nurse, doctor or astronaut as appropriate aspirations for both boys and girls) are consistent with findings as to children in other types of

non-traditional families (*e.g.*, families with two employed parents). Reported differences in sex-stereotyped beliefs and behavior are not differences in adjustment. (*Id.* ¶ 31.)

85. Children adopted early in life (as opposed to children who were adopted later, often after difficult early life experiences) have similar outcomes to biological children. There is a substantial body of research on parents who have chosen to raise biologically unrelated children rather than remain childless. These studies show that such parents are at least as competent as parents raising their biological children; indeed, many studies show that these parents are more competent or committed in some respects. (*Id.* ¶¶ 42, 44.)

86. Marriage can yield important benefits for children and families, including state and federal legal protections, economic benefits, and social legitimacy. These benefits are equally advantageous for children and adolescents in same-sex and different-sex families. Many lesbians and gay men already are parents, and it is in the best interests of their children for these families to have equal access to the protections, benefits, social legitimacy and support afforded through marriage. (*Id.* ¶ 45.)

VI. THE CHANGING NATURE AND MEANING OF MARRIAGE.

87. Marriage is not a static institution; it has changed over time to meet changing social and ethical needs and to embody fuller notions of consent and personal choice. Changes have included the elimination of many requirements we now recognize as discriminatory or otherwise impermissible — such as race-based entry requirements, and gendered restrictions that historically were considered signal aspects of marriage. (Affidavit of Nancy F. Cott (“Cott Aff.”), Ex. 55, ¶¶ 8-17, 36-82.)

88. Despite these many changes, marriage remains a fundamental right and a highly respected institution that plays a unique and central social, legal and economic role in American society, including in Illinois. (Darby Aff., Ex. 1, ¶11; Bova Aff., Ex. 2, ¶¶ 13-15; Julian Aff.,

Ex. 3, ¶¶ 9-12; Watkins Aff., Ex. 5, ¶ 10; Harris Aff., Ex. 6, ¶¶ 9, 11; Santos Aff., Ex. 7, ¶¶ 7-9; Volpe Aff., Ex. 8, ¶¶ 7, 11-16; Korty Aff., Ex. 9, ¶¶ 6-9; Morton Aff., Ex. 10, ¶¶ 8-9; Fletcher Aff., Ex. 11, ¶¶, 12, 14-15; Hickok Aff., Ex. 12, ¶¶ 10-11; Cannon Aff., Ex. 13, ¶¶ 6-7; Scott-Henderson Aff., Ex. 14, ¶¶ 6- 8; Lopez Aff., Ex. 15, ¶¶ 8, 10; Mercado Aff., Ex. 16, ¶¶ 8-9; Chappell Aff., Ex. 17, ¶¶ 9, 13; Franke Aff., Ex. 18, ¶¶ 9-10, 12-13; Martinez Aff., Ex. 19, ¶¶ 8-9; Proctor Aff., Ex. 20, ¶¶ 9-10; Barton Aff., Ex. 21, ¶¶ 16, 18-20; P. Garcia Aff., Ex. 22, ¶¶ 7, 13; O’Crowly Aff., Ex. 23, ¶¶ 5-6; Burton Aff., Ex. 24, ¶¶ 9-10; Hartman Aff., Ex. 25, ¶¶ 7, 10; Dickey Aff., Ex. 26, ¶¶ 8-9; B. Bowersox-Johnson Aff., Ex. 27, ¶¶ 9-12; K. Bowersox-Johnson Aff., Ex. 28, ¶¶ 9-10; O’Mara Aff., Ex. 29, ¶¶ 7-14; Burnett Aff., Ex. 30, ¶¶ 11, 13; J. Garcia Aff., Ex. 31, ¶¶ 8, 10; Rizzo Aff., Ex. 32, ¶¶ 6, 8-12.)

89. Marriage in the United States has been an institution authorized and regulated by civil law, not religious authorities. While religious authorities were permitted by state laws to preside over marriage ceremonies and could decide whether to recognize the marriage according to their own tenets, those religious authorities had no say in determining which marriages the state would recognize as valid. (Cott Aff., Ex. 55, ¶¶ 18-22.)

