

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

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

I, Kelly Noe, 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 Kelly Noe 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 31-years-old. I live in Kenton County, Kentucky, with my wife, Kelly McCracken.
3. Kelly McCracken and I have been in a committed relationship since 2009.
4. We both wanted children. From the beginning of our relationship, we discussed adding children to our family.
5. We married in Massachusetts in 2011.
6. In September, 2013, I became pregnant with our first child. We expect to welcome our son or daughter in June, 2014. We plan to hyphenate our last names for our child's last name. Our child was conceived through artificial insemination with sperm from an anonymous donor.
7. Kelly McCracken has been equally involved in the fertility process and pregnancy. She will be at our child's birth and if all goes as planned, she will cut the umbilical cord. She will be this child's parent in every sense.

8. After the birth of our child, we will apply for an Ohio birth certificate through the Cincinnati Health department, Office of Vital Records. Only my name, however, will be on the birth certificate.
9. It denigrates my family to refuse to put Kelly McCracken's name on her child's birth certificate.
10. Ms. McCracken and I live as a married couple. We plan to provide a secure and happy home for our child and look forward to our child's arrival. Ohio's denial of the true nature of our family demeans and harms all of us.

Dated:

2/9/2014

Kellym. Noe
Kelly Noe

Town of Provincetown
Office of the Town Clerk



Town Hall, 260 Commercial Street
Provincetown, Massachusetts 02657
Facsimile (508) 487-9560
Telephone (508) 487-7013

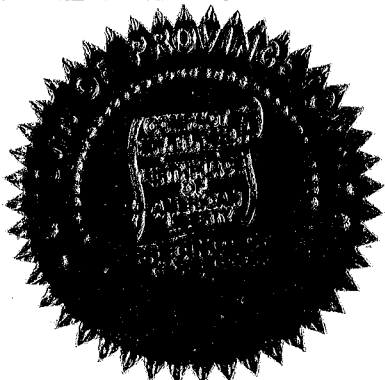


The Commonwealth of Massachusetts
DEPARTMENT OF PUBLIC HEALTH
REGISTRY OF VITAL RECORDS AND STATISTICS
CERTIFICATE OF MARRIAGE

(State file number)
Provincetown
(City or town making return)
Registered No. 51

1 Place of Marriage
City or Town Provincetown 2 Date of Marriage May 27, 2011 Intention No. 2011-057
(Do not enter name of village or section of city or town) (Month) (Day) (Year)

3 FULL NAME PARTY A <u>Kelly Marie Noe</u>		11 FULL NAME PARTY B <u>Kelly Ann McCracken</u>	
3A SURNAME AFTER MARRIAGE <u>Noe</u>		11A SURNAME AFTER MARRIAGE <u>McCracken</u>	
4 DATE OF BIRTH <u>December 10, 1982</u>	5 OCCUPATION <u>STNA</u>	12 DATE OF BIRTH <u>June 2, 1982</u>	13 OCCUPATION <u>Musician</u>
6 RESIDENCE NO. & ST. <u>345 Belvedere Avenue SE</u> CITY/TOWN <u>Warren</u> ST. <u>OH</u> ZIP CODE <u>44483</u>		14 RESIDENCE NO. & ST. <u>345 Belvedere Avenue SE</u> CITY/TOWN <u>Warren</u> ST. <u>OH</u> ZIP CODE <u>44483</u>	
7 NUMBER OF MARRIAGE (1st, 2nd, 3rd, etc.) <u>1st</u>	7A WIDOWED OR DIVORCED ---	15 NUMBER OF MARRIAGE (1st, 2nd, 3rd, etc.) <u>1st</u>	15A WIDOWED OR DIVORCED ---
8 BIRTHPLACE <u>Corbin</u> <u>Kentucky</u> (City or town) (State or country)		16 BIRTHPLACE <u>Warren</u> <u>Ohio</u> (City or town) (State or country)	
9 NAME OF MOTHER/PARENT <u>Patricia Noe/Root</u>		17 NAME OF MOTHER/PARENT <u>Pamela Marie McCracken/Politsky</u>	
10 NAME OF FATHER/PARENT <u>John Elmer Noe</u>		18 NAME OF FATHER/PARENT <u>Lawrence Michael McCracken</u>	
19 THE INTENTION OF MARRIAGE by the above-mentioned persons was duly entered by me in the records of the Community of <u>Provincetown</u> according to law, this <u>23</u> day of <u>May</u> 20 <u>11</u> (Name of Community)			
<input type="checkbox"/> COURT WAIVER Issued <u>May</u> (Month) <u>26</u> (Day) <u>2011</u> (Year) by <u>[Signature]</u> (City or Town Clerk or Registrar)			
20 I HEREBY CERTIFY that I solemnized the marriage of the above-named persons at No. <u>1 Commercial</u> St., <u>Provincetown</u> on <u>May</u> <u>27</u> <u>2011</u> (If marriage was solemnized in a church, give its NAME instead of street and number) (Name of city or town) (Month) (Day) (Year)			
Signature <u>Susan F. Brand</u> (Print or type name)		Signature <u>Justice of the Peace</u> (Member of the Clergy, Priest, Rabbi, Imam, or Justice of the Peace, etc.)	
Address <u>7 Arlington St, No. 22, Cambridge MA 02140</u>			
21 Certificate recorded by city or town clerk <u>June 6, 2011</u> (Month) (Day) (Year)		CLERK OR REGISTRAR <u>[Signature]</u>	
22 PARTY A SEX: <input type="checkbox"/> MALE <input checked="" type="checkbox"/> FEMALE		23 PARTY B SEX: <input type="checkbox"/> MALE <input checked="" type="checkbox"/> FEMALE	



A TRUE COPY ATTEST
[Signature]
TOWN CLERK, PROVINCETOWN