

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

<b>BRITTANI HENRY, et al.,</b>	:	
	:	
<b>Plaintiffs,</b>	:	
	:	<b>Case No. 1:14-cv-129</b>
<b>vs.</b>	:	
	:	<b>Judge Timothy S. Black</b>
<b>THEODORE E. WYMYSLO,</b>	:	
<b>M.D., et al.,</b>	:	<b>DECLARATION OF BRITNI</b>
	:	<b>ROGERS</b>
<b>Defendants.</b>	:	

I, Brittini (“LB”) Rogers, under 28 U.S.C. §1746, declare under the penalty of perjury under the laws of the United States of America that the following is true and correct:

1. My name is Brittini Rogers and I am a plaintiff in the above action. I have read the complaint filed in this action and I can verify that all of the facts pertaining to me and my family are true. I submit this declaration in support of our request for a preliminary injunction.
2. I am 24-years-old. I grew up in Columbus, Ohio. I work in the package service industry, and I plan to attend Xavier University to pursue my Bachelor’s degree this summer.
3. I met Brittani Henry in 2008. We have been in a loving, committed relationship since that time. I moved to Cincinnati to be with Brittani in 2010.
4. Brittani is from Cincinnati. Her family, including her parents and five younger brothers, all live nearby. Brittani and I are proud to make our home in Cincinnati, and we plan to stay here.
5. I proposed to Brittani on Fountain Square in downtown Cincinnati at midnight on New Year’s Eve in 2012. She accepted making that one of the happiest days of our lives.
6. On January 17, 2014, we went to New York City and sealed our commitment to each other in a courthouse wedding. My close friend served as our witness.
7. Brittani and I have each always wanted to have children, and have been talking seriously about starting a family for years.

8. My wife, Brittani, is currently 23 weeks pregnant. We expect our baby boy to be born in June, 2014. Brittani became pregnant through artificial insemination. The sperm donor is anonymous.
9. Although our son's due date is in June, we recognize that he could come anytime and we are excited about planning for our baby's arrival. His nursery is ready and our family and friends are already buying too many gifts.
10. When our son is born, Brittani and I want me to be listed as the second parent on the birth certificate. This is most important for our son. He has two parents and we want him to know that from his first moments on earth we were both recognized as his parents here in Ohio. Listing both of us as parents provides our whole family with emotional security, in knowing we are valued and recognized as an Ohio family. It will also provide tangible benefits to us.
11. For example, if something should happen to my wife such that she could no longer take care of our child, there is no guarantee that I will be granted custody. If I should die without a will, I would want there to be no question that my child could inherit from me or that my parents would be his legal grandparents.
12. I consented to and was a full participant in the process of artificial insemination. From the beginning we intended to raise this child as their own, together. I anxiously await becoming a mother. I am our child's second parent. I am married to his biological mother and will still be married to her at the time of his birth in a few short weeks. I will be this child's loving parent for the rest of my life.
13. Brittani and I live as a married couple. We will provide a secure and happy home for our child. Ohio's denial of the true nature of our family demeans and harms all three of us.

Dated:

2/8/14

  
Brittani Rogers

X-2014-2

THE CITY OF NEW YORK  
OFFICE OF THE CITY CLERK  
MARRIAGE LICENSE BUREAU

License Number

X-2014-342

# Certificate of Marriage Registration

This is To Certify That **BRITTANI HENRY** New Surname: **HENRY-ROGERS**

residing at 1314 Franklin Avenue Apartment # 2, Cincinnati, OH 45237, United States

born on 09/17/1988 at Cincinnati Ohio, United States

and **BRITTNI L ROGERS**

residing at 1314 Franklin Avenue Apartment # 2, Cincinnati, OH 45237, United States

born on 01/12/1990 at Columbus Ohio, United States

## Were Married

on 01/17/2014 at The Office of the City Clerk  
By **SHIRLEY SAUNDERS** at 851 Grand Concourse  
BRONX, NY 10451  
United States

as shown by the duly registered license and certificate of marriage of said persons on file in this office.

CERTIFIED THIS DATE AT THE CITY CLERK'S OFFICE

Bronx

January 17, 2014

N. Y.

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PLEASE NOTE: Facsimile Signature  
and seal are printed pursuant  
to Section 1-A, Domestic  
Relations Law of New York



*Michael McSweeney*  
Michael McSweeney  
City Clerk of the City of New York

CET-F

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