90. Marriage in the United States is virtually unrecognizable from its earlier common law counterpart, having undergone radical, unthinkable changes in laws governing who may marry, when marriages may end, and the legal significance and consequences of marriage for the individuals involved. (*Id.* ¶¶ 8, 13.)

91. American marriage law is vastly changed in its treatment of men and women. Early in Illinois’ history, the centuries-old doctrine of coverture, in which the woman’s separate legal identity disappeared into the man’s upon marriage, reigned in Illinois as elsewhere. A married woman could not own property, represent herself in court, sign a contract, or keep any

money she earned. Illinois law also granted a husband access to his wife's body, exempting him from prosecution for rape and other criminal sexual conduct. Indeed, the Illinois legislature did not remove all distinctions in the criminal law for commission of criminal sexual conduct against a spouse until 2004. Men were expected alone to support the family and to represent and make decisions for the family in the external world. (*Id.* ¶¶ 13, 48-62.)

92. Illinois, along with other states, has eliminated gender-based rules and distinctions relating to marriage in order to reflect contemporary views of gender equality and to provide fundamental fairness to both marriage partners. Illinois courts and legislatures have remedied numerous longstanding gender-based inequities, many of which previously had been considered inherent in marriage and reflective of the proper and natural roles of men and of women. Illinois marriage law treats men and women without regard to sex and sex role stereotypes — except in the statutory requirement that men may marry only women and women may marry only men. The sexes are equal before the law and have reciprocal obligations within marriage. (*Id.* ¶¶ 58-62.) “[T]oday, marriage has been transformed from an institution rooted in gender inequality and gender-based prescribed roles to one in which the contracting parties decide on appropriate behavior toward one another, and the sex of the spouses is immaterial to their legal obligations and benefits.” (*Id.* ¶ 61.) Indeed, “[t]he gender equality of marriage today would profoundly shock any American from the era of the American Revolution, or the Civil War. But they would recognize in contemporary marriage the institution’s foundation in two consenting parties freely choosing one another.” (*Id.* ¶ 62.)

93. For hundreds of years in the United States there also were legal barriers to marriage, originating in colonial times, based on the races of the partners wishing to marry. Slaves, not being considered legal persons, could not lawfully consent and therefore could not

legally marry. The vast majority of States, including Illinois, had laws prohibiting certain marriages based on racial and ethnic classifications; most of these laws survived long after Emancipation. (*Id.* ¶¶ 37-39, 41-44, 65.)

94. It was not until the U.S. Supreme Court decision in *Loving v. Virginia* in 1967 that the states were free of racial and ethnic discrimination in marriage and family law. Illinois' ban on interracial marriage had been in place since 1874. (*Id.* ¶¶ 67-69.) "Today virtually no one in the United States questions the legal right of individuals to choose a marriage partner without government interference based on race," even though racial restrictions were "long embedded in our laws and concepts of marriage" and "often defended as 'natural' and 'in accord with God's plan.'" (*Id.* ¶ 69.)

95. The ability to end a marriage to which one or both spouses no longer consent is another fundamental change that has transformed American marriage law. Divorce first became available in some states and territories shortly after the American Revolution, but only in very narrow circumstances involving findings of fault in one spouse's failure to meet his or her (largely gender-driven) marital responsibilities to the other spouse and to the state. Divorce took this form in Illinois as well and, though the grounds for divorce expanded over time, continued as a fault-driven process well into the 20th century. (*Id.* ¶¶ 70-75.)

96. In 1984, Illinois was one of the last three states to institute no-fault divorce. This fundamental change permitted spouses to exercise continuing choice over whether to be married, to set their own goals for the marriage and to evaluate for themselves whether their goals for the marriage were being met. (*Id.* ¶¶ 75-76.)

97. The validity of a marriage has never depended on the ability of the couple to procreate. Women past menopause and sterile individuals have always been permitted to marry in Illinois. (*Id.* ¶¶ 31-32.)

