

UNITED STATES DISTRICT COURT  
DISTRICT OF PUERTO RICO

ADA MERCEDES CONDE VIDAL and  
IVONNE ÁLVAREZ VÉLEZ; MARITZA  
LÓPEZ AVILÉS and IRIS DELIA RIVERA  
RIVERA; JOSÉ A. TORRUELLAS IGLESIAS  
and THOMAS J. ROBINSON; ZULMA  
OLIVERAS VEGA and YOLANDA ARROYO  
PIZARRO; JOHANNE VÉLEZ GARCÍA and  
FAVIOLA MELÉNDEZ RODRÍGUEZ; and  
PUERTO RICO PARA TOD@S,

*Plaintiffs,*

v.

ALEJANDRO J. GARCÍA PADILLA, in his  
official capacity as Governor of the  
Commonwealth of Puerto Rico; ANA RIUS  
ARMENDARIZ, in her official capacity as  
Secretary of the Health Department of the  
Commonwealth of Puerto Rico; WANDA  
LLOVET DÍAZ, in her official capacity as  
Director of the Commonwealth of Puerto Rico  
Registrar of Vital Records; and MELBA ACOSTA  
FEBO, in her official capacity as Director of the  
Treasury in Puerto Rico,

*Defendants.*

Civil Action No. 3:14-cv-01253-PG

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OF PLAINTIFFS' MOTION FOR  
SUMMARY JUDGMENT**

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**CERTIFICATE OF SERVICE**

I, Omar Gonzalez-Pagan, an attorney, certify that on September 15, 2014, I served upon counsel for all parties by electronically filing the foregoing Index of Exhibits and the exhibits referenced therein with the Clerk of the Court using the CM/ECF system.

/s/ Omar Gonzalez-Pagan

UNITED STATES DISTRICT COURT  
DISTRICT OF PUERTO RICO

ADA MERCEDES CONDE VIDAL and  
IVONNE ÁLVAREZ VÉLEZ; MARITZA  
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Civil Action No. 3:14-cv-01253-PG

*Plaintiffs,*

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ALEJANDRO J. GARCIA PADILLA, in his  
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ARMENDARIZ, in her official capacity as  
Secretary of the Health Department of the  
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Director of the Commonwealth of Puerto Rico  
Registrar of Vital Records; and MELBA ACOSTA  
FEBO, in her official capacity as Director of the  
Treasury in Puerto Rico,


*Defendants.*

**DECLARATION OF PLAINTIFF ADA MERCEDES CONDE VIDAL IN SUPPORT OF  
PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT**

I, Ada Mercedes Conde Vidal, hereby declare and state as follows:

1. I am one of the Plaintiffs in this lawsuit along with my wife Ivonne Álvarez Vélez. I am 53 years old, born in Puerto Rico, citizen of the United States of America by birth and reside in San Juan, Puerto Rico. I have personal knowledge of the matters stated in this declaration and could and would so testify if called as a witness.
2. Ivonne and I are two women in a loving, committed relationship of more than fourteen years. We formalized our commitment to each and married in the Commonwealth of

Massachusetts on August 2, 2004 – see “A”<sup>1</sup>.

3. I was born and lived in Puerto Rico my entire life.
4. I am a licensed attorney in the Commonwealth of Puerto Rico and a member of the Bar of the U.S. District Court for the District of Puerto Rico. My practice primarily focuses on bankruptcy law and civil rights.
5. I also am the President of the Human Rights Foundation of Puerto Rico (in Spanish, “Fundación de Derechos Humanos de Puerto Rico”), a non-profit organization that advocates for human rights, equality and social justice for all people in Puerto Rico, including lesbian, gay, bisexual, and transgender (“LGBT”) people.
6. Ivonne and I have been in a committed relationship since 2000 – see “B”<sup>2</sup>. My daughter, A.A.C., was 13 years old at the time my relationship with Ivonne commenced. Since then Ivonne and I have raised and cared for A.A.C. together, assuming all of the responsibilities of a typical family unit.
7.  Desiring to express our love and commitment, and to protect our family, Ivonne and I got married in Massachusetts on August 2, 2004 after that state became the first jurisdiction in the United States to recognize same-sex marriages. We were able to share that wonderful moment with a few friends. However, to our great sadness, neither Ivonne’s brother nor our daughter were able to travel from Puerto Rico to Massachusetts and attend our wedding due to financial and travel limitations. We had hoped that A.A.C. could be the ring bearer at the ceremony.
8. When we returned home to Puerto Rico, the Commonwealth did not recognize our marriage. As a result, we had to expend substantial amounts of money to execute living

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<sup>1</sup> Attachment “A” is a true and accurate copy of our certificate of marriage.

<sup>2</sup> Attachment “B” is a photograph of Ivonne and me.



wills and powers of attorney so that we could be protected during times of health crisis and make health care decisions for each other. We would not need to execute such documents and sustain such expenses if Puerto Rico recognized our marriage.

9. A.A.C. has suffered heart conditions since she was 8 years old. As a result, she has had multiple heart surgeries. Because my marriage to Ivonne is not recognized by Puerto Rico, she is unable to make decisions on A.A.C.'s behalf and we live in fear that she may be excluded from making medical decisions or have access to A.A.C.'s hospital room in my absence and when A.A.C. is the most vulnerable.
10. Ivonne is prohibited from adopting A.A.C. because Puerto Rico does not recognize our marriage and only allows joint adoptions by married couples.
11. Due to Puerto Rico's Marriage Ban, Ivonne has also been prohibited from making important determinations with reference to A.A.C.'s education.
12. As we get older, Ivonne and I worry that as a result of Puerto Rico's Marriage Ban, our relationship and rights to decision-making will not be recognized in an urgent medical or other important situation.
13. We are also concerned that because our marriage is not recognized by Puerto Rico, under Puerto Rico inheritance law, our individual estates will be transferred to the Commonwealth of Puerto Rico and not each other, unless we pay for the execution of a costly will.
14. As a result of Puerto Rico's Marriage Ban, we must also file taxes as single individuals. We believe we would owe less money in taxes if Puerto Rico recognized our marriage as it does with different-sex couples.
15. Also, because I provide professional services, I am obliged to pay my social security



contribution payable to the Internal Revenue Services thru the form 1040PR. The computation of the contribution payable to the Internal Revenue Services comes from the information provided in the Puerto Rico tax form for professional services. After the determination in U.S. vs. Windsor, case no. 12-307, decided June 26, 2013, 570 U.S. \_\_\_\_\_ (2013), the Internal Revenue Services recognizes my wife Ivonne and me as a legally married couple allowing to file as a married couple the 1040PR. But as stated before, Puerto Rico discriminates against my wife Ivonne and me even though being United States Citizens, treating us as United States second class citizens and depriving our liberty and protection under the Constitution of the United States of America.

16. Ivonne and I are both over the age of 21, have the capacity to contract, are not barred from marrying each other as a result of consanguinity or affinity, and are not married to any other person.

Signed under penalty of perjury under the laws of the United States this 8<sup>th</sup> day of September, 2014.



Ada Mercedes Conde Vidal



**ATTACHMENT A**



DEPARTMENT OF PUBLIC HEALTH  
REGISTRY OF VITAL RECORDS AND STATISTICS

**CERTIFICATE OF MARRIAGE**

(State file number)

CAMBRIDGE

(City or town making return)

Registered No. 934

Intention No. 1110

1 Place of Marriage

City or Town CAMBRIDGE

(Do not enter name of village or section of city or town)

2 Date of Marriage August 2, 2004

(Month) (Day) (Year)

3 FULL NAME PARTY A  
ADA M. CONDE

11 FULL NAME PARTY B  
IVONNE ALVAREZ

3A SURNAME  
AFTER MARRIAGE CONDE

11A SURNAME  
AFTER MARRIAGE ALVAREZ

4 DATE OF BIRTH  
October 15, 1960

5 OCCUPATION  
LAWYER

12 DATE OF BIRTH  
July 3, 1946

13 OCCUPATION  
CONSULTANT

6 RESIDENCE 1611 SAN MATEO ST.  
NO. & ST.  
CITY/ TOWN SAN JUAN ST. ZIP 00912  
CODE

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NO. & ST.  
CITY/ TOWN SAN JUAN ST. ZIP 00912  
CODE

7 NUMBER OF  
MARRIAGE  
(1st, 2nd, 3rd, etc.) 1ST

7A WIDOWED  
OR DIVORCED

15 NUMBER OF  
MARRIAGE  
(1st, 2nd, 3rd, etc.) 1ST

15A WIDOWED  
OR DIVORCED

8 BIRTHPLACE  
SAN JUAN PUERTO RICO  
(City or town) (State or country)

16 BIRTHPLACE  
SAN JUAN PUERTO RICO  
(City or town) (State or country)

9 NAME OF  
MOTHER/PARENT ADA VIDAL

17 NAME OF  
MOTHER/PARENT CANDIDA VELEZ

10 NAME OF  
FATHER/PARENT JUAN CONDE

18 NAME OF  
FATHER/PARENT ANGEL ALVAREZ

19 THE INTENTION OF MARRIAGE by the above-mentioned persons was duly entered by me in the records of the Community of CAMBRIDGE according to law, this 28 day of July 2004

☐ COURT WAIVER Issued August 2, 2004 (Month) (Day) (Year) by

☐ AGE ORDER (Month) (Day) (Year) by (City or Town) Clerk or Registrar

20 I HEREBY CERTIFY that I solemnized the marriage of the above-named persons at No. 795 MASS AVE St. (If marriage was solemnized in a church, give its NAME instead of street and number)

CAMBRIDGE on AUGUST 2, 2004 (Name of city or town) (Month) (Day) (Year)

Signature DONNA P. LOPEZ JUSTICE OF THE PEACE (Member of the Clergy, Priest, Rabbi, Imam, or Justice of the Peace, etc.)

Address 11 ELLEN RD WOBURN, MA (Print or type name)

21 Certificate recorded by city or town clerk August 2, 2004 (Month) (Day) (Year)

CLERK OR REGISTRAR

22 PARTY A SEX: ☒ MALE ☐ FEMALE

23 PARTY B SEX: ☒ MALE ☐ FEMALE



AUG 2 - 2004

A TRUE COPY  
ATTEST

City Clerk



**ATTACHMENT B**



**UNITED STATES DISTRICT COURT  
DISTRICT OF PUERTO RICO**

ADA MERCEDES CONDE VIDAL and  
IVONNE ÁLVAREZ VÉLEZ; MARITZA  
LÓPEZ AVILES and IRIS DELIA RIVERA  
RIVERA; JOSÉ A. TORRUELLAS IGLESIAS  
and THOMAS J. ROBINSON; ZULMA  
OLIVERAS VEGA and YOLANDA ARROYO  
PIZARRO; JOHANNE VÉLEZ GARCÍA and  
FAVIOLA MELÉNDEZ RODRÍGUEZ; and  
PUERTO RICO PARA TOD@S,

*Plaintiffs,*

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ALEJANDRO J. GARCIA PADILLA, in his  
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Director of the Commonwealth of Puerto Rico  
Registrar of Vital Records; and MELBA ACOSTA  
FEBO, in her official capacity as Director of the  
Treasury in Puerto Rico,

*Defendants.*

Civil Action No. 3:14-cv-01253-PG

**DECLARATION OF PLAINTIFF IVONNE ÁLVAREZ VÉLEZ IN SUPPORT OF  
PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT**

I, Ivonne Álvarez Vélez, hereby declare and state as follows:

1. I am one of the Plaintiffs in this lawsuit along with my wife Ada M. Conde Vidal. I am 68 years old, born in Puerto Rico, citizen of the United States of America by birth and reside in San Juan, Puerto Rico. I have personal knowledge of the matters stated in this declaration and could and would so testify if called as a witness.
2. Ada and I are two women in a loving, committed relationship of more than fourteen years. We formalized our commitment to each and married in the Commonwealth of

Massachusetts on August 2, 2004 – see “A”<sup>1</sup>.

3. Of my entire life I lived two (2) years in New York and have lived in Puerto Rico for sixty six (66) years.
4. I am an accountant financial professional advisor and have been Chief Financial Officer (CFO) for international and local companies.
5. Ada and I have been in a committed relationship since 2000 – see “B”<sup>2</sup>. Ada’s daughter, A.A.C., was 13 years old at the time my relationship with Ada started. Since have helped raise and care for A.A.C.
6. Desiring to express our love and commitment, and to protect our family, Ada and I got married in Massachusetts on August 2, 2004 after that state became the first jurisdiction in the United States to recognize same-sex marriages. We were able to share that wonderful moment with a few friends. However, to our great sadness, neither my brother nor Ada’s daughter were able to travel from Puerto Rico to Massachusetts and attend our wedding due to financial and travel limitations. We had hoped that A.A.C. could be the ring bearer at the ceremony.
7. When we returned home, Puerto Rico did not recognize our marriage. As a result, we had to expend substantial amounts of money to execute living wills and powers of attorney so that we could be protected during times of health crisis and make health care decisions for each other. We would not need to execute such documents and sustain such expenses if Puerto Rico recognized our marriage.
8. I have hoped to formally adopt A.A.C. but I am prohibited from adopting her because Puerto Rico does not recognize my marriage to Ada and only allows joint adoptions by

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<sup>1</sup> Attachment “A” is a true and accurate copy of our certificate of marriage.

<sup>2</sup> Attachment “B” is a photograph of Ada and me.

married couples.

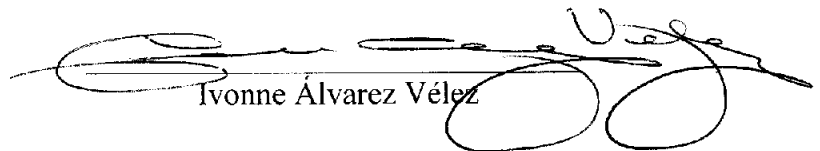
9. A.A.C. suffers from heart conditions and, as a result, has had multiple heart surgeries. Because my marriage to Ada is not recognized by Puerto Rico, however, I am unable to make decisions on A.A.C.'s behalf. Ada and I live in fear that I may be excluded from making medical decisions or have access to A.A.C.'s hospital room in Ada's absence and when A.A.C. is the most vulnerable.
10. I have also been prohibited from making important determinations with reference to A.A.C.'s education.
11. As we get older, Ada and I live in worry that, as a result of Puerto Rico's Marriage Ban, our relationship and rights to decision-making will not be recognized in an urgent medical or other important situation.
12. We are also concerned that because our marriage is not recognized by Puerto Rico, under Puerto Rico inheritance law. This because under Puerto Rico inheritance law, the widow of a heterosexual married couple inherits if the late spouse did not have ascendants or descendants. I do not have ascendants or descendants and because my marriage with my wife Ada M. Conde Vidal is not recognized in Puerto Rico, my individual estate is and will be transferred upon my death to the Commonwealth of Puerto Rico and not each other, unless we pay for the execution of a costly will.
13. As a result of Puerto Rico's Marriage Ban, we must also file taxes as single individuals. We believe we would owe less money in taxes if Puerto Rico recognized our marriage as it does with different-sex couples.
14. Also, because I provide professional services, I am obliged to pay my social security contribution payable to the Internal Revenue Services thru the form 1040PR. The



computation of the contribution payable to the Internal Revenue Services comes from the information provided in the Puerto Rico tax form for professional services. After the determination in U.S. vs. Windsor, case no. 12-307, decided June 26, 2013, 570 U.S. \_\_\_\_\_ (2013), the Internal Revenue Services recognizes my wife Ada and me as a legally married couple allowing to file as a married couple the 1040PR. But as stated before, Puerto Rico discriminates against my wife Ada and me even though being United States Citizens, treating us as United States second class citizens and depriving our liberty and protection under the Constitution of the United States of America.

