

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

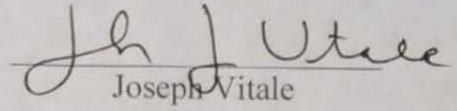
<b>BRITTANI HENRY, et al.,</b>	:	
	:	
<b>Plaintiffs,</b>	:	
	:	<b>Case No. 1:14-cv-129</b>
<b>vs.</b>	:	
	:	<b>Judge Timothy S. Black</b>
<b>THEODORE E. WYMYSLO,</b>	:	
<b>M.D., et al.,</b>	:	<b><u>DECLARATION OF JOSEPH</u></b>
	:	<b><u>VITALE</u></b>
<b>Defendants.</b>	:	

I, Joseph Vitale, 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 Joseph Vitale 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 are true. I submit this declaration in support of our request for a preliminary injunction.
2. I am 45-years-old. I live in New York City with my husband, Robert Talmas.
3. I met Rob on September 20, 1997. We have been in a happy and committed relationship since that time.
4. We own our home in Manhattan close to parks and playgrounds. We also have a weekend home close to the beach in Rhode Island.
5. We both have large, supportive families who are very involved in our lives. Rob is adopted, which makes it particularly important to us that our son's adoption is done correctly and there is no question for him as to his identity and who his parents are.
6. I knew very early on in our relationship that we were incredibly lucky to have found one another for many reasons, one of which was their mutual desire to start our own family someday.
7. Rob and I were married in New York on September 20, 2011.
8. Rob and I both have degrees in business administration. I work in the insurance field and Rob works in the human resources field.

9. We happily adopted our first child, a newborn son, in 2013. Adoption S.T.A.R., Inc. was the agency we used, and we were able to see our dream of becoming parents come true.
10. Rob and I were both at the hospital the day our son was born, and we slept in the hospital with our newborn in the room until he was discharged. *See* Photo, attached as Exhibit A.
11. Our son was born in the state of Ohio.
12. Rob and I are in the process of securing a birth certificate for our son, whose adoption was finalized in New York on January 17, 2014.. Upon discussing the birth certificate issue with Adoption S.T.A.R., Inc., we discovered an alarming fact. Ohio does not recognize gay marriage so therefore Ohio will not place both our names on our son's birth certificate. We could indeed receive a birth certificate, but with only one of us listed as his parent! We were dismayed by this news.
13. Why should our Ohio-born son feel any 'less than' as a result of having only one of our names listed on his birth certificate, as compared to New York-born adopted children, who have birth certificates with both of their adoptive parents' names on them? How would we choose which parent should be listed on the birth certificate? What message does that give our son? Plus, it would make things more complicated for us if the non-listed parent tried to present the birth certificate in an effort to get a social security card, a passport, registration for school, and so much more.
14. We are legally married under New York law. But in Ohio our marriage means nothing. Ohio does not recognize our marriage.
15. Rob and I enjoy traveling, and we have been to many foreign countries together. We look forward to obtaining a passport for our son so we can provide him the opportunity to see the world.
16. For example, one of my life-long family friend's wedding is scheduled for May 9, 2014, in the Dominican Republic. Our son will be the ring-bearer in the ceremony. However, without a birth certificate, we will be unable to obtain a passport for our son and we will not be able to attend.
17. Rob and I live as a married couple. We provide a secure and happy home for our beloved son—we have changed his diapers, sung him to sleep, and smothered him in kisses. Like any married couple, we have assumed parenting responsibilities jointly—taking turns waking up in the middle of the night; one picking up toys while the other runs a bath; and jointly earning the income that pays for the things he needs. Ohio's denial of the true nature of our family demeans and harms all three of us.

Dated: Feb. 7, 2014

  
Joseph Vitale







M-2011-2

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

License Number

M-2011-22260

# Certificate of Marriage Registration

This Is To Certify That **ROBERT JOEL TALMAS**

residing at 205 3rd Avenue Apartment # 3B, New York, NY 10003, United States

born on 09/04/1970 at Long Beach New York United States

and **JOSEPH J VITALE**

residing at 205 3rd Avenue Apartment # 3B, New York, NY 10003, United States

born on 07/23/1968 at Bay Shore New York United States

## Were Married

on 09/20/2011 at The Office of the City Clerk  
By **JAMES MITCHELL** 141 WORTH STREET  
NEW YORK, NY 10013  
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

Manhattan  
N. Y.

September 20, 11  
20

PLEASE NOTE: Facsimile Signature  
and seal are printed pursuant  
to Section 11-A, Domestic  
Relations Law of New York.



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

CET-F

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