VII. GAY MEN AND LESBIANS HAVE BEEN SUBJECT TO A HISTORY OF ANTI-GAY DISCRIMINATION IN ILLINOIS AND NATIONALLY.

98. Lesbian and gay men have been subject to widespread and significant discrimination and hostility in the United States. (Affidavit of George Chauncey (“Chauncey Aff.”), Ex. 54, ¶ 6.)

99. Through much of the last century, in particular, lesbians and gay men were delegitimized and even institutionalized against their will as a result of medical theories labeling them as diseased, disordered, defective, and degenerate — just as medical science previously had legitimized widely held and subsequently discarded beliefs about female inferiority and non-white racial inferiority. (*Id.* ¶¶ 6-7, 13, 27-28.) Penal laws condemned lesbian and gay relationships as crimes, and police practices prevented lesbians and gay men from associating and socializing publicly. (*Id.* ¶¶ 7, 11-12, 18-22, 29-31, 36-39, 55-56.) Censorship codes prohibited depictions of lesbians or gay men on stage, in movies, or on television. (*Id.* ¶¶ 7, 12-13, 32-35.) Federal and state laws and policies excluded lesbians and gay men from employment, foster care, adoption, and other arenas, and failed to protect lesbians and gay men from private discrimination in most states. (*Id.* ¶¶ 7, 12, 40-51, 66-70, 74-87.) These laws, policies, and ideological messages worked together to create and reinforce the belief that lesbians and gay men comprised an inferior class to be shunned by other Americans. (*Id.* ¶¶ 7, 13-14, 52-54.)

100. Anti-gay discrimination continues today in the private and public sectors. Anti-gay discrimination and purposeful unequal treatment by individuals and organizations in the

private sector includes: vicious physical assaults and threats; damage to property; verbal harassment; being followed; shunning or avoidance; hostility; propagation of stereotypes; harmful depictions of gay people in the media; refusal of services; and discrimination in employment, public accommodations, and housing. (Affidavit of Jerry Bowman (“Bowman Aff.”), Ex. 53, ¶¶ 9, 17-19, 24; Affidavit of David M. Bentlin (“Bentlin Aff.”), Ex. 52, ¶¶ 7, 16, 24; Affidavit of Arthur Johnston (“Johnston Aff.”), Ex. 56, ¶¶ 12, 13; Oswald Aff., Ex. 58, ¶¶ 12(ii)-13; Affidavit of Gary M. Segura (“Segura Aff.”), Ex. 60, ¶¶ 71-76.) In a survey conducted in 2011 of lesbian, gay, and bisexual people living in 36 downstate Illinois counties, 87% of the respondents reported experiencing acts of sexual orientation-related prejudice, discrimination and/or violence within the last year. (Oswald Aff., Ex. 58, ¶ 12.ii.1.)

101. Lesbian and gay Illinoisans experience discrimination, hostility, and violence in many forms. (Johnston Aff., Ex. 56, ¶ 8 (unwarranted police raids of gay bars in Chicago area); ¶¶ 7, 31 (efforts made by lesbians and gay men to preserve their anonymity to avoid discriminatory repercussions); ¶ 22 (Chicago City Council debate in which lesbians and gay men were referred to as “animals” and “sodomites” who “eat human waste”); Bentlin Aff., Ex. 52, ¶ 7 (gay man beat with hammer in McLean County because of supposed “gay overtures”); ¶ 11 (published letter in Bloomington-Normal newspaper comparing lesbians and gay men to “rapists and child molesters”); ¶ 12 (homosexuality described during Normal City Council debate on human rights ordinance as “self-destructive lifestyle,” questions raised whether landlords would be forced to “host sex orgies with animals”); Bowman Aff., Ex. 53, ¶¶ 9, 12-18 (challenges of publishing LGBT newspaper, including a printer who insisted Bowman arrive at 5 a.m. and depart before the work day began to avoid any public association with the paper, advertisers, and distribution locations who refused to display the paper openly, and the spray-painting of crosses

on the windows of the newspaper's office); Magruder Aff., Ex. 50, ¶ 11 (“Ed and I were forced to hide our relationship while working for decades in public schools. And we were victims of various anti-gay-motivated crimes: “queers” written on our house, car tires slashed, eggs thrown at the house, and even a bullet shot through a window. Today we have less fear of anti-gay violence and discrimination, but Illinois’ refusal to recognize our marriage continues the discrimination we experienced in our earlier years together.”).)