15. Ada and I are both over the age of 21, have the capacity to contract, are not barred from marrying each other as a result of consanguinity or affinity, and are not married to any other person.

Signed under penalty of perjury under the laws of the United States this 8<sup>th</sup> day of September, 2014.

  
Ivonne Álvarez Vélez

**ATTACHMENT A**



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REGISTRY OF VITAL RECORDS AND STATISTICS

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SAN JUAN

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16 BIRTHPLACE  
SAN JUAN

PUERTO RICO

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9 NAME OF  
MOTHER/PARENT ADA VIDAL

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CAMBRIDGE

on AUGUST 2, 2004 (Month) (Day) (Year)

Signature

*Donna P. Lopez*  
DONNA P. LOPEZ

JUSTICE OF THE PEACE

(Member of the Clergy, Priest, Rabbi, Imam, or Justice of the Peace, etc.)

(Print or type name)

Address 11 ELLEN RD WOBURN, MA

21 Certificate recorded by city or town clerk August 2, 2004 (Month) (Day) (Year)

CLERK OR REGISTRAR

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AUG 2 - 2004

A TRUE COPY  
ATTEST

City Clerk

**ATTACHMENT B**



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DISTRICT OF PUERTO RICO**

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IVONNE ÁLVAREZ VÉLEZ; MARITZA  
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RIVERA; JOSÉ A. TORRUELLAS IGLESIAS  
and THOMAS J. ROBINSON; ZULMA  
OLIVERAS VEGA and YOLANDA ARROYO  
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Treasury in Puerto Rico,

*Defendants.*

Civil Action No. 3:14-cv-01253-PG

**DECLARATION OF PLAINTIFF IRIS DELIA RIVERA RIVERA IN SUPPORT OF  
PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT**

Yo, Iris Delia Rivera Rivera, por la presente declaro y expongo lo siguiente:

1. Yo soy una de las demandantes en este pleito junto a mi pareja Maritza López Avilés. Tengo 57 años de edad y resido en Toa Alta, Puerto Rico. Tengo conocimiento personal de los hechos expuestos en esta declaración y podría así dar testimonio si me llamara a testificar como testigo.
2. Maritza y yo somos dos mujeres en una relación amorosa y comprometida de casi cuarenta años. Hemos criado una hija, A.R.B., juntas.



3. Nací el 1 de septiembre de 1957 en Bayamón, Puerto Rico. Tengo seis hermanos.

4. Maritza y yo estudiamos en la escuela secundaria Miguel de Cervantes Saavedra en Bayamón. Nos conocemos desde el décimo grado.

5. Luego de graduarnos de escuela secundaria, Maritza y yo nos matriculamos en la Universidad Interamericana de Puerto Rico para estudiar biología con la intención de convertirnos en tecnólogas médicas.

6. Siempre he sabido que estoy atraída a las mujeres.

7. En 1976, luego de que yo cuidara de Maritza durante una excursión universitaria al campamento Guajataca, Maritza y yo comenzamos a salir juntas y formar una relación.

8. Siempre he sido muy abierta con mi familia acerca de mi relación con Maritza y mi familia ha sido muy acogedora de nuestra relación.

9. En 1978, después de graduarnos de la universidad, Maritza y yo nos mudamos a vivir juntas. Debido a la importancia que el matrimonio tiene para nosotros y nuestras familias, también fuimos por nuestra cuenta a la iglesia un día, nos presentamos ante Dios como una pareja, y le pedimos a Dios una bendición.

10. Luego de graduarnos de la universidad, Maritza y yo consideramos trabajar como maestras, pero a última instancia decidimos abrir nuestro propio negocio—un camión de comida. Hemos tenido y operado nuestro negocio familiar por más de 32 años. Debido a razones de salud, Maritza ya no me puede ayudar con el camión de comida. Como resultado, yo soy el único sostén económico para nuestra familia.

11. En 1981, me enlisté en la Guardia Nacional de Puerto Rico. Mi entrenamiento inicial tuvo lugar en Fort Jackson en Carolina del Sur y luego en Texas para entrenamiento como técnica de laboratorio militar. Mientras yo estaba entrenando, Maritza y yo nos escribíamos una

a la otra constantemente.

12. En 1989, fui desplegada a Panamá durante la Operación Causa Justa. En 1990-1991, fui desplegada a la Guerra del Golfo Pérsico.

13. Me molesto y perturbo el conocer de la ansiedad que Maritza sufrió durante mis despliegues militares como resultado de las fuerzas armadas no reconocer nuestra relación y la negativa de las mismas a proporcionar a Maritza con información acerca de mi paradero.

14. Antes de mis despliegues, también tuve que transferir el título de nuestro hogar, que estaba bajo mi nombre, a Maritza en caso de que algo me ocurriera durante el servicio activo, ya que no habíamos ejecutado testamentos, y estábamos preocupadas que bajo las leyes de Puerto Rico Maritza no estaría protegida como una esposa legal, por lo que sería incapaz de heredar la propiedad debido a nuestra incapacidad para casarnos.

15. Porque Maritza y yo sufrimos de varias condiciones de salud, nos preocupamos de cómo nos vamos a proteger la una a la otra. A través de los años, Maritza ha tenido numerosas intervenciones quirúrgicas debido a diversos problemas de salud. Como resultado, Maritza y yo vivimos en temor de que nos veríamos privadas de acceso de una a la otra mientras una esté en el hospital o de que se nos prive de la habilidad de tomar decisiones en nombre de cada cual, si una de nosotras fuera incapacitada.

16. De hecho, ya hemos sufrido discriminación en los hospitales. En 2007 y nuevamente en 2008, Maritza tuvo que someterse a cirugías intestinales en el Hospital Hermanos Meléndez. En ambas ocasiones, el personal del hospital no me permitió ver a Maritza y en un principio se negó a proveerme cualquier información acerca de su condición. No fue luego de una tersa y prolongada discusión que el personal del hospital me proporcionó con información limitada de la condición de Maritza. Solo se me permitió ver a Maritza durante horas de visita

regulares.

17. Maritza y yo hemos criado nuestra hija, A.R.B., desde 1996, cuando tenía cuatro semanas de edad. A pesar de que A.R.B. mantuvo una relación con su madre biológica y su padre (mi hermano), A.R.B. siempre ha vivido con Maritza y conmigo. En 2010, luego de que la madre biológica de A.R.B. murió de cáncer cervical, Maritza obtuvo la custodia legal de A.R.B.

18. Maritza y yo queremos adoptar a A.R.B., pero no podemos hacerlo debido a Puerto Rico sólo permite las adopciones conjuntas por parte de parejas casadas. Por lo tanto, el Ban de Matrimonio de Puerto Rico también nos priva de la oportunidad de proveerle a A.R.B. con la seguridad que el matrimonio brindaría.

19. Maritza y A.R.B. dependen económicamente de mí. Yo temo por el futuro de ambas si algo me fuera a suceder, ya que se verían privadas de acceso a los beneficios de Seguro Social o beneficios para sobrevivientes de veteranos porque el Ban de Matrimonio de Puerto Rico no permite casarme a Maritza. Tengo varias condiciones de salud que me preocupan y si me pasara algo, yo quiero que Maritza y mi hija estén cubiertas.

20. Además, yo recibo compensación por incapacidad a través de la Administración de Beneficios al Veterano como consecuencia de lesiones y de lesiones agravadas durante mi servicio activo en la Guardia Nacional de Puerto Rico. Sin embargo, debido al Ban de Matrimonio de Puerto Rico, no puedo reclamar a Maritza y A.R.B. como dependientes y, por lo tanto, recibo menos compensación que una veterana similarmente situada y permitida casarse en Puerto Rico.<sup>1</sup>

21. Maritza y yo queremos casarnos debido a la importancia que tiene para nosotras y

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<sup>1</sup> Véase Exhibit A – U.S. Department of Veterans Affairs, Veterans Compensation Benefits Rate Tables – Effective 12/1/13, *disponible en* [http://benefits.va.gov/COMPENSATION/resources\\_comp01.asp#BM04](http://benefits.va.gov/COMPENSATION/resources_comp01.asp#BM04) (último acceso el 5 de septiembre de 2014).



nuestra familia que nuestra relación sea reconocida. Hemos visto el profundo significado que el matrimonio tiene en la vida cotidiana.

22. Queremos casarnos en Puerto Rico porque Puerto Rico es nuestro hogar, donde ambas nacimos, nos criamos, y donde tenemos grandes familias que nos apoyan y con quienes quisiéramos celebrar tan importante ocasión.

23. También no tenemos suficientes recursos financieros para viajar y planificar una boda en otra jurisdicción donde se permite a las parejas del mismo sexo casarse. Pero aún si pudiéramos, los beneficios de Seguro Social y beneficios para sobrevivientes de veteranos dependen del reconocimiento de nuestro matrimonio en Puerto Rico.<sup>2</sup>

24. Maritza y yo creemos que estaríamos más seguras financieramente, médicamente, y emocionalmente si Puerto Rico nos permitiera casarnos y tratara nuestra relación de la misma manera que trata las relaciones de parejas de distinto sexo.

25. Creemos que nuestra relación de casi cuarenta años sería vista con más legitimidad por otras personas, incluyendo personal hospitalario, si se nos permitiera casarnos.

26. Maritza y yo tenemos más de 18 años de edad, tenemos la capacidad para contratar, no estamos impedidas de casarnos entre sí como resultado de consanguinidad o afinidad, y no estamos casadas con algún otra persona. No tenemos conocimiento de algún impedimento para casarnos que no sea la ley de Puerto Rico que nos prohíbe hacerlo porque somos del mismo sexo.

27. Maritza y yo estamos reacias a solicitar una licencia de matrimonio en Puerto Rico, debido al riesgo de que se nos puede enjuiciar criminalmente por intentar casarnos con otra

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<sup>2</sup> Véase Exhibit B – Memorandum from Eric Holder, Jr., U.S. Att’y Gen., to the President, *Implementation of United States v. Windsor*, at 1-3 (June 20, 2014) (“Holder Memorandum”), disponible en <http://www.justice.gov/iso/opa/resources/9722014620103930904785.pdf> (último acceso el 5 de septiembre de 2014).

persona que actualmente está prohibido por las leyes de Puerto Rico.

Firmado bajo pena de perjurio bajo las leyes de los Estados Unidos el día 5 de  
septiembre de 2014.

  
Iris Delia Rivera Rivera

**EXHIBIT A**



Search

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## Compensation

### Veterans Compensation Benefits Rate Tables - Effective 12/1/13

Go to our [How to Read Compensation Benefits Rate Tables](#) to learn how to use the table..

#### Rates (No Dependents): 10% - 20%

Basic Rates - 10%-100% Combined Degree Only  
Effective 12/1/13

Without Children	With Children
30% - 60%	30% - 60%
70% - 100%	70% - 100%

#### 10% - 20% (No Dependents)

Percentage	Rate
10%	\$130.94
20%	\$258.83

#### 30% - 60% Without Children

Dependent Status	30%	40%	50%	60%
Veteran Alone	\$400.93	\$577.54	\$822.15	\$1,041.39
Veteran with Spouse Only	\$448.74* \$447.93**	\$641.28* \$640.54**	\$901.83* \$901.15**	\$1,137.01* \$1,136.39**
Veteran with Spouse & One Parent	\$487.11* \$485.93**	\$692.44* \$690.54**	\$965.78* \$964.15**	\$1,213.74* \$1,212.39**
Veteran with Spouse and Two Parents	\$525.48* \$523.93**	\$743.60* \$740.54**	\$1,029.73* \$1,027.15**	\$1,290.47* \$1,288.39**
Veteran with One Parent	\$439.30* \$438.93**	\$628.70* \$627.54**	\$886.10* \$885.15**	\$1,118.12* \$1,117.39**
Veteran with Two Parents	\$477.67* \$476.93**	\$679.86* \$677.54**	\$950.05* \$948.15**	\$1,194.85* \$1,193.39**
Additional for AA spouse (see footnote b)	\$43.85* \$43.00**	\$58.47* \$58.00**	\$73.08* \$73.00**	\$87.69* \$87.00**

#### 70% - 100% Without Children

Dependent Status	70%	80%	90%	100%
Veteran Alone	\$1,312.40	\$1,525.55	\$1,714.34	\$2,858.24
Veteran with Spouse Only	\$1,423.95* \$1,423.40**	\$1,653.04* \$1,652.55**	\$1,857.76* \$1,857.34**	\$3,017.60
Veteran with Spouse and One Parent	\$1,513.47* \$1,511.40**	\$1,755.35* \$1,753.55**	\$1,972.86* \$1,971.34**	\$3,145.49

#### CONNECT WITH BENEFITS





Veteran with Spouse and Two Parents	\$1,602.99* \$1599.40**	\$1,857.66* \$1854.55**	\$2,087.96* \$2085.34**	\$3,273.38
Veteran with One Parent	\$1,401.92* \$1400.40**	\$1,627.86* \$1626.55**	\$1,829.44* \$1828.34**	\$2,986.13
Veteran with Two Parents	\$1,491.44* \$1488.40**	\$1,730.17* \$1727.55**	\$1,944.54* \$1942.34**	\$3,114.02
Additional for A/A spouse (see footnote b)	\$102.31* \$102.00**	\$116.93* \$116.00**	\$131.55* \$131.00**	\$146.16

