

UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF WEST VIRGINIA  
HUNTINGTON DIVISION

CASIE JO MCGEE and SARAH ELIZABETH  
ADKINS; JUSTIN MURDOCK and WILLIAM  
GLAVARIS; and NANCY ELIZABETH  
MICHAEL and JANE LOUISE FENTON,  
individually and as next friends of A.S.M., a minor  
child;

*Plaintiffs,*

v.

KAREN S. COLE, in her official capacity as  
CABEL COUNTY CLERK; and VERA J.  
MCCORMICK, in her official capacity as  
KANAWHA COUNTY CLERK;

*Defendants,*

and

STATE of WEST VIRGINIA, *ex rel.*  
PATRICK MORRISSEY, ATTORNEY  
GENERAL,

Intervenor.

No. 3:13-cv-24068

**DECLARATION OF CASIE JO MCGEE**

I, Casie Jo McGee, hereby declare as follows:

1. The testimony set forth in this Declaration is based on first-hand knowledge, about which I could and would testify competently in open Court if called upon to do so.
2. I live in Huntington, West Virginia, with Sarah Elizabeth Adkins ("Sarah"), with whom I have been in a committed relationship for more than three years. We wish to marry each other.

3. I am 30 years old, and am an Assistant Professor of Mathematics at Mountwest Community and Technical College in Huntington. I obtained my bachelor's degree in English and Mathematics and a master's degree in Mathematics from Marshall University, where I was a Yeager Scholar. I also have a law degree and am admitted to the West Virginia Bar, but have never worked full time as an attorney. I have been a West Virginian most of my life and was raised in Ritchie County.

4. Sarah and I met online in March of 2010. We spent hours chatting online with each other and talking over the phone. We are both avid readers and love to play video games. We are also both born and raised West Virginians.

5. I knew immediately that Sarah was the person I wanted to spend the rest of my life with. A week after meeting online, we finally met in person and shortly after, she moved into my home.

6. I can't imagine my life without Sarah. She is such a fun and sunny person and has brought real joy to my life. We met during a low point in my life. I had lost both my father and stepfather within eighteen months of each other and I was just trying to piece my life back together. I met Sarah two months after my father died; I was trying to recover from sadness and death. Meeting and getting to know her really brightened my life. She helped me heal.

7. Sarah is my family. As my family, I want to take care of her. I have health insurance through my employment with Mountwest Community College, a state employer. Mountwest Community College provides affordable spousal health insurance to its employees. However, this is not an option for Sarah and me because we are not permitted to marry. Because we could not afford to buy insurance separately for Sarah, she was uninsured for a period of time and therefore did not seek as much preventive healthcare as she might have done otherwise.

8. Last winter Sarah wasn't feeling well. She thought she had a sinus infection, so we went to the nearby clinic. There, they checked her blood sugar which turned out to be at a dangerously high level of 432. At that emergency visit, we found out Sarah was diabetic. The doctors urged me to take Sarah to the emergency room immediately. I had to drive because Sarah could have slipped into a coma at any moment.

9. At the hospital, once Sarah was stabilized, I sat with her by her bedside. I was really worried about her. I later learned that blood sugar levels in this range could result in stroke, coma and even death. I almost lost Sarah that day.

10. Because Sarah was uninsured, we had to pay for the emergency treatment she experienced that day out of pocket. This is just one of the tangible ways that our inability to marry has harmed us.

11. In order to help her manage her diabetes, Sarah has started a diet and she also now exercises. To help her and be supportive, I've done the same. As a family, we are in this life together and so are working together to manage Sarah's medical condition.

12. Sarah and I have many hopes and dreams for our life together. We would like to buy a home and start a family. Before meeting Sarah, I never thought I would have children, and I didn't even think that I wanted to. Sarah changed all of that for me; I just needed to meet the right person. Now, I long to start a family together and we look forward to the day when we will have children. Sarah and I want to marry both to safeguard our relationship to each other and to protect any children we may have.

13. As exciting as it is to think about starting a family, this goal is significantly burdened because we are not able to marry or be recognized as married in West Virginia. Sarah and I would like to conceive a child through the use of reproductive technology and an

anonymous donor. When married different-sex couples give birth through the use of reproductive technology, both spouses are legal parents to the child from birth, regardless of whether they share a genetic relationship to the child. However, since Sarah and I can't marry, one of us would inevitably be a legal stranger to our child at birth – even though we are planning and saving for our child together, and intend to share equally in all parenting responsibilities. It makes us anxious to think of co-parenting a child who is a legal stranger to one of his or her parents, unable to be recognized by the government, school and healthcare workers as having two legal parents.

14. Both Sarah and I have significant health problems that could make carrying a child challenging and even dangerous. We are weighing seriously our decision about which one of us should try to conceive the child. For us, the decision about who will carry the child is a complicated consideration of health issues, employment issues and finances. However, because we cannot put Sarah on my employer's health insurance plan as my spouse, we also have to take into account Sarah's lack of access to a plan comparable to the one I have, which has taken the possibility of Sarah carrying our child completely off the table. If we were married, we would not have to weigh this additional consideration.

15. West Virginia is home. This is where our family is. We dream of being able to marry each other before our friends and families in West Virginia, but we would marry in another state if we thought we could have our marriage respected and recognized here at home.

16. On or about September 18, 2013, Sarah and I appeared in person at the office of Defendant Cole in Huntington, West Virginia, to seek a marriage license because we wish to marry each other. We both presented valid forms of identification, provided the required personal information, and were prepared to pay the required fee and complete a marriage

application. When we requested a marriage license, an employee of Defendant Cole answered, “We can't do it because you're both female.”

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge and ability.