102. Anti-gay violence and brutal hate crimes against lesbian and gay people continues to be a pervasive problem. (Chauncey Aff., Ex. 54, ¶¶ 93-96.) As an example, hate crimes on the basis of sexual orientation account for 17.8% of total hate crime incidents and gay men are among the most likely people (along with Jewish Americans) to be victimized by a hate crime. (Segura Aff., Ex. 60, ¶¶ 58-59.)

103. Many lesbian and gay people in Illinois remain “closeted” to prevent retribution; even family members may be unaware of their sexual orientation. (Bentlin Aff., Ex. 52, ¶¶ 7, 26; Bowman Aff., Ex. 53, ¶ 18; Johnston Aff., Ex. 56, ¶¶ 7, 35; Oswald Aff., Ex. 58, ¶ 12; Segura Aff., Ex. 60, ¶ 62.) Gay men and lesbians place particular weight on privacy for this reason. (Johnston Aff., Ex. 56, ¶ 31; Bentlin Aff., Ex. 52, ¶ 7.) As a result of this emphasis on privacy and a belief that complaints of discrimination will not be redressed, anti-gay discrimination in Illinois often goes unreported. (Bentlin Aff., Ex. 52, ¶ 26.) A history of police brutality against and indifference toward lesbian and gay people also contributes to underreporting. (Bowman Aff., Ex. 53, ¶ 19; Johnston Aff., Ex. 56, ¶¶ 8, 10.)

104. Discrimination against gay people in the national public sector has included: bans on military service, including “Don’t Ask, Don’t Tell”; initiatives, referenda, and lawsuits orchestrated by national anti-gay groups to repeal or prevent passage of marriage, anti-

discrimination, domestic partner and civil union laws benefiting gay people; a lack of federal legislation prohibiting discrimination against gay men and lesbians in employment, education, access to public accommodations, housing, and immigration; the adoption of the “Defense of Marriage Act,” or DOMA, which precludes even legally married same-sex couples from acquiring rights afforded to married individuals; and restrictions on adoption and foster parenting. (Segura Aff., Ex. 60, ¶¶ 30-31, 33-34, 38, 41-44; Chauncey Aff., Ex. 54, ¶¶ 7, 9, 16, 38, 40-42, 46-49, 68-69, 78-80, 93-96, 99.)

105. Discrimination against gay people in the public sector in Illinois has included not only Illinois DOMA and its effects, but also: police brutality and indifference; denigration in public political fora; failure to expand Family and Medical Leave protections to Illinois couples in civil unions; and failure to improve the Illinois bullying law to better protect gay youth. (Segura Aff., Ex. 60, ¶¶ 32, 36, 79-81.)

106. The limited civil rights afforded to lesbians and gay men in the United States varies substantially from region to region and state to state, subject to the winds of public opinion. (Chauncey Aff., Ex. 54, ¶¶ 10, 100, 102.) Anti-gay organizations and public officials often use demeaning stereotypes and inflammatory rhetoric to enact further discriminatory measures or to block the legislative or judicial repeal of existing measures. (*Id.* ¶¶ 7, 30, 40, 44, 53, 56, 67, 73, 91-92, 99-102.) These efforts, which are often successful, serve to erode gay individuals’ civil rights and diminish their status as full citizens. (*Id.* ¶¶ 9, 101.) Like other minority groups, gay men and lesbians often must rely on judicial decisions to secure equal rights. (*Id.* ¶¶ 10, 17, 76, 100, 102.)

VIII. THE GAY COMMUNITY SUFFERS FROM A RELATIVE LACK OF POLITICAL POWER AND FACES IMPEDIMENTS TO SECURING RIGHTS THROUGH THE DEMOCRATIC CHANNELS, INCLUDING THE FREEDOM TO MARRY.