### 30% - 60% With Children

Dependent Status	30%	40%	50%	60%
Veteran with Spouse and Child	\$483.75* \$482.93**	\$687.97* \$687.54**	\$960.19* \$960.15**	\$1,207.04* \$1206.39**
Veteran with Child Only	\$432.90* \$431.93**	\$620.17* \$619.54**	\$875.54* \$875.15**	\$1,105.34* \$1104.39**
Veteran with Spouse, One Parent and Child	\$522.12* \$520.93**	\$739.13* \$737.54**	\$1,024.14* \$1023.15**	\$1,283.77* \$1282.39**
Veteran with Spouse, Two Parents and Child	\$560.94* \$558.93**	\$790.29* \$787.54**	\$1,088.09* \$1086.15**	\$1,360.50* \$1358.39**
Veteran with One Parent and Child	\$471.27* \$469.93**	\$671.33* \$669.54**	\$939.39* \$938.15**	\$1,182.07* \$1180.39**
Veteran with Two Parents and Child	\$509.64* \$507.93**	\$722.49* \$719.54**	\$1003.34* \$1001.15**	\$1,258.80* \$1256.39**
Add for Each Additional Child Under Age 18	\$23.75* \$23.00**	\$31.67* \$31.00**	\$39.59* \$39.00**	\$47.50* \$47.00**
Each Additional Schoolchild Over Age 18 (see footnote a)	\$76.73* \$76.00**	\$102.31* \$102.00**	\$127.89* \$127.00**	\$153.47* \$153.00**
Additional for A/A spouse (see footnote b)	\$43.85* \$43.00**	\$58.47* \$58.00**	\$73.08* \$73.00**	\$87.69* \$87.00**

### 70% - 100% With Children

Dependent Status	70%	80%	90%	100%
Veteran with Spouse and Child	\$1,505.66* \$1505.40**	\$1,746.41* \$1745.55**	\$1,962.81* \$1962.34**	\$3,134.32
Veteran with Child Only	\$1,387.01* \$1386.40**	\$1,610.81* \$1609.55**	\$1,810.26* \$1809.34**	\$2,964.82
Veteran with Spouse, One Parent and Child	\$1,595.18* \$1593.40**	\$1,848.72* \$1846.55**	\$2,077.91* \$2076.34**	\$3,262.21
Veteran with Spouse, Two Parents and Child	\$1,684.70* \$1681.40**	\$1,951.03* \$1947.55**	\$2,193.01* \$2190.34**	\$3,390.10
Veteran with One Parent and Child	\$1,476.53* \$1474.40**	\$1,713.12* \$1710.55**	\$1,925.36* \$1923.34**	\$3,092.71
Veteran with Two Parents and Child	\$1,566.05* \$1562.40**	\$1,815.43* \$1811.55**	\$2,040.46* \$2037.34**	\$3,220.60
Add for Each Additional Child Under Age 18	\$55.42* \$55.00**	\$63.34* \$63.00**	\$71.25* \$71.00**	\$79.17
Each Additional Schoolchild Over Age 18 (see footnote a)	\$179.05* \$178.00**	\$204.62* \$204.00**	\$230.20* \$229.00**	\$255.78
Additional for A/A spouse (see footnote b)	\$102.31* \$102.00**	\$116.93* \$116.00**	\$131.55* \$131.00**	\$146.16

#### Note:

- \* These rates are for the month of 12/1/13 ONLY.
- \*\* These rates are effective beginning 01/01/14 and will continue until such time as an additional COLA is issued.

#### FOOTNOTES:

- a. **Rates** for each school child are shown separately. They are not included with any other compensation rates. All other entries on this chart reflecting a rate for children show the rate payable for children under 18 or helpless. To find the amount payable to a 70% disabled Veteran with a spouse and four children, one of whom is over 18 and attending school, take the 70% rate for a veteran with a spouse and 3 children, \$1,616.50, and add the rate for one school child, \$179.05. The total amount payable is \$1,795.55.
- b. **Where** the veteran has a spouse who is determined to require A/A, add the figure shown as "additional for A/A spouse" to the amount shown for the proper dependency code. For example, veteran has A/A spouse and 2 minor children and is 70% disabled. Add \$102.31, additional for A/A spouse, to the rate for a 70% veteran with dependency code 12, \$1,561.08. The total amount payable is \$1,663.39.

## Historical Rate Tables

[2012](#) | [2011](#) | [2010-2009](#) | [2008](#) | [2007](#) | [2006](#) | [2005](#) | [2004](#) | [2003](#) | [2002](#) | [2001](#) | [2000](#) | [1999](#)

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### CONNECT

Veterans Crisis Line:  
1-800-273-8255 (Press 1)

Social Media



Complete Directory

### EMAIL UPDATES

Email Address

Signup

### VA HOME

Notices  
Privacy  
FOIA  
Regulations  
Web Policies  
No FEAR Act  
Whistleblower Rights & Protections  
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USA.gov  
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### QUICK LIST

Apply for Benefits  
Apply for Health Care  
Prescriptions  
My HealtheVet  
eBenefits  
Life Insurance Online Applications  
VA Forms  
State and Local Resources  
Strat Plan FY 2014–2020  
VA 2013 Budget Submission

### RESOURCES

eBenefits Employment Center  
Returning Service Members  
Vocational Rehabilitation & Employment  
Homeless Veterans  
Women Veterans  
Minority Veterans  
Plain Language  
Surviving Spouses & Dependents  
Adaptive Sports Program

### ADMINISTRATION

Veterans Health Administration  
Veterans Benefits Administration  
National Cemetery Administration

U.S. Department of Veterans Affairs | 810 Vermont Avenue, NW Washington DC 20420  
LAST UPDATED MAY 16, 2014

**EXHIBIT B**



Office of the Attorney General  
Washington, D. C. 20530

June 20, 2014

MEMORANDUM TO THE PRESIDENT

FROM: THE ATTORNEY GENERAL   
SUBJECT: Implementation of *United States v. Windsor*

The Supreme Court's historic decision in *United States v. Windsor* was consistent with our values as a nation and a triumph for equal protection under the law for all Americans. Section 3 of the Defense of Marriage Act (DOMA) had prohibited the federal government from recognizing same-sex married couples as married for federal purposes, infusing the administration of over 1,000 laws with unconstitutional discrimination. At your direction, the Department of Justice immediately began working with other federal agencies to make the promise of the *Windsor* decision a reality – to identify every federal law, rule, policy, and practice in which marital status is a relevant consideration, expunge Section 3's discriminatory effect, and ensure that committed and loving married couples throughout the country would receive equal treatment by their federal government regardless of their sexual orientation.

I am pleased to report that agencies across the federal government have implemented the *Windsor* decision to treat married same-sex couples the same as married opposite-sex couples for the benefits and obligations for which marriage is relevant, to the greatest extent possible under the law.

BACKGROUND

Section 3 of DOMA demeaned and disadvantaged same-sex married couples by denying them the benefits and responsibilities that flow from federal recognition of their marriages. In 2011, consistent with my recommendation, you made the legal determination that classifications based on sexual orientation must be subjected to heightened constitutional scrutiny, and that under this standard Section 3 was unconstitutional. You instructed Justice Department attorneys not to defend DOMA Section 3 against equal protection challenges, although the Executive Branch would continue to enforce Section 3 pending a definitive judicial branch determination against its constitutionality.

In *Windsor*, the Supreme Court agreed that DOMA Section 3 was unconstitutional, holding that "no legitimate purpose overcomes the purpose and effect to disparage and to injure those whom the State, by its marriage laws, sought to protect in personhood and dignity. By seeking to displace this protection and treating those persons as living in marriages less respected than others, the federal statute is in violation of the Fifth Amendment." 133 S. Ct. 2675, 2696 (2013).



Although the decision invalidated only one section of one statute, it had far-reaching consequences. Section 3 applied to “over 1,000 federal laws in which marital or spousal status is addressed as a matter of federal law,” and “[b]y its great reach, [] touche[d] many aspects of married and family life, from the mundane to the profound.” *Id.* at 2683, 2694. As a result, eliminating Section 3’s injurious effects on same-sex married couples required an unprecedented effort spanning nearly every federal agency.

## THE IMPLEMENTATION PROCESS

On June 26, 2013, the day of the Court’s decision, you directed me to work with other members of your Cabinet to ensure that *Windsor* was implemented both swiftly and smoothly across the government. Under the leadership of Stuart F. Delery, Assistant Attorney General for the Department’s Civil Division, and drawing on expertise from across the Department, a team of lawyers carried out this mission.

This process has been a true partnership between Department lawyers and our agency colleagues. Together, we canvassed the government to identify all of the ways in which federal law touches married life. Each agency made its own policy choices; the Department’s role has been to help agencies identify legal issues and evaluate whether an agency’s proposed course of action reflects a reasonable interpretation of the governing statutes, regulations, and the *Windsor* decision itself.

By working in parallel with all agencies at the same time, the Department adhered to your instruction that the implementation process should be both swift and smooth. To make sure the process was swift, we reviewed and cleared agency actions on a rolling basis, guided both by the priorities the agencies identified and an assessment of how long it would take to resolve legal questions. The Department worked with agencies to tackle the straightforward issues quickly, particularly if they concerned programs with broad effect; some benefits were provided within days of the Supreme Court’s decision. But there were also many complex questions that required careful consideration, and as a result, some agency actions took longer to finalize.

To make sure the process was smooth, the Department drew on all of its expertise to ensure that the agencies’ actions had firm legal support and that legal issues affecting multiple agencies were assessed using a consistent legal approach. In addition, the Department worked with our agency colleagues to make sure that changes were implemented not just in policy statements announced by agency headquarters, but in offices across the country where citizens seek benefits.

## RESULTS

At your direction, the policy of this Administration has been to recognize lawful same-sex marriages as broadly as possible, to ensure equal treatment for all members of society regardless of sexual orientation. After careful legal analysis, agencies across the government have interpreted the programs, statutes, regulations, and policies that implicate marital status to extend the benefits and obligations of marriage to same-sex married couples wherever permitted by law. For the wide array of affected programs, agencies have produced guidance to facilitate

the prompt and orderly processing of claims and to educate the public on how to access the benefits to which they are entitled.

Agencies have overwhelmingly chosen to recognize marriages as valid based on the law of the jurisdiction where the marriage took place (the “place of celebration”), regardless of where the couple currently resides (the “place of domicile”). Given that a majority of states still do not allow or recognize same-sex marriages, this issue often determines whether the federal government can provide marriage-dependent benefits to all same-sex married couples, including those who now live in non-recognition states. A number of agencies had longstanding policies that look to the place of celebration, regardless of where the applicant resides, and have simply extended these policies to same-sex married couples. Many agencies had not previously established a standard for marriage recognition, and almost all have now adopted place of celebration rule for program-specific reasons.

Two agencies are prohibited by federal statute from adopting a place of celebration rule for certain programs of critical importance to millions of Americans. The Social Security Administration and the Department of Veterans Affairs are required by law to confer certain marriage-related benefits based on the law of the state in which the married couple resides or resided, preventing the extension of benefits to same-sex married couples living in states that do not allow or recognize same-sex marriages. The Administration should continue to support legislative action to adopt a uniform place of celebration rule, such as through the pending Respect for Marriage bills introduced by Senator Dianne Feinstein and Congressman Jerrold Nadler, the Social Security and Marriage Equality Act introduced by Senators Mark Udall and Patty Murray, and the Veterans Affairs’ amendment proposed by Senators Mark Udall and Jeanne Shaheen earlier this year. We will work closely with Congress to ensure that veterans and elderly and disabled Americans can obtain for themselves or their spouses the essential benefits they have earned no matter where they live.

The impact of the *Windsor* decision, and the government-wide implementation efforts, cannot be overstated. The Internal Revenue Service permits same-sex couples to file joint tax returns. The Department of Defense permits same-sex spouses of military service members to receive the same benefits as opposite-sex spouses. Our immigration system permits citizens and lawful permanent residents to sponsor same-sex spouses for immigration benefits. Same-sex spouses of federal employees are eligible for health insurance and other benefits. And the Department of Justice will recognize the validity of same-sex marriages in courtrooms and proceedings in which its lawyers appear to the greatest extent permitted under the law. The attached appendix describes these and many other agency actions in more detail.

The implementation of the *Windsor* decision across the entire federal government is an accomplishment that reflects countless hours of hard work, cooperation, and coordination across agencies. As additional issues arise, we will continue to work together to uphold this Administration’s fundamental commitment to equal treatment for all Americans, and to extend this fundamental equality to all Americans.

Attachment



**HIGHLIGHTS OF AGENCY IMPLEMENTATION**  
**UNITED STATES V. WINDSOR**

**Department of Agriculture (USDA)**

- USDA issued guidance in several of the programs it operates stating that legally married same-sex couples will be treated as married individuals. This policy applies to individuals whose marriages were performed in a jurisdiction where same-sex marriages are legal, regardless of the individuals' state of residency. For example, USDA issued a memorandum determining that all terms referring to marital status contained in the various policies and procedures of the Federal Crop Insurance Corporation shall be administered in a manner that ensures same-sex spouses are treated exactly the same as spouses of the opposite sex. See [USDA Risk Management Agency Administrator Memo](#).
- USDA also issued guidance that legally married same-sex couples will be treated as married individuals and part of the same household for Supplemental Nutrition Assistance Program (SNAP) eligibility purposes if the marriage is valid in the place of celebration. See [USDA Food and Nutrition Service Memo](#).

**Department of Defense (DoD)**

- On September 3, 2013, the Department of Defense announced that the same benefits that are available to opposite-sex spouses are available to same-sex spouses. DoD will continue its practice of recognizing all marriages that are valid in their place of celebration. Entitlements are retroactive to June 26, 2013, the date of the *Windsor* decision. On December 13, 2013, DoD announced that all eligible dependents of service members and retirees, including same-sex spouses, are now able to obtain Department of Defense ID cards at ID card facilities on all DoD bases worldwide. DoD formalized this announcement by issuing an interim rule regarding the provision of ID cards on January 6, 2014. See [Secretary's December 13, 2013, Announcement](#), [ID Card Interim Rule](#), [Secretary of Defense Memorandum](#) and [Further Guidance on Extending Benefits to Same-Sex Spouses of Military Members](#).
- DoD also announced a new policy to authorize an administrative absence when a service member is part of a couple that desires to get married, but is assigned to a duty station located more than 100 miles from a U.S. state, the District of Columbia, or other jurisdiction that allows the couple to marry. Eligible service members stationed within the Continental United States may be granted up to 7 days of leave; those stationed outside of the Continental United States may be granted up to 10 days of leave. See [Secretary of Defense Memorandum](#), [Further Guidance on Extending Benefits to Same-Sex Spouses of Military Members](#) and [Clarifying Policy](#).

**Department of Education (ED)**

- The Department of Education issued guidance on the effect of the *Windsor* decision on federal student financial aid programs. The guidance provides that the terms "spouse"

and “marriage” include same-sex married couples. Further, ED will recognize a student or a parent as legally married if the couple was legally married in any jurisdiction that recognizes the marriage, regardless of where the student or couple lives, or where the student is attending school. The guidance also provides instructions for the 2013-2014 FAFSA, the federal student aid form, with an option for submitting a correction if the student was unable to respond to a marital status question as “married” due to Section 3 of DOMA. The guidance also provides instructions for the 2014-2015 FAFSA and subsequent years. See [Education Guidance](#) and [Education Announcement that All Legal Same-Sex Marriages Will Be Recognized for Federal Financial Aid Purposes](#).

### **Department of Health and Human Services (HHS)**

- HHS released guidance advising State Health Officials and Medicaid Directors of the implications of the *Windsor* decision for Medicaid and the Children’s Health Insurance Program (CHIP). For Medicaid and CHIP populations for which eligibility is determined using modified adjusted gross income, the guidance provides that states are permitted and encouraged, but not required, to recognize same-sex couples who are legally married under the laws of the jurisdiction where the marriage was celebrated as spouses for purposes of Medicaid and CHIP. In view of the unique federal-state relationship that characterizes the Medicaid and CHIP programs, the agency is permitting states and territories to adopt a different same-sex marriage recognition policy if they do not recognize same-sex marriages consistent with their laws. See [Medicaid and CHIP Guidance](#). In addition, HHS issued a final rule regarding the Basic Health Program (BHP) administration. BHP is an optional program for states that choose to provide Medicaid-like coverage to individuals with household incomes of 133% to 200% of the federal poverty level. In return, the Federal Government gives the state 95% of what the Federal Government would otherwise have spent on premium tax credits and cost-sharing subsidies. HHS also provided clarification on whether legally married same-sex couples will be recognized as married for purposes of BHP eligibility. BHP is required to use the same definitions as are applicable under the Internal Revenue Code, thus HHS clarified that the same-sex marriage recognition policy adopted by the IRS is applicable. The guidance ensures that household income includes the income of same-sex married spouses. See [BHP Final Rule](#).
- HHS issued guidance clarifying that the ability of a Medicare beneficiary enrolled in a Medicare Advantage plan to receive care in the same nursing home where his or her spouse resides applies equally to same-sex and opposite-sex married couples, regardless of the state where the couple lives. See [Memo on Impact of United States v. Windsor on Skilled Nursing Facility Benefits for Medicare Advantage Enrollees](#).
- The National Institutes of Health (NIH) released guidance for its Clinical Center providing that the Clinical Center will define “spouse” to include same-sex married individuals. The guidance further clarifies that a marriage will be recognized if it is recognized by the state or jurisdiction where the marriage occurred or by state or jurisdiction where the couple currently resides. See [NIH Clinical Center Guidance](#).

- The Bureau of Health Workforce (formerly the Bureau of Clinician Recruitment and Service) of the Health Resources and Services Administration issued guidance for four of its clinician recruitment programs: the National Health Service Corps Loan Repayment Program, the NURSE Corps Programs, and the Native Hawaiian Health Scholarship Program. These programs provide scholarships or repay educational loans for student or health care providers who agree to practice in areas of the country that need them most. The guidance clarifies that same-sex couples legally married in jurisdictions that recognize their marriages will be treated as married for purposes of the programs. *See* [NURSE Corps Loan Repayment Program Guidance](#), [NURSE Corps Scholarship Program Guidance](#), [National Health Service Corps Loan Repayment Program Guidance](#), and [Native Hawaiian Health Scholarship Program Guidance](#).
- HHS published guidance implementing section 2702 of the Public Health Service Act (PHS Act), which requires that health insurance issuers offering non-grandfathered health insurance coverage in group or individual markets (including the Affordable Insurance Exchanges) guarantee the availability of coverage unless one or more exceptions applies. The guidance clarifies that if insurance companies choose to offer spousal coverage, insurance companies cannot decline to offer the same coverage to same-sex spouses, ensuring that insurance companies will not be permitted to discriminate against married same-sex spouses when offering coverage. *See* [PHS Act Final Rule](#), [Frequently Asked Questions on Coverage of Same-Sex Spouses](#), and [Blog Post](#).
- HHS released guidance to advise Health Insurance Marketplaces established by the Affordable Care Act on the impact of the IRS Revenue Ruling on the eligibility of same-sex spouses for advance payments of the premium tax credit and cost-sharing reductions. The guidance establishes that same-sex spouses will be treated in the same manner as opposite-sex spouses for these purposes. *See* [Health Insurance Marketplaces Guidance](#).
- HHS has issued guidance for a number of grant programs, including the following grants:
  - The Administration for Community Living (ACL) released guidance explaining that grantees administering ACL programs should recognize as family members individuals of the same sex who are lawfully married under the law of a state, territory, or foreign jurisdiction. *See* [Guidance for ACL Grantees](#).
  - HHS released guidance for Ryan White HIV/AIDS Program grantees handling same-sex marriages. The guidance encourages such grantees to consider aligning their financial eligibility requirements with the new Affordable Care Act modified adjusted gross income-based methodologies in order to reduce the burden on clients and to support coordination with the eligibility determination processes for insurance affordability programs. *See* [Ryan White HIV/AIDS Program Guidance](#).
  - The Office of Adolescent Health, within the Office of the Assistant Secretary for Health, released guidance for Pregnancy Assistance Fund grantees. This guidance

encourages grantees to afford same-sex marriages the same services and support as opposite-sex marriages to the greatest extent possible, regardless of the state of residence or the state in which the program operates. See [Pregnancy Assistance Fund Program Guidance](#).

- The Food and Drug Administration (FDA) issued guidance related to the meaning of “spouse” and “family” in FDA's regulations. Consistent with HHS policy, FDA will interpret the terms "spouse" and "family" to include same-sex spouses. Further, FDA will recognize any same-sex marriage valid in the state, territory or foreign nation where it took place. See [FDA Questions and Answers: Guidance for Industry, Consumers, and FDA Staff](#).
- HHS published a notice in the Federal Register regarding income levels for a “low-income family” for the purpose of determining eligibility for programs that provide health professions and nursing training for individuals from disadvantaged backgrounds in Health Resources and Service Administration programs. The notice explains that an individual’s household income includes the income of a same-sex spouse. See [Notice of Updates to “Low Income Levels” for Health Professions and Nursing Programs](#).
- HHS updated its website providing information on Medicare and same-sex marriage. The website encourages those in, or a surviving spouse of, a same-sex marriage, to apply for Medicare. See [Medicare Website Notice](#) and [HHS Website Notice](#).
- HHS issued guidance in the form of FAQs regarding the implications of the *Windsor* decision on the physician self-referral prohibition in section 1877 of the Social Security Act and on the exclusion authority in section 1128(b)(8) of the Social Security Act. Both FAQs address the definition of “Immediate Family Member of a Physician.” An immediate family member of a physician includes the lawfully married same-sex spouse of a physician and family members that result from the lawful marriage of same-sex individuals. See [Physician Self-Referral Prohibition FAQ](#) and [Exclusion Authority FAQ](#).
- The Centers for Medicare and Medicaid Services (CMS) issued guidance for all Program of All-Inclusive Care for the Elderly (PACE) Organizations. The guidance advises PACE organizations that CMS interprets the word “family” for purposes of PACE to include same-sex couples who are lawfully married under the law of a state, territory, or foreign jurisdiction, regardless of the state in which the couple resides. See [PACE Organizations Guidance](#).

#### **Department of Homeland Security (DHS)**

- DHS, through U.S. Citizen and Immigration Services (USCIS), announced that for purposes of immigration law, same-sex marriages will be treated exactly the same as opposite-sex marriages. USCIS generally looks to the place where the marriage was celebrated to determine the validity of the marriage, and will apply these same principles to same-sex marriages. U.S. citizens and lawful permanent residents can now file petitions to sponsor their same-sex spouses for family-based immigrant visas, and can file

fiancé or fiancée petitions based on their engagement to a person of the same sex. All other immigration benefits conditioned on the existence of a marriage or one's status as a spouse now include same-sex marriages. Examples include an alien seeking to accompany or follow his or her spouse who has been granted a family-sponsored immigrant visa, an employment-based visa, refugee status, or asylum. Same-sex marriages, like opposite-sex marriages, reduce the residence period required for naturalization for aliens married to U.S. citizens. Further, whenever immigration law conditions eligibility for discretionary waivers of certain inadmissibility grounds on marriage or status as a spouse, same-sex marriages will be treated exactly the same as opposite-sex marriages. DHS has also issued FAQs speaking to a variety of specific circumstances potentially affecting same-sex married couples. See [USCIS, Same-Sex Marriages](#).

- USCIS is also reopening all previously submitted immigration petitions or applications denied solely because of Section 3 of DOMA. USCIS is making a concerted effort to identify and reopen petitions (I-130 petitions) by U.S. citizens to adjust the immigration status of their same-sex spouses denied solely based on Section 3 of DOMA, and requested that any individual who believes his or her petition or application should be reopened notify USCIS by March 31, 2014. No fee is charged for these reopened petitions and applications. Additionally, if an individual's work authorization was denied or revoked based on the denial of a concurrently filed application or petition, the agency will reconsider the denial or revocation of the work authorization and will issue a new work authorization to the extent necessary. See [USCIS, Same-Sex Marriages](#).

#### **Department of Justice (DOJ)**

- The Attorney General issued a policy memorandum regarding equal treatment for same-sex married couples. The memorandum directs DOJ personnel to recognize lawful same-sex marriages for the purpose of statutes, regulations, and policies enforced, administered, or interpreted by the Department. Under this policy, the Department will take the position in legal proceedings that same-sex spouses of individuals should have the same legal rights as all other spouses – including the right to decline to give testimony that might violate the marital privilege, and the right in bankruptcy cases to file jointly. DOJ will recognize such marriages as valid based on the jurisdiction where the marriage was celebrated. See [DOJ Memo Regarding Department Policy](#) and [Attorney General Remarks](#).
- The Public Safety Officers' Benefits Program (PSOB) is amending the regulation that implements the PSOB Act and associated statutes. The final rule will amend the regulation to change the definition of "spouse." The PSOB Act and associated statutes generally provide financial support to certain public safety officers, or their survivors and families, when such officers die, or become permanently and totally disabled, as a result of line-of-duty injuries, or when they die of heart attacks or strokes sustained within statutorily-specified timeframes of engaging or participating in certain line-of-duty activity. See [PSOB Notice of Proposed Rulemaking](#).

- The United States Trustee Program (USTP) issued guidance instructing USTP personnel to apply the Bankruptcy Code and Bankruptcy Rules to same-sex married couples in the same manner they are applied to opposite-sex married couples, and to interpret references to marital status in the Code and Rules to cover individuals lawfully married under any jurisdiction with the legal authority to sanction marriages. See [USTP Consumer Information Website](#) and [FAQ](#).
- The September 11th Victim Compensation Fund (VCF) and the Radiation Exposure Compensation Program (RECA Program) issued guidance clarifying that they will recognize same-sex marriages valid in the place where they were celebrated, regardless of where the married individuals reside, to the extent consistent with law. See [VCF FAQ 1.26](#) and [RECA Notice: Clarification of Definition after the Supreme Court's Decision in \*United States v. Windsor\*](#).
- The Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) made clear that it will treat same-sex surviving spouses in the same manner as opposite-sex surviving spouses for purposes of carrying on a deceased spouse's licensed firearms or explosives business. See [ATF Q&A on Succession of a License by a Same-Sex Spouse](#).

#### **Department of Labor (DOL)**

- DOL issued guidance on the meaning of “spouse” and “marriage” as these terms appear in the provisions of the Employee Retirement Income Security Act of 1974 (ERISA) and the Internal Revenue Code that the Department interprets. The guidance provides that “marriage” and “spouse” include same-sex marriages and individuals in same-sex marriages, respectively, in cases when the marriage is recognized as a marriage under any state law, regardless of where the couple resides. See [Guidance to Employee Benefit Plans on the Definition of “Spouse” and “Marriage” under ERISA](#).
- DOL issued a bulletin regarding the administration of benefits under the Federal Employees’ Compensation Act (FECA) available to spouses and surviving spouses of federal employees. The agency will interpret FECA to cover same-sex married couples in the same manner as opposite-sex married couples. DOL will follow its longstanding practice of recognizing the validity of a marriage for FECA purposes based on the law of the jurisdiction where the marriage took place. See [FECA Bulletin 14-01](#) and [Office of Workers’ Compensation Programs Announcement](#).
- DOL issued a notice of proposed rulemaking on the Family and Medical Leave Act (FMLA) to provide that an employee is eligible for leave to care for a same-sex spouse regardless of the employee’s state of residence. DOL previously updated its guidance on the FMLA to make clear that an employee is eligible for leave to care for a same-sex spouse where the state in which the employee resides recognizes his or her marriage. See [Wage and Hour Division Fact Sheet #28F: Qualifying Reasons for Leave under the Family and Medical Leave Act](#), [FMLA PowerPoint \(Slide 12\)](#), [WHD Field Operations Handbook Chapter 39d03\(d\)\(1\) \(p. 23 of PDF\)](#), and [FMLA elaws Advisor](#).



- DOL issued a bulletin regarding the administration of benefits under the Energy Employees Occupational Illness Compensation Program Act (EEOICPA) available to surviving spouses of eligible Department of Energy nuclear weapons workers. The agency will interpret EEOICPA to cover same-sex married couples in the same manner as opposite-sex married couples. DOL will follow its longstanding practice of recognizing the validity of a marriage for FECA purposes based on the law of the jurisdiction where the marriage took place. See [EEOICPA Circular No. 14-06](#).
- DOL prepared a bulletin regarding the administration of benefits under the Longshore and Harbor Workers' Compensation Act (LHWCA). The agency will interpret the LHWCA to cover same-sex married couples in the same manner as opposite-sex married couples, recognizing any marriage that is valid under the law of any state. See [LHWCA Bulletin No. 14-04](#).
- DOL issued guidance on the application of the Federal Unemployment Tax Act (FUTA) to same-sex married couples. FUTA does not require the payment of unemployment taxes on work performed for a spouse. The agency's guidance confirms that this rule applies to same-sex married couples in the same way as to opposite-sex married couples. See [UIPL 14-14](#).
- DOL issued an advisory regarding workforce grants administered by the Employment and Training Administration (ETA), including grants under the Workforce Investment Act of 1998 (WIA). The advisory strongly encourages, but does not require, states, territories, and Indian tribes receiving ETA grants to recognize all marriages that are valid in the state of celebration. The advisory requires all other grantees to recognize all marriages that are valid in the state of celebration. See [TEGL 26-13](#). Likewise, DOL has issued an advisory strongly encouraging the states that carry out the Trade Adjustment Act (TAA) to recognize all marriages that are valid in the state of celebration. See [TEGL 27-13](#).