107. The gay community in Illinois faces significant impediments to the usual democratic channels used to secure basic rights. The relative lack of political power of the gay community is evidenced by its inability to bring an end to pervasive prejudice and discrimination or to secure desired policy outcomes. Obstacles include the existence of societal prejudice, which makes the accumulation of resources such as finances and allies difficult. Without these resources, the gay community is subject to political exclusions and is unable to influence the political agenda. (Segura Aff., Ex. 60, ¶¶ 10, 13, 15, 28, 29.) As explained by Professor Segura: “Gay men and lesbians do not possess a meaningful degree of political power and are politically vulnerable, relying almost exclusively on allies who are regularly shown to be insufficiently strong or reliable to achieve their goals or protect their interests...[G]ay men and lesbians...are subject to political exclusion and suffer political disabilities greater than other groups that have received suspect classification protection from the courts.” (*Id.* ¶ 10.)

108. The gay community is not proportionally represented in the political sphere. There are very few openly lesbian or gay elected officials in Illinois state or local government, and being openly gay is a distinct liability in most electoral jurisdictions. Non-gay elected officials who support protections against anti-gay discrimination often suffer severe political reprisals as well as personal attacks and threats. (*Id.* ¶¶ 49-52, 84-85; Bentlin Aff., Ex. 52, ¶¶ 13, 22; Bowman Aff., Ex. 53, ¶ 22; Johnston Aff., Ex. 56, ¶ 35.)

109. Other advocacy groups, even allies, are often unwilling to form coalitions with gay groups to lobby in support of gay issues because it is counter productive to their self interest to be associated with gay issues and groups. (Bentlin Aff., Ex. 52, ¶ 8; Johnston Aff., Ex. 56,

¶¶ 20, 25-26.) Because many gay people legitimately fear retribution if they are publicly identified as gay, gay groups guard the privacy of their members. This inhibits coalition-building. (Bentlin Aff., Ex. 52, ¶¶ 7, 9, 17-18; Bowman Aff., Ex. 53, ¶ 7; Johnston Aff., Ex. 56, ¶¶ 7, 14, 35.)

110. As described by Arthur Johnson, one of the founders of the statewide equality group Equality Illinois: “Even supportive politicians have often been reluctant to support us because of fear of political retribution. The belief that a pro-gay position was politically toxic often persisted long after polling indicated that it was not. Furthermore, it was often almost impossible to organize sufficient numbers of [members of the gay community] to speak out because they were closeted and fearful of repercussions. Developing effective coalitions with other groups often proved difficult because we often had little to offer in terms of influence.” (Johnson Aff., Ex. 56, ¶ 35.)

111. Low representation, no allies, and no coalition means that politically, gay and lesbian people have no resources, little access to politically powerful individuals, and few votes. (Bentlin Aff., Ex. 52, ¶¶ 18, 27; Johnston Aff., Ex. 56, ¶ 19.)

112. When gay and lesbian people do access political channels, they are subject to animosity by public officials. Public officials in Illinois have felt free to make anti-gay comments in public fora, including during legislative session. (Bentlin Aff., Ex. 52, ¶ 12; Bowman Aff., Ex. 53, ¶¶ 21, 23; Johnston Aff., Ex. 56, ¶¶ 22, 37; Segura Aff., Ex. 60, ¶¶ 77-82.)

113. Attempts to access political channels are often met with outrage, hostility, and intimidation by the public. (Bentlin Aff., Ex. 52, ¶¶ 11, 14-16, 24; Bowman Aff., Ex. 53, ¶ 23.)

114. Gay activists often face politically-powerful and well-funded opposition that disseminate inaccuracies about the gay community. (Bentlin Aff., Ex. 52, ¶ 14; Segura Aff., Ex. 60, ¶¶ 88-89.)

115. As a result of a lack of political power, gay people have been unable to secure basic legal rights, including the right to marry. (Segura Aff., Ex. 60, ¶¶ 29-39.)

116. Although changes in the local and state laws have provided some redress, the discrimination continues and the gay community remains politically disadvantaged. (Bentlin Aff., Ex. 52, ¶ 26; Bowman Aff., Ex. 53, ¶ 24; Johnston Aff., Ex. 56, ¶ 34; Oswald Aff., Ex. 58, ¶ 15; Segura Aff., Ex. 60, ¶¶ 23-26, 39.) The victories that the gay community has achieved at the local and state levels have long and tortuous histories and are often subject to reversal or remain otherwise insecure. (Bentlin Aff., Ex. 52, ¶¶ 19, 20, 22; Johnston Aff., Ex. 56, ¶¶ 18, 22; Segura Aff., Ex. 60, ¶¶ 18-19; 24-25, 37, 40-41, 43, 45.)

IX. EXCLUDING SAME-SEX COUPLES FROM MARRIAGE IMPOSES SUBSTANTIAL ECONOMIC COSTS ON ILLINOIS AND ITS SAME-SEX COUPLES.

117. Denying Illinois same-sex couples the right to marry deprive state and local subdivisions from the significant tax and fee revenue that would have accrued as a result of wedding ceremonies of same-sex couples. Over the next three years, the State's economy will lose \$54 million to \$103 million in business revenue and \$4.5 million to \$8.5 million in tax revenues that would have been generated by weddings of same-sex couples. (Badgett Aff., Ex. 51, ¶¶ 15, 20-22.)

118. The State's economy will also suffer from Illinois remaining as a less attractive location for highly qualified same-sex workers. (*Id.* ¶¶ 28-31.)

119. Denying Illinois same-sex couples the right to marry increases spending on uncompensated health care for uninsured people because same-sex partners are often denied

access to their partner's health insurance plans because they are not legally married. (*Id.* Ex. 51, ¶ 27.)

120. Unequal treatment of same-sex couples in the workplace causes other costs through loss of productivity. Workplace discrimination and institutionalized conditions of inequality will likely reduce same-sex worker commitment to working in Illinois. (*Id.* ¶¶ 61-63.) This reduced commitment will result in reduced business profits and individual incomes, leading to lower income and business tax revenue. (*Id.* ¶ 26.)

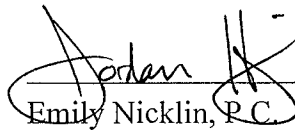
121. The absence of a right to marry imposes economic harm on same-sex couples because many of those couples will not enter a civil union in the absence of the right to marry, and therefore are unable to realize the economic efficiencies and cost savings associated with entering a legally recognized relationship. (*Id.* ¶¶ 33, 38-42, 46-48.) These couples often pay large transaction costs to create legal protections through wills, durable powers of attorney, health care proxies, second parent adoptions, and cohabitation agreements. The rights created by these documents would be automatically conferred if the couple was permitted to legally marry. (*Id.* ¶¶ 48, 52.) Marriage also leads to other economic efficiencies for a couple, including specialization of labor (*id.* ¶ 51), social insurance (*id.* ¶ 53), and economies of scale (*id.* ¶ 54).

122. The ability to enter into a marriage can also lead to non-economic benefits, such as signaling commitment to maintain the relationship, therefore creating more stable relationships, and promoting the provision of caring labor within the family structure. (*Id.* ¶¶ 55, 56.)

123. Even if same-sex couples enter into a civil union, those unions do not provide or incompletely provide same-sex couples and their families the direct and indirect economic benefits associated with marriage. (*Id.* ¶¶ 64-66.) Civil union partners may be denied health

insurance coverage through their partner's employer-provided insurance plan because the plan only provides coverage to spouses, not domestic partners or civil union partners. (*Id.* ¶¶ 47, 65-66.)

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Dated: July 10, 2013

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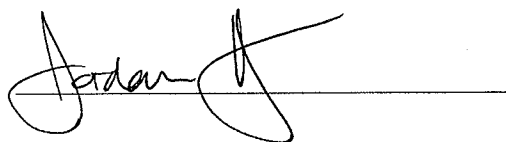
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A handwritten signature in black ink, appearing to read "Jordan", is written over a horizontal line.