## Department of State

- The Department of State announced that U.S. embassies and consulates will adjudicate visa applications that are based on a same-sex marriage in the same way that they adjudicate applications for opposite-sex spouses. This means that the same-sex spouse of a visa applicant coming to the U.S. for any purpose – including work, study, international exchange, or as a legal immigrant – is eligible for a derivative visa. Stepchildren acquired through same-sex marriage can also qualify as beneficiaries or for derivative status. See [U.S. Visas for Same-Sex Spouses](#) and [Secretary Kerry Announcement on Visa Changes for Same-Sex Couples](#).
- State has made and is in the process of making revisions to the language of the Foreign Affairs Manual to account for same-sex marriages in accordance with the *Windsor* decision. See [Foreign Affairs Manual](#).

**Department of Veterans Affairs (VA)**

- VA's Office of General Counsel (OGC) issued an opinion analyzing who may be considered the "spouse" or "surviving spouse" of a Veteran (and therefore eligible for dependency benefits) under the place of residence recognition rule of 38 U.S.C. § 103(c). The opinion holds that, consistent with section 103(c), VA will recognize for purpose of applicable benefits those same-sex marriages that are recognized by the law of the place of residence of either spouse at the time of the marriage, or by the law of the place of residence of either spouse at the time the claimant became eligible for benefits. OGC also issued an opinion determining the date from which benefits based on a same-sex marriage are payable: claims open and on direct review as of September 4, 2013 (the date of the President's non-enforcement directive) will be given retroactive effect. New or reopened claims within one year will receive an effective date of September 4, 2013, if to do so would be to the claimant's benefit.
- The Veterans Benefits Administration (VBA) released guidance to its claims personnel nationwide regarding procedures for evaluating Veterans' applications for certain marriage-based benefits (dependency claims, survivors pension, DIC, education, home loan guaranty, vocational rehabilitation, insurance) that could be impacted by 38 U.S.C. § 103(c). VBA will inform claimants of the 103(c) standard through updated form instructions, and by providing claimants a link to VA's website (containing information about marriage recognition) so that they may verify their eligibility. VBA will apply the same level of scrutiny to all Veterans' marriages, regardless of whether they are same-sex or opposite-sex marriages. Consistent with 38 U.S.C. § 5124(a) and 38 C.F.R. § 3.204(a), VBA will generally accept a claimant's statement that he or she is married and eligible for benefits under 103(c). The exact same procedures apply for claimants in opposite-sex marriages and same-sex marriages.
- The National Cemetery Administration (NCA) issued a policy memorandum from the Deputy Under Secretary for Field Programs addressing burial benefits for same-sex married couples. NCA will inform claimants about marriage recognition and the 103(c) standard by providing links to VA's and NCA's webpages, and through outreach to funeral home directors. NCA will apply the same level of scrutiny to all Veterans' marriages, regardless of whether they are same-sex or opposite-sex marriages. Like VBA, NCA will continue to rely on claimants' assertions of spousal relationship for the purpose of determining eligibility for burial and memorial benefits. NCA will also accept previous VA determinations that a Veteran's marriage is recognized for VA benefit purposes.
- The Veterans Health Administration (VHA) issued a memorandum from the Acting Deputy Secretary for Health for Operations and Management directing that VHA revise its application forms to explain the 103(c) standard, and to provide claimants a link to VA's website (containing information about marriage recognition), so that they may verify their eligibility for benefits. VHA will apply the same level of scrutiny to all Veterans' marriages, regardless of whether they are same-sex or opposite-sex marriages. Like VBA and NCA, VHA will continue to rely on claimants' assertions of spousal

relationship for the purpose of determining eligibility. Eligibility for the civilian dependent health program (CHAMPVA) will be based on marriage determinations made by VBA.

- The Acting Secretary of Veterans Affairs signed a policy decision memorandum that he would exercise the discretionary authority (provided by statute, 38 U.S.C. § 2402(a)(6)) to designate individuals as eligible for burial in a national cemetery on a case-by-case basis, when there is evidence of a “committed relationship” between a Veteran and the otherwise ineligible individual. This standard is more inclusive of the range of relationships a Veteran may be in and will allow for burial of those same-sex spouses otherwise ineligible for interment in a national cemetery due to the 103(c) limitation.
- VA promulgated a rule to streamline delivery of benefits. Among other things, the rule automates payment of the federal stipend authorized to cover funeral/burial costs to a deceased Veteran’s “eligible surviving spouse.” In order to provide this benefit to same-sex spouses of Veterans who resided in non-recognition states at the time of their marriage or claim (and therefore do not meet the 103(c) standard) the rule permits payment to the “survivor of a legal union.”
- VA issued a proposed rule to amend its fiduciary activity regulations. The rule includes a new definition of “spouse” to include any husband or wife whose marriage meets the requirements of 38 U.S.C. § 103(c), including common law marriages and same-sex marriages. See [VA Proposed Rule](#).

#### **Federal Election Commission (FEC)**

- FEC has released two advisory opinions concluding that same-sex couples married under state law are “spouses” for purposes of FEC regulations. One advisory opinion, written in response to a request from the Democratic Senatorial Campaign Committee (DSCC), provides that the FEC regulation governing joint contributions by a “spouse,” 11 C.F.R. § 110.1(i), applies to same-sex couples married under state law; that a Senate candidate who is legally married to a same-sex spouse may utilize jointly owned assets under the same conditions as a Senate candidate who is married to an opposite-sex spouse; and that same-sex spouses are covered by the term “families” for purposes of permitting a corporation or labor organization to allow a representative of a political party to address and ask for contributions in certain circumstances. See [Advisory Opinion 2013-06 \(DSCC\)](#). The second advisory opinion, written in response to a request from a former Senate candidate, also held that the term “spouse” in 11 C.F.R. § 110.1(i) includes same-sex couples married under state law. See [Advisory Opinion 2013-07 \(Winslow II\)](#).

#### **Federal Retirement Thrift Investment Board (FRTIB)**

- FRTIB issued an interim final rule with request for comments regarding its administration of the Thrift Savings Plan (TSP). The interim rule provides that the FRTIB will look to the law of the jurisdiction of celebration to determine whether a TSP

participant is married. See [FRTIB Interim Rule Regarding Implementation of US v. Windsor](#).

### **General Services Agency (GSA)**

- GSA submitted to the Federal Register for publication a proposed rule that would clarify the definitions of “marriage” and “spouse” for purposes of federal employee travel and relocation benefits to include same-sex marriages and spouses. This rule also amends the definition of domestic partnership to apply only to individuals in such a relationship who certify that they would marry but for the failure of their state of residence to permit same-sex marriage.

### **Internal Revenue Service (IRS)**

- IRS issued a Revenue Ruling making clear that, for all federal tax purposes, it will recognize a marriage of same-sex individuals that was validly entered into in a state whose laws authorize the marriage of two individuals of the same sex even if the married couple is domiciled in a state that does not recognize the validity of same-sex marriages. The Revenue Ruling also determined that the terms “spouse,” “husband and wife,” “husband,” and “wife” as used in the Internal Revenue Code include an individual married to a person of the same sex if the individuals are lawfully married under state law, and that the term “marriage” in the Code includes such a marriage between individuals of the same sex. See [IRS Revenue Ruling 2013-17](#), [Frequently Asked Questions](#), and [Frequently Asked Questions for Same-Sex Domestic Partners](#).
- IRS issued a notice providing guidance for employers and employees to make claims for refunds or adjustments of overpayments of employment taxes with respect to benefits (such as health benefits) provided to same-sex spouses, as well as wages paid to someone who is employed by their same-sex spouse. The notice also provides special administrative procedures to reduce filing and reporting burdens on employers to correct certain overpayments of employment taxes for 2013 and prior years. See [IRS Notice 2013-61](#).
- IRS issued a notice addressing how the rules for cafeteria plans, flexible spending accounts, and health savings accounts apply to individuals with same-sex spouses. The notice permits changes to elections for same-sex married couples during the 2013 plan year. Typically, taxpayers are not permitted to change their pre-tax elections under a cafeteria plan until the following year. Additionally, the notice clarifies that limits on contributions to flexible spending accounts and health savings accounts apply to same-sex married couples. See [IRS Notice 2014-1](#) and [Treasury Blog Post](#).
- IRS issued guidance on the application of the *Windsor* decision on qualified retirement plans. The guidance asserts that qualified retirement plan operations must reflect the outcome of the *Windsor* decision as of June 26, 2013. The guidance further clarifies that a retirement plan will not be treated as failing to meet the qualified plan requirements solely because the plan did not recognize the same-sex spouse of a participant as a spouse

before June 26, 2013. See [IRS Notice 2014-19](#), [Frequently Asked Questions](#), and [IRS Blog Post](#).

- IRS issued a revenue procedure making available to certain taxpayers an automatic extension of time until December 31, 2014, without the need for a ruling request or user fee, to elect portability of a deceased spouse's unused transfer tax exclusion to the surviving spouse. The taxpayers eligible for this extension are the estates of decedents who died in 2011 through 2013, who were U.S. citizens or residents with a surviving spouse, who did not have sufficient assets to require the filing of an estate tax return, who did not timely file an estate tax return, and who satisfy the procedural requirements listed in the revenue procedure. Thus, this group of eligible taxpayers may include the estate of a decedent married to a spouse of the same sex for whom portability was not available prior to the *Windsor* decision. See [Revenue Procedure 2014-18](#).

#### **Office of Government Ethics (OGE)**

- OGE issued a general guidance providing that all of the federal ethical provisions over which it has interpretative authority, such as financial disclosure and conflict of interest requirements for federal employees, will now apply to same-sex married couples (with the validity of their marriages based on the place of celebration) in the same manner in which these provisions apply to opposite-sex married couples. See [Effect of the Supreme Court's Decision in United States v. Windsor on the Executive Branch Ethics Program](#).

#### **Office of Personnel Management (OPM)**

- On June 28, 2013, OPM announced that it had extended health insurance, life insurance, dental and vision insurance, long-term care insurance, and flexible spending accounts to all same-sex spouses and annuitants of federal employees, regardless of where the couple lives. See [Memorandum for Heads of Executive Departments and Agencies from OPM Acting Director Elaine Kaplan](#). See also [Benefits Administration Letter](#), [Federal Employees Health Benefit Program Carrier Letter](#), and [Federal Employees Dental and Vision Insurance Program Carrier Letter](#).
- OPM also announced that health care benefits are available to same-sex spouses of employees of Native American tribes that participate in the Federal Employees Health Benefits (FEHB) Program. See [Tribal Benefits Administration Letter](#).
- OPM issued a final rule to amend the FEHB regulations regarding coverage for children up to age 26. The regulations allow children of same-sex domestic partners living in states that do not allow same-sex couples to marry to be covered as family members under the FEHB and the Federal Employees Dental and Vision Insurance Program (FEDVIP). This benefit is limited to children of same-sex domestic partners who certify that they would marry but for the failure of their state of residence to permit same-sex marriage. See [OPM FEHB and FEDVIP Expanding Coverage Rule](#).

- OPM provided notice of a 2-year opportunity for annuitants who are in legal same-sex marriages to elect survivor annuities for their spouses under the Civil Service Retirement System and Federal Employees' Retirement System. The agency will recognize marriages based on the state of celebration. *See* [Civil Service Retirement System and Federal Employees' Retirement System; Opportunity for Annuitants to Elect Survivor Annuity Benefits for Same-Sex Spouses](#), 78 FR 47018 (Aug. 2, 2013). OPM has begun the process of working with surviving spouses of federal employees and annuitants who died prior to the Windsor decision to ensure that these widows and widowers receive the benefits to which they would have otherwise been entitled had DOMA not prohibited OPM from recognizing their marriages.
- OPM issued a notice of proposed rulemaking regarding FMLA coverage of same-sex spouses. The proposed rule would state that the term "spouse" in OPM's FMLA regulation is defined as a partner in any legally recognized marriage, regardless of the federal employee's state of residency. OPM previously issued a memorandum directing that "spouse," as used in OPM's current FMLA regulation, includes same-sex spouses regardless of the federal employee's state of residency. The guidance is effective as of June 26, 2013, and permits employees who took otherwise-qualifying leave to care for a same-sex spouse between June 26, 2013, and the date of the guidance to re-designate such time of as FMLA leave. *See* [Memorandum from OPM Acting Director Regarding FMLA Coverage of Same-Sex Spouses](#).

### **Peace Corps**

- The Peace Corps has begun to accept applications from same-sex married couples who wish to serve together as volunteers overseas on the same basis as opposite sex married couples. The Peace Corps has also begun to accept applications from domestic partners who wish to serve together, regardless of whether they are same-sex domestic partners or opposite-sex domestic partners. Domestic partners are required to sign an affidavit before leaving for service to verify their relationship. *See* [Peace Corps Same-Sex Couples FAQs](#) and [Peace Corps Announces New Service Opportunity for Same-Sex Couples](#).

### **Pension Benefit Guaranty Corporation (PBGC)**

- PBGC revised its policy regarding marriage requirements. As the statutory trustee of terminated pension plans, it had pre-existing policy guidance for establishing the existence of a marital relationship for purposes of entitlement to benefits in plans administered by PBGC. The revisions to PBGC's policies provide that the agency will recognize same-sex marriages under the same rules applicable to opposite-sex marriages, including following its longstanding place of celebration rule for recognizing the validity of a marriage. *See* [PBGC Blog: Defining Marriage along with Your Defined Benefit and Effect on PBGC Benefits of the Supreme Court's Decision on Same-Sex Marriage](#).



## Social Security Administration (SSA)

- SSA is processing retirement benefit claims based on a same-sex marriage when the individual who paid into social security is domiciled at the time of the application, or while the claim is pending, in a state that recognizes his or her marriage. All claims pending on, or filed on or after, June 26, 2013, the date of the *Windsor* decision, are subject to these new instructions. See [Program Operations Manual System, Same-Sex Marriage – Benefits for Aged Spouses](#) and [Statement of Carolyn W. Colvin, Acting Commissioner of Social Security, on Payments to Same-Sex Couples](#).
- SSA released guidance for processing surviving spouses' claims and appeals involving same-sex marriages, including Medicare-only claims, when the individual who paid into social security was domiciled at the time of his or her death in a state that recognized his or her marriage. These instructions include procedures for approving, denying, or holding claims and appeals for benefits based on a ceremonial same-sex marriage. SSA also cleared guidance on providing lump-sum death benefits to some surviving same-sex spouses. See [Program Operations Manual System, Surviving Spouses](#) and [Program Operations Manual System, Lump-Sum Death Payments](#).
- SSA issued guidance for processing claims involving a non-marital relationship, such as a civil union, domestic partnership, or reciprocal beneficiary relationship. The guidance provides that SSA will recognize a claimant as married if state law allows the claimant to inherit from his or her partner on the same terms as a spouse could inherit.
- SSA issued guidance instructing field offices to process Supplemental Security Income (SSI) initial claims, appeals, and post-eligibility actions when an SSI claimant is in a same-sex marriage. Field offices will be able to process all SSI claims for applicants and beneficiaries in same-sex marriages or other same-sex relationships, and will treat such applicants and beneficiaries as married for purposes of calculating SSI benefits if they live in states that recognize same-sex marriage. Given that SSI is a means-tested program of last resort, SSA will consider the income and resources of the recipient and his or her spouse when determining both eligibility for the program and the monthly payment amount. See [SSA POMS Supplemental Security Income](#).
- SSA is encouraging individuals who believe they may be entitled to Social Security benefits based on a same-sex marriage or a legal same-sex relationship other than marriage to apply for benefits now. See [Frequently Asked Questions, Supreme Court decision about Defense of Marriage Act](#).
- SSA released guidance for interviewing individuals with claims involving same-sex relationships, stating the agency's policy to provide meaningful access to all of its programs, provide sensitive service to all individuals, and treat individuals with dignity and respect. See [Program Operations Manual System, Interviewing Individuals with Claims Involving Same-Sex Relationships](#).



- SSA released guidance on how to process claims that involve a same-sex marriage entered into a foreign jurisdiction. The guidance also provides instructions for obtaining a legal opinion on the validity of the foreign same-sex marriage. See [Program Operations Manual System, Foreign Marriages](#).



## CERTIFICATE OF ACCURACY

TO WHOM IT MAY CONCERN

B&N Legal Interpreting, Inc. prepared the attached certified English translation of the Spanish document "Declaration of Iris Delia Rivera Rivera".

We confirm that the attached translation was prepared by our Senior English Associate, a translator who is certified with the U.S. Courts and Federal courts as an interpreter.

We further certify that the translation is an accurate representation of the original text in terms of both content and tone.

Should you have any questions regarding this translation, please contact B&N Legal Interpreting, Inc. directly at 866-661-1053.

Sincerely,

A handwritten signature in black ink, appearing to read "CE Courtright".

Christina Courtright  
Court-Certified Interpreter  
Certified Translator

Notarize Here

A large, stylized handwritten signature in black ink, likely belonging to the Notary Public.



9/15/14

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**UNITED STATES DISTRICT COURT  
DISTRICT OF PUERTO RICO**

ADA MERCEDES CONDE VIDAL and  
IVONNE ÁLVAREZ VÉLEZ; MARITZA  
LÓPEZ AVILES and IRIS DELIA RIVERA  
RIVERA; JOSÉ A. TORRUELLAS IGLESIAS  
and THOMAS J. ROBINSON; ZULMA  
OLIVERAS VEGA and YOLANDA ARROYO  
PIZARRO; JOHANNE VÉLEZ GARCÍA and  
FAVIOLA MELÉNDEZ RODRÍGUEZ; and  
PUERTO RICO PARA TOD@S,

*Plaintiffs,*

v.

ALEJANDRO J. GARCIA PADILLA, in his  
official capacity as Governor of the  
Commonwealth of Puerto Rico; ANA RIUS  
ARMENDARIZ, in her official capacity as  
Secretary of the Health Department of the  
Commonwealth of Puerto Rico; WANDA  
LLOVET DIAZ, in her official capacity as  
Director of the Commonwealth of Puerto Rico  
Registrar of Vital Records; and MELBA ACOSTA  
FEBO, in her official capacity as Director of the  
Treasury in Puerto Rico,

*Defendants.*

Civil Action No. 3:14-cv-01253-PG

**DECLARATION OF PLAINTIFF IRIS DELIA RIVERA RIVERA IN SUPPORT OF  
PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT**

I, Iris Delia Rivera Rivera, hereby declare and state the following:

1. I am one of the plaintiffs in this civil action together with my partner, Maritza López Avilés. I am 57 years of age and I reside in Toa Alta, Puerto Rico. I have personal knowledge of the facts set forth in this declaration and could testify to that effect if I am called to testify as a witness.
2. Maritza and I are two women in a loving and committed relationship of almost forty years. We have raised a daughter, A.R.B., together.

3. I was born on September 1, 1957, in Bayamón, Puerto Rico. I have six siblings.

4. Maritza and I attended Miguel de Cervantes Saavedra high school in Bayamón.

We have known each other since tenth grade.

5. After graduating from high school, Maritza and I enrolled at the Interamerican University of Puerto Rico to study biology with the goal of becoming medical technicians.

6. I have always known that I am attracted to women.

7. In 1976, after I took care of Maritza during a university excursion to the Guajataca camp, Maritza and I began dating each other and forming a relationship.

8. I have always been very open with my family about my relationship with Maritza and my family has always been very supportive of our relationship.

9. In 1978, after graduating from the university, Maritza and I moved in to live together. Given the importance of marriage to us and to our families, we also went to church one day on our own, we stood before God as a couple, and we asked for God's blessing.

10. After graduating from the university, Maritza and I considered working as teachers, but we ultimately decided to open our own business—a food truck. We have owned and operated our family business for over 32 years. For health reasons, Maritza can no longer assist me with the food truck. Consequently I am the only financial provider in our family.

11. In 1981 I enlisted in the Puerto Rico National Guard. My basic training took place in Fort Jackson, South Carolina, and then in Texas for training as a military laboratory technician. While I was in training, Maritza and I would write each other constantly.

12. In 1989 I was deployed to Panama during Operation Just Cause. In 1990-1991 I was deployed to the Persian Gulf War.

13. I was upset and disturbed to find out about the anxiety Maritza suffered during my

military deployments as a result of the Armed Forces' failure to recognize our relationship and their refusal to give Maritza any information regarding my whereabouts.

14. Before my deployments, I also had to transfer to Maritza the title to our home, which was in my name, in case anything happened to me during active duty, since we had not executed wills, and we were concerned that under the laws of Puerto Rico Maritza would not be protected as a legal spouse, and would thus be unable to inherit property due to our ineligibility to be married.

15. Given that Maritza and I have several medical conditions, we are concerned about how we are going to protect each other. Over the years, Maritza has had several surgeries due to various health problems. As a result, Maritza and I live in fear that we might be denied access to each other while one is in the hospital, or that we might be denied the ability to make decisions on behalf of each other if one were to become incapacitated.

16. In fact, we have already suffered discrimination in hospitals. In 2007, and again in 2008, Maritza had to undergo intestinal surgery at the Hermanos Meléndez Hospital. On both occasions, the hospital staff would not allow me to see Maritza, and in the beginning I was denied any information regarding her condition. It was not until after a tense and prolonged discussion that hospital staff provided me with limited information on Maritza's condition. I was only allowed to see Maritza during regular visiting hours.

17. Maritza and I have raised our daughter, A.R.B., together since 1996, when she was four weeks old. Although A.R.B. maintained a relationship with her biological mother and her father (my brother), A.R.B. has always lived with Maritza and me. In 2010, after A.R.B.'s biological mother died of cervical cancer, Maritza obtained legal custody of A.R.B.

18. Maritza and I would like to adopt A.R.B. but we cannot do so because Puerto

Rico only allows joint adoptions by married couples. Therefore, Puerto Rico's Marriage Ban also deprives us of the opportunity to provide A.R.B. with the security that marriage would afford.

19. Maritza and A.R.B. are financially dependent upon me. I fear for the futures of both of them if anything were to happen to me, since they would be denied access to Social Security benefits or veteran survivor benefits because Puerto Rico's Marriage Ban does not allow me to marry Maritza. I have several health conditions that worry me, and I want Maritza and my daughter to be covered if anything were to happen.

20. In addition, I receive disability compensation through the Veteran Benefits Administration as a result of injuries and aggravated injuries during my active duty in the Puerto Rico National Guard. However, because of Puerto Rico's Marriage Ban, I cannot claim Maritza and A.R.B. as dependents, and I therefore receive less compensation than a similarly situated veteran who is allowed to marry in Puerto Rico.<sup>1</sup>

21. Maritza and I want to marry given how important it is for us and our family to have our relationship recognized. We have seen the profound significance that marriage has in daily life.

22. We want to marry in Puerto Rico because Puerto Rico is our home, where we were both born, were raised, and where we have large families who support us and with whom we wish to celebrate such an important occasion.

23. We also lack sufficient financial resources to travel and plan a wedding in another jurisdiction where same-sex couples are permitted to marry. But even if we could, the Social Security benefits and veteran survivor benefits depend on recognition of our marriage in Puerto

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<sup>1</sup> See Exhibit A – U.S. Department of Veterans Affairs, Veterans Compensation Benefits Rate Tables – Effective 12/1/13, *available at* [http://benefits.va.gov/COMPENSATION/resources\\_comp01.asp#BM04](http://benefits.va.gov/COMPENSATION/resources_comp01.asp#BM04) (last accessed September 5, 2014).

Rico.<sup>2</sup>

24. Maritza and I believe that we would have greater financial, medical and emotional security if Puerto Rico would allow us to marry and would treat our relationship in the same way as it treats the relationships of different-sex couples.

25. We believe that our relationship of almost forty years would be seen as more legitimate by others, including hospital staff, if we were allowed to marry.

26. Maritza and I are over 18 years of age, we have legal standing to enter into contracts, we are not prevented from marrying each other based on consanguinity or affinity, and we are not married to any other person. We have no knowledge of any impediment to marrying each other except for the Puerto Rico law that prohibits us from doing so because we are of the same sex.

27. Maritza and I are reluctant to request a marriage license in Puerto Rico given the risk that we could be criminally prosecuted for attempting to marry another person who is currently prohibited under the laws of Puerto Rico.

Signed under penalty of perjury pursuant to the laws of the United States on the \_\_\_\_ day of September of 2014.

---

Iris Delia Rivera Rivera

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<sup>2</sup> See Exhibit B – Memorandum from Eric Holder Jr., U.S. Att'y Gen., to the President, *Implementation of United States v. Windsor*, at 1-3 (June 20, 2014) ("Holder Memorandum"), available at <http://www.justice.gov/iso/opa/resources/9722014620103930904785.pdf> (last accessed September 5, 2014).



**UNITED STATES DISTRICT COURT  
DISTRICT OF PUERTO RICO**

ADA MERCEDES CONDE VIDAL and  
IVONNE ÁLVAREZ VÉLEZ; MARITZA  
LÓPEZ AVILES and IRIS DELIA RIVERA  
RIVERA; JOSÉ A. TORRUELLAS IGLESIAS  
and THOMAS J. ROBINSON; ZULMA  
OLIVERAS VEGA and YOLANDA ARROYO  
PIZARRO; JOHANNE VÉLEZ GARCÍA and  
FAVIOLA MELÉNDEZ RODRÍGUEZ; and  
PUERTO RICO PARA TOD@S,

*Plaintiffs,*

v.

ALEJANDRO J. GARCIA PADILLA, in his  
official capacity as Governor of the  
Commonwealth of Puerto Rico; ANA RIUS  
ARMENDARIZ, in her official capacity as  
Secretary of the Health Department of the  
Commonwealth of Puerto Rico; WANDA  
LLOVET DIAZ, in her official capacity as  
Director of the Commonwealth of Puerto Rico  
Registrar of Vital Records; and MELBA ACOSTA  
FEBO, in her official capacity as Director of the  
Treasury in Puerto Rico,

*Defendants.*

Civil Action No. 3:14-cv-01253-PG

**DECLARATION OF PLAINTIFF MARITZA LÓPEZ AVILÉS IN SUPPORT OF  
PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT**

Yo, Maritza López Avilés, por la presente declaro y expongo lo siguiente:

1. Yo soy una de las demandantes en este pleito junto a mi pareja Iris Delia Rivera Rivera. Tengo 58 años de edad y resido en Toa Alta, Puerto Rico. Tengo conocimiento personal de los hechos expuestos en esta declaración y podría así dar testimonio si me llamara a testificar como testigo.
2. Iris y yo somos dos mujeres en una relación amorosa y comprometida de casi cuarenta años. Hemos criado una hija, A.R.B., juntas.

3. Nací el 12 de junio de 1956 en Bayamón, Puerto Rico. Tengo un hermano y una hermana.

4. Iris y yo estudiamos en la escuela secundaria Miguel de Cervantes Saavedra en Bayamón. Nos conocemos desde el décimo grado.

5. Luego de graduarnos de escuela secundaria, Iris y yo ambas nos matriculamos en la Universidad Interamericana de Puerto Rico para estudiar biología con la intención de convertirnos en tecnólogas médicas.

6. Aunque siento que siempre estuve atraída a las mujeres, no me di cuenta de dicha atracción hasta 1976, cuando Iris cuidó de mí cuando me enfermé durante una excursión universitaria al campamento Guajataca. Ahí fue que sentí las mariposas. Ese mismo año, Iris y yo comenzamos a salir juntas y formar una relación.

7. En 1976, me senté con mi familia y les explique que estaba atraída a las mujeres y que Iris era mi novia. Mi familia fue y sigue siendo muy acogedora de nuestra relación.

8. En 1978, después de graduarnos de la universidad, Iris y yo nos mudamos a vivir juntas. Debido a la importancia que el matrimonio tiene para nosotros y nuestras familias, también fuimos por nuestra cuenta a la iglesia un día, nos presentamos ante Dios como una pareja, y le pedimos a Dios una bendición.

9. Luego de graduarnos de la universidad, Iris y yo consideramos trabajar como maestras, pero en última instancia decidimos abrir nuestro propio negocio—un camión de comida. Sin embargo, por razones de salud, no pude seguir atendiendo a nuestro camión de comida y me convertí en una ama de casa. Iris es ahora el único sostén económico para nuestra familia.

10. En 1981, Iris también se enlistó en la Guardia Nacional de Puerto Rico.

11. Como parte de su servicio, Iris viajó a bases militares en los Estados Unidos y fue desplegada por períodos de tiempo a Panamá durante la Operación Causa Justa y a la Guerra del Golfo Pérsico. Durante sus despliegues, le escribí a Iris diariamente y le envié “care packages” casi semanalmente.

12. Debido a que Iris y yo no nos podemos casar, las fuerzas armadas no reconocieron nuestra relación y se rehusaron a proporcionarme con información sobre el paradero de Iris. Las fuerzas armadas también no me proporcionaron con asesoramiento y otros servicios de apoyo que les prestaban a los cónyuges de distinto sexo de otros soldados en servicio activo. Recuerdo vívidamente la ansiedad que experimenté como resultado de no saber dónde estaba Iris o si ella estaba a salvo. Tuve que depender habitualmente de la familia de Iris para obtener cualquier información, y en mi familia y amistades para apoyo.

13. Debido a que la casa en la que vivíamos en el momento del despliegue de Iris estaba en su nombre, y no teníamos testamentos o podíamos casarnos debido a la discriminación en torno al matrimonio por Puerto Rico, Iris tuvo que transferir el título de la casa a mí nombre antes de que ella se fuera en caso de que algo le pasara a ella mientras estaba en el servicio activo. Estábamos preocupadas de que como bajo las leyes de Puerto Rico yo no tenía protecciones legales, yo no sería capaz de heredar la propiedad como esposa, debido a nuestra inhabilidad para casarnos.

14. A través de los años, he tenido varias intervenciones quirúrgicas debido a diversos problemas de salud, algunos de los cuales aún persisten. Como resultado, Iris y yo vivimos en temor de que Iris se vería privada de acceso a mí mientras yo estuviera en el hospital o que se negara la habilidad de tomar decisiones a mi nombre.

15. De hecho, ya hemos sufrido discriminación en los hospitales. En 2007 y

nuevamente en 2008, tuve que someterme a cirugías intestinales en el Hospital Hermanos Meléndez. En ambas ocasiones, el personal del hospital no permitió que Iris me viera y en un principio se negó a proveerle cualquier información acerca de mi condición. No fue hasta luego de una tersa y prolongada discusión que el personal del hospital le proporcionó a Iris con información limitada de mi condición.

16. Iris y yo hemos criado nuestra hija, A.R.B., desde 1996, cuando tenía cuatro semanas de edad. A pesar de que A.R.B. mantuvo una relación con su madre biológica y su padre (hermano de Iris), A.R.B. siempre ha vivido con conmigo e Iris. En 2010, luego de que la madre biológica de A.R.B. murió de cáncer cervical, se me concedió la custodia legal de A.R.B. A.R.B. se refiere a mí como “mami.”

17. A Iris y a mí queremos adoptar conjuntamente a A.R.B. pero no podemos hacerlo debido a que Puerto Rico sólo permite las adopciones conjuntas por parte de parejas casadas. Por lo tanto, el discrimen de Puerto Rico hacia nosotras nos priva de la oportunidad de proveerle a A.R.B. con la seguridad que el matrimonio brindaría.

18. También temo de mi futuro si algo le fuera a suceder a Iris ya que soy un ama de casa y dependo económicamente de Iris, porque es mi entendimiento que se me privaría de acceso a beneficios de Seguro Social o beneficios para sobrevivientes de veteranos.

19. Quiero casarme con Iris porque ella es el amor de mi vida. Todavía tengo la primera flor que Iris me dió hace casi cuarenta años.

20. Iris y yo también nos queremos casarnos debido a la importancia que tiene para nosotras y nuestras familias que nuestra relación sea reconocida de dicha única manera. Hemos visto el profundo significado que el matrimonio tiene en la vida cotidiana.

21. Queremos casarnos en Puerto Rico porque Puerto Rico es nuestro hogar, donde

ambas nacimos, nos criamos, y donde tenemos grandes familias que nos apoyan y con quienes quisiéramos celebrar tan importante ocasión.

22. También, no tenemos suficientes recursos financieros para viajar y planificar una boda en otra jurisdicción donde se permite a las parejas del mismo sexo casarse. Pero aún si pudiéramos, los beneficios de Seguro Social y beneficios para sobrevivientes de veteranos dependen del reconocimiento de nuestro matrimonio en Puerto Rico.

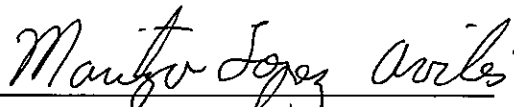
23. Iris y yo creemos que estaríamos más seguras financieramente, médicamente, y emocionalmente si Puerto Rico nos permitiera casarnos y tratara nuestra relación de la misma manera que trata las relaciones de parejas de distinto sexo.

24. Creemos que nuestra relación de casi cuarenta años sería vista con más legitimidad por otras personas, incluyendo personal hospitalario, si se nos permitiera casarnos.

25. Iris y yo tenemos más de 18 años de edad, tenemos la capacidad para contratar, no estamos impedidas de casarnos entre sí como resultado de consanguinidad o afinidad, y no estamos casadas con algún otra persona. No tenemos conocimiento de algún impedimento para casarnos que no sea la ley de Puerto Rico que nos prohíbe hacerlo porque somos del mismo sexo.

26. Iris y yo estamos reacias a solicitar una licencia de matrimonio en Puerto Rico, debido al riesgo de que se nos puede enjuiciar criminalmente por intentar casarnos con otra persona que actualmente está prohibido por las leyes de Puerto Rico.

Firmado bajo pena de perjurio bajo las leyes de los Estados Unidos el día 5 de septiembre de 2014.

  
Maritza López Avilés

**ATTACHMENT A**





## CERTIFICATE OF ACCURACY

TO WHOM IT MAY CONCERN

B&N Legal Interpreting, Inc. prepared the attached certified English translation of the Spanish document "Declaration of Maritza Lopez Aviles".

We confirm that the attached translation was prepared by our Senior English Associate, a translator who is certified with the U.S. Courts and Federal courts as an interpreter.

We further certify that the translation is an accurate representation of the original text in terms of both content and tone.

Should you have any questions regarding this translation, please contact B&N Legal Interpreting, Inc. directly at 866-661-1053.

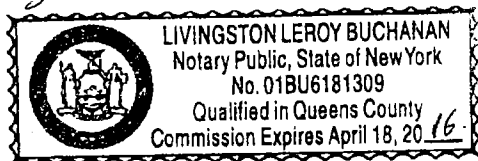
Sincerely,

A handwritten signature in black ink, appearing to read "CE Courtright".

Christina Courtright  
Court-Certified Interpreter  
Certified Translator

Notarize Here

A handwritten signature in black ink, likely belonging to the Notary Public, Livingston Leroy Buchanan.



9/15/14

[www.bninterpreting.com](http://www.bninterpreting.com)

350 Fifth Avenue, 59<sup>th</sup> Floor – New York, NY 10118  
(Tel) 866.661.1053 – (Fax) 866.661.1055



**UNITED STATES DISTRICT COURT  
DISTRICT OF PUERTO RICO**

ADA MERCEDES CONDE VIDAL and  
IVONNE ÁLVAREZ VÉLEZ; MARITZA  
LÓPEZ AVILES and IRIS DELIA RIVERA  
RIVERA; JOSÉ A. TORRUELLAS IGLESIAS  
and THOMAS J. ROBINSON; ZULMA  
OLIVERAS VEGA and YOLANDA ARROYO  
PIZARRO; JOHANNE VÉLEZ GARCÍA and  
FAVIOLA MELÉNDEZ RODRÍGUEZ; and  
PUERTO RICO PARA TOD@S,

*Plaintiffs,*

v.

ALEJANDRO J. GARCIA PADILLA, in his  
official capacity as Governor of the  
Commonwealth of Puerto Rico; ANA RIUS  
ARMENDARIZ, in her official capacity as  
Secretary of the Health Department of the  
Commonwealth of Puerto Rico; WANDA  
LLOVET DIAZ, in her official capacity as  
Director of the Commonwealth of Puerto Rico  
Registrar of Vital Records; and MELBA ACOSTA  
FEBO, in her official capacity as Director of the  
Treasury in Puerto Rico,

*Defendants.*

Civil Action No. 3:14-cv-01253-PG

**DECLARATION OF PLAINTIFF MARITZA LÓPEZ AVILÉS IN SUPPORT OF  
PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT**

I, Maritza López Avilés, hereby declare and state the following:

1. I am one of the plaintiffs in this civil action together with my partner, Iris Delia Rivera Rivera. I am 58 years of age and I reside in Toa Alta, Puerto Rico. I have personal knowledge of the facts set forth in this declaration and could testify to that effect if I am called to testify as a witness.
2. Iris and I are two women in a loving and committed relationship of almost forty years. We have raised a daughter, A.R.B., together.

3. I was born on June 12, 1956, in Bayamón, Puerto Rico. I have one brother and one sister.

4. Iris and I attended Miguel de Cervantes Saavedra high school in Bayamón. We have known each other since tenth grade.

5. After graduating from high school, Iris and I enrolled at the Interamerican University of Puerto Rico to study biology with the goal of becoming medical technicians.

6. Although I feel that I have always been attracted to women, I did not realize said attraction until 1976, when Iris took care of me when I became ill during a university excursion to the Guajataca camp. That's when I felt the butterflies. That same year, Iris and I began dating each other and forming a relationship.

7. In 1976, I sat down with my family and explained to them that I was attracted to women and that Iris was my girlfriend. My family was and continues to be very supportive of our relationship.

8. In 1978, after graduating from the university, Iris and I moved in to live together. Given the importance of marriage to us and to our families, we also went to church one day on our own, we stood before God as a couple, and we asked for God's blessing.

9. After graduating from the university, Iris and I considered working as teachers, but we ultimately decided to open our own business—a food truck. However, for health reasons I could not continue working at our food truck and I became a homemaker. Iris is now the only financial provider for our family.

10. In 1981, Iris also enlisted in the Puerto Rico National Guard.

11. As part of her service, Iris traveled to military bases in the United States and was deployed for periods of time to Panama during Operation Just Cause and to the Persian Gulf

War. During her deployments, I wrote to Iris every day and sent her "care packages" almost every week.

12. Since Iris and I are unable to marry, the armed forces did not recognize our relationship and refused to provide me information on Iris' whereabouts. The armed forces also did not provide me any counseling or other support services that they offered to different-sex spouses of other soldiers on active duty. I vividly recall the anxiety I experienced as a result of not knowing where Iris was or whether she was safe. I usually had to depend on Iris' family to obtain any information, and on my family and friends for support.

13. Given that the house in which we were living at the time of Iris' deployment was in her name, and we had no wills and were unable to marry each other due to marriage-related discrimination in Puerto Rico, Iris had to transfer the title to the house to my name before she left in case anything happened to her while she was on active duty. We were concerned that since I had no legal protection under the laws of Puerto Rico, I would be unable to inherit property as a spouse due to our ineligibility to be married.

14. Over the years I have had several surgeries due to various health problems, some of which are still present. As a result, Iris and I live in fear that Iris might be denied access to me while I am in the hospital, or that she might be denied the ability to make decisions on my behalf.

15. In fact, we have already suffered discrimination in hospitals. In 2007, and again in 2008, I had to undergo intestinal surgery at the Hermanos Meléndez Hospital. On both occasions, the hospital staff would not allow Iris to see me, and in the beginning she was denied any information regarding my condition. It was not until after a tense and prolonged discussion that hospital staff provided Iris with limited information on my condition.

16. Iris and I have raised our daughter, A.R.B., together since 1996, when she was four weeks old. Although A.R.B. maintained a relationship with her biological mother and her father (Iris' brother), A.R.B. has always lived with Iris and me. In 2010, after A.R.B.'s biological mother died of cervical cancer, I was granted legal custody of A.R.B. A.R.B. calls me "Mommy."

17. Iris and I would like to adopt A.R.B. jointly but we cannot do so because Puerto Rico only allows joint adoptions by married couples. Therefore, Puerto Rico's discrimination against us deprives us of the opportunity to provide A.R.B. with the security that marriage would afford.

18. I also fear for my future should anything happen to Iris since I am a homemaker and am financially dependent on Iris, because it is my understanding that I would be denied access to Social Security benefits or veteran survivor benefits.

19. I want to marry Iris because she is the love of my life. I still have the first flower that Iris gave me almost forty years ago.

20. Iris and I also want to marry given how important it is for us and for our families that our relationship be recognized in that unique manner. We have seen the profound significance that marriage has in daily life.

21. We want to marry in Puerto Rico because Puerto Rico is our home, where we were both born, were raised, and where we have large families who support us and with whom we wish to celebrate such an important occasion.

22. We also lack sufficient financial resources to travel and plan a wedding in another jurisdiction where same-sex couples are permitted to marry. But even if we could, the Social Security benefits and veteran survivor benefits depend on recognition of our marriage in Puerto

Rico.

23. Iris and I believe that we would have greater financial, medical and emotional security if Puerto Rico would allow us to marry and would treat our relationship in the same way as it treats the relationships of different-sex couples.

24. We believe that our relationship of almost forty years would be seen as more legitimate by others, including hospital staff, if we were allowed to marry.

25. Iris and I are over 18 years of age, we have legal standing to enter into contracts, we are not prevented from marrying each other based on consanguinity or affinity, and we are not married to any other person. We have no knowledge of any impediment to marrying each other except for the Puerto Rico law that prohibits us from doing so because we are of the same sex.

26. Iris and I are reluctant to request a marriage license in Puerto Rico given the risk that we could be criminally prosecuted for attempting to marry another person who is currently prohibited under the laws of Puerto Rico.

Signed under penalty of perjury pursuant to the laws of the United States on the \_\_\_\_ day of September of 2014.

---

Maritza López Avilés

**UNITED STATES DISTRICT COURT  
DISTRICT OF PUERTO RICO**

ADA MERCEDES CONDE VIDAL and  
IVONNE ÁLVAREZ VÉLEZ; MARITZA  
LÓPEZ AVILÉS and IRIS DELIA RIVERA  
RIVERA; JOSÉ A. TORRUELLAS IGLESIAS  
and THOMAS J. ROBINSON; ZULMA  
OLIVERAS VEGA and YOLANDA ARROYO  
PIZARRO; JOHANNE VÉLEZ GARCÍA and  
FAVIOLA MELÉNDEZ RODRÍGUEZ; and  
PUERTO RICO PARA TOD@S,

*Plaintiffs,*

v.

ALEJANDRO J. GARCÍA PADILLA, in his  
official capacity as Governor of the  
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LLOVET DÍAZ, in her official capacity as  
Director of the Commonwealth of Puerto Rico  
Registrar of Vital Records; and MELBA  
ACOSTA FEBO, in her official capacity as  
Director of the Treasury in Puerto Rico,

*Defendants.*

Civil Action No. 3:14-cv-01253-PG

**DECLARATION OF PLAINTIFF JOSÉ A. TORRUELLAS IGLESIAS IN SUPPORT  
OF PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT**

I, José A. Torruellas Iglesias, hereby declare and state as follows:

1. I am one of the Plaintiffs in this lawsuit along with my husband, Thomas J. Robinson. I am 57 years old and reside in San Juan, Puerto Rico. I have personal knowledge of the matters stated in this declaration and can and will so testify if called as a witness.
2. Thomas and I are two men in a loving, committed relationship of more than thirteen years. We married in Toronto, Canada on May 28, 2007. Attached as "Attachment



A” is a true and accurate copy of our certificate of marriage.

3. I was born on April 2, 1957, in Caguas, Puerto Rico and grew up in San Lorenzo. I have three brothers, including one who died in 2010—all of whom have been very supportive of my relationship with Thomas. I graduated from San Lorenzo High School in 1975 and obtained a bachelor’s degree from the University of Puerto Rico in 1981. In 1997, I obtained a master’s degree in public health from the Medical Sciences Campus of the University of Puerto Rico.

4. From a very young age, I knew I was attracted to men. When I was 21 years old, my father asked me if I was gay, to which I responded affirmatively. My father was very supportive and accepting of my sexual orientation.

5. From 1982 to 1987, I lived in New York City and Kansas City. I returned to Puerto Rico in 1987, when I worked for the Instituto de Servicios Comunes, Inc. providing services to low-income families. In the early 1990s, I became a case manager for the Puerto Rico Community Network for Clinical Research on AIDS (PR CoNCRA), a community-based organization that provides health and social services for people living with HIV in Puerto Rico. In 1995, I joined Congreso Calidad de Vida, where I supervised a housing program in Caguas.

6. In 2000, I began working at the Puerto Rico Electric Power Authority, where I have been for over fourteen years.

7. I first met Thomas on July 29, 2001, in the Condado area of San Juan, when Thomas was visiting from Chicago with a mutual friend. I was immediately attracted to him.

8. After Thomas’s visit, I received a letter from him and we began to get to know one another over the phone and through mail correspondence. We began to fall in love

despite the long distance.

9. On January 5, 2002, Thomas visited me in Puerto Rico and met my family. This began a three-year long distance relationship where we would speak almost every day and visited one another several times a year.

10. On January 30, 2005, Thomas came to Puerto Rico to live with me. We lived in Cayey for two years, until we moved to San Juan. We got engaged in July 2006 and celebrated with my family, and our friends and neighbors.

11. In 2007 we traveled to Toronto, Canada, and got married on May 28, 2007. We celebrated our wedding alongside Thomas's family. Unfortunately, my family could not travel to our wedding, in part, due to the expense of having to travel outside Puerto Rico for the wedding.

12. We have now been married for over seven years. We got married because we wanted to make our relationship official. We value commitment and the structure, formality and security that marriage provides. We also both come from families that value marriage. My parents were married for thirty-seven years before my father passed away in 1992.

13. Since we married, I have made numerous attempts to add Thomas as my spouse to my employer-provided health insurance. PREPA employees with different-sex spouses can add their spouses to their employer-provided health insurance. By contrast, I have been denied on every occasion due to Puerto Rico's Marriage Ban. The last denial occurred in March 2014. Attached as "Attachment B" is a true and accurate copy of the denial letter, dated March 17, 2014, PREPA sent me.

14. As a result of my inability to add Thomas to my employer-provided health insurance due to Puerto Rico's Marriage Ban, for years, Thomas and I were forced to

purchase private individual health insurance for Thomas at a significant cost. In March 2014, Thomas enrolled in Mi Salud, the Commonwealth's government-administered health insurance, because we could no longer afford private individual health insurance coverage for him.

15. Thomas is currently a homemaker and depends economically on me. As a result, I would like to claim Thomas as a dependent on my Puerto Rico tax returns. In February 2014, I called the Puerto Rico Department of the Treasury because I wanted to file a joint tax return with my husband. The employee who answered the call stated, "That's never going to happen." We find that to be insulting. Thomas and I believe we would owe less money in taxes if our marriage were recognized in Puerto Rico.

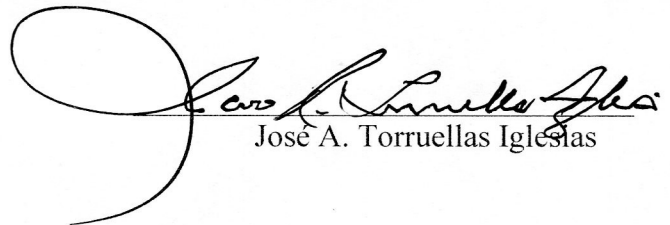
16. Because of Puerto Rico's Marriage Ban, Thomas and I also worry about the economic and health implications if something were to happen to us. For example, Thomas would not be eligible for Social Security survivor's benefits even though we are married.

17. Puerto Rico's refusal to respect our marriage causes both Thomas and me a deep sense of loss. The fact that our government deems us strangers to each other, despite how committed we are, and in defiance of the legal marriage we have entered, interferes with our ability to communicate to others that we are a family and are committed to each other for life. It eats away at our sense of self-worth. We wish to be recognized as legally married, here at home.

18. Thomas and I are both over the age of 18, have the capacity to contract, are not barred from marrying each other as a result of consanguinity or affinity, and are not married to any other person. We are aware of no impediment to our marriage other than Puerto Rico's law prohibiting us from doing so because we are of the same sex.

19. Attached as "Attachment C" is a photograph of Thomas and me, taken in San Juan in June 2014.

Signed under penalty of perjury under the laws of the United States this 9<sup>th</sup> day of September 2014.



Handwritten signature of José A. Torruellas Iglesias, written in black ink. The signature is stylized and cursive, with a large loop at the beginning. Below the signature, the name "José A. Torruellas Iglesias" is printed in a standard black font.

**ATTACHMENT A**



# Ontario CANADA



Form 30 — Formule 30

Vital Statistics Act - Loi sur l'état civil

Name - Nom

ROBINSON, THOMAS JAMES

Birthplace - Lieu de naissance

U.S.A.

and - et

Name - Nom

TORRUELLAS IGLESIAS, JOSE A

Birthplace - Lieu de naissance

PUERTO RICO

Were married on - Se sont mariés le

Date of marriage - Date de mariage

MAY 28, 2007

Place of marriage - Célébré à

TORONTO

Date of registration - Date d'enregistrement

JULY 25, 2007

Registration number - Numéro d'enregistrement

2007-05-013471

Issued in the Province of Ontario

Délivré dans la province de l'Ontario

SEPTEMBER 05, 2007

Judith M. Hartman

(Deputy Registrar General)

(Registraire générale adjointe de l'état civil)

11192 (07 / 05)

CERTIFIED EXTRACT FROM MARRIAGE REGISTRATION  
EXTRAIT CERTIFIÉ CONFORMÉ DE L'ENREGISTREMENT DE MARIAGE

Larry Phillips

(Registrar General)

(Le registraire général de l'état civil)

CERTIFICATE OF MARRIAGE  
CERTIFICAT DE MARIAGE

M711846

70253441-001



**ATTACHMENT B**

11 mayo de 2014

11985

CN 078-04479  
REV. 01/13

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CORREO GENERAL  
SAN JUAN, PR 00936-4267

17 de marzo de 2014

Sr. José A. Torruellas Iglesias  
PO Box 363734  
San Juan, PR 00936

Estimado señor Torruellas Iglesias:

El pasado 28 de febrero de 2014, mediante el Formulario de Plan Médico, solicitó se le extendieran los beneficios de su cubierta de plan médico a su pareja, el Sr. Thomas Robinson Larsen.

Luego de evaluar su solicitud y a tenor con las disposiciones legales, contractuales y administrativas vigentes, procede denegar la misma.

De usted no estar de acuerdo con esta determinación usted tiene treinta (30) días, a partir de la fecha de su notificación, para radicar una solicitud o petición ante la Secretaria de Procedimientos Adjudicativos de la Autoridad de Energía Eléctrica, para que la controversia se dilucide en conformidad con el procedimiento de adjudicación formal dispuesto en el Reglamento para los Procedimientos de Adjudicación de Querellas de la Autoridad de energía Eléctrica, adoptado en virtud de la Ley Núm. 170 del 12 de agosto de 1988, según enmendada, Ley de Procedimiento Administrativo Uniforme del Estado Libre Asociado de Puerto Rico.

Cordialmente,

  
Sandra I. Median Burgos  
Jefa de División  
Salud Ocupacional

17-3-14  
JCM/dm

"Somos un patrono" con igualdad de oportunidades en el empleo y no discriminamos por razón de raza, color, sexo, edad, origen social o nacional, condición social, afiliación política, ideas políticas o religiosas; por ser víctima o ser percibida(o) como víctima de violencia doméstica, agresión sexual o acecho, sin importar estado civil, orientación sexual, identidad de género o estatus migratorio; por impedimento físico, mental o ambos, por condición de veterano(a) o por información genética."

**ATTACHMENT C**



**UNITED STATES DISTRICT COURT  
DISTRICT OF PUERTO RICO**

ADA MERCEDES CONDE VIDAL and  
IVONNE ÁLVAREZ VÉLEZ; MARITZA  
LÓPEZ AVILES and IRIS DELIA RIVERA  
RIVERA; JOSÉ A. TORRUELLAS IGLESIAS  
and THOMAS J. ROBINSON; ZULMA  
OLIVERAS VEGA and YOLANDA ARROYO  
PIZARRO; JOHANNE VÉLEZ GARCÍA and  
FAVIOLA MELÉNDEZ RODRÍGUEZ; and  
PUERTO RICO PARA TOD@S,

*Plaintiffs,*

v.

ALEJANDRO J. GARCIA PADILLA, in his  
official capacity as Governor of the  
Commonwealth of Puerto Rico; ANA RIUS  
ARMENDARIZ, in her official capacity as  
Secretary of the Health Department of the  
Commonwealth of Puerto Rico; WANDA  
LLOVET DIAZ, in her official capacity as  
Director of the Commonwealth of Puerto Rico  
Registrar of Vital Records; and MELBA ACOSTA  
FEBO, in her official capacity as Director of the  
Treasury in Puerto Rico,

*Defendants.*

Civil Action No. 3:14-cv-01253-PG

**DECLARATION OF PLAINTIFF THOMAS J. ROBINSON IN SUPPORT OF  
PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT**

I, Thomas J. Robinson, hereby declare and state as follows:

1. I am one of the Plaintiffs in this lawsuit, along with my husband José A. Torruellas Iglesias. I am 56 years old and reside in San Juan, Puerto Rico. I have personal knowledge of the matters stated in this declaration and can and will so testify if called as a witness.

2. José and I are two men in a loving, committed relationship of more than thirteen years. We married in Toronto, Canada on May 28, 2007.

3. I was born on May 16, 1958, in New Wilford, Connecticut and grew up in Neenah, Wisconsin along with my three sisters and brother. I graduated from high school in 1976. In 1982, I enrolled at the University of Wisconsin—Milwaukee but did not complete my studies. In 1993, I enrolled at Roosevelt University and completed my degree in 1998.

4. I knew as early as when I was 12 or 13 years old that I was attracted to men. In 1984, when I was in my mid-20s, I came out to my father and later the rest of my family. They were all very accepting and supportive of my sexual orientation.

5. Before moving to Puerto Rico in 2005, I lived in Chicago where I was a technical writer. For various periods of time, I also lived in Milwaukee, WI and New York City. After moving to Puerto Rico in 2005, I became an English teacher at Berlitz.

6. Presently, I am homemaker and volunteer at the San Juan Community Library in Guaynabo, Puerto Rico.

7. On July 29, 2001, I first met José in the Condado area of San Juan, while I was visiting from Chicago with a mutual friend. I was immediately attracted to José and wanted to get to know him better. José drove our friend and I along the north coast of the island to visit the Loíza town festival.

8. After my visit to Puerto Rico, I sent José a letter letting him know that I would like to get to know him, and provided him with my telephone number. We then proceeded to get to know one another over the phone and by mail correspondence. We began to fall in love, despite the long distance.

9. On January 5, 2002, after months of phone conversations, I visited José in Puerto Rico and met his mother and siblings. This began a three-year long distance relationship where we would speak almost every day and visited one another several times a year, though

infrequently.

10. Ultimately, we knew we wanted to be closer together and on January 30, 2005, I moved in with José in his home in Cayey, Puerto Rico. We lived in Cayey for two years before moving to San Juan. We got engaged in July 2006 and celebrated our engagement with José's family, our friends, and several neighbors.

11. In May 2007, we traveled to Toronto, Canada and got married on May 28th. We celebrated our wedding alongside my family. Unfortunately, for financial reasons, José's family could not make the ceremony, but did send along a family photo.

12. We have now been married for over seven years. We got married because we wanted to make our relationship official. We value commitment and the structure and formality that marriage provides. We also both come from families that value marriage. Indeed, my parents celebrated their 66th wedding anniversary recently.

13. After we married, José tried to add me as his spouse to his employer-provided health insurance. We made numerous attempts but were denied on every occasion due to Puerto Rico's Marriage Ban.

14. As a result of Jose's inability to add me to his employer-provided health insurance due to Puerto Rico's Marriage Ban, José and I were forced to purchase private individual health insurance for me at a significant cost for multiple years. In March 2014, I enrolled in Mi Salud, the Commonwealth's government-administered health insurance, because we could no longer afford my private individual health insurance coverage.

15. Because I am currently a homemaker, I depend economically on José. However, due to Puerto Rico's Marriage Ban, José and I are not permitted to file joint tax returns, which we find insulting. José and I believe we would owe less money in taxes if our marriage were

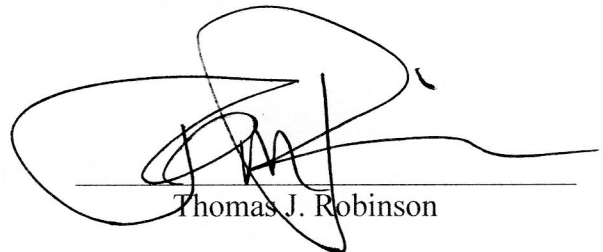


16. Because of Puerto Rico's Marriage Ban, José and I also worry about the economic and health implications if something were to happen to us. For example, I would not be eligible for Social Security survivor's benefits, even though we are married.

17. Puerto Rico's refusal to respect our marriage causes both José and me a deep sense of loss. The fact that our government deems us strangers to each other, despite how committed we are, and in defiance of the legal marriage we have entered, interferes with our ability to communicate to others that we are a family and are committed to each other for life. It eats away at our sense of self-worth. We wish to be recognized as legally married, here at home.

18. José and I are both over the age of 18, have the capacity to contract, are not barred from marrying each other as a result of consanguinity or affinity, and are not married to any other person. We are aware of no impediment to our marriage other than Puerto Rico's law prohibiting us from doing so because we are of the same sex.

Signed under penalty of perjury under the laws of the United States this 9<sup>th</sup> day of September 2014.



Thomas J. Robinson

**UNITED STATES DISTRICT COURT  
DISTRICT OF PUERTO RICO**

ADA MERCEDES CONDE VIDAL and  
IVONNE ÁLVAREZ VÉLEZ; MARITZA  
LÓPEZ AVILÉS and IRIS DELIA RIVERA  
RIVERA; JOSÉ A. TORRUELLAS IGLESIAS  
and THOMAS J. ROBINSON; ZULMA  
OLIVERAS VEGA and YOLANDA ARROYO  
PIZARRO; JOHANNE VÉLEZ GARCÍA and  
FAVIOLA MELÉNDEZ RODRÍGUEZ; and  
PUERTO RICO PARA TOD@S,

*Plaintiffs,*

v.

ALEJANDRO J. GARCÍA PADILLA, in his  
official capacity as Governor of the  
Commonwealth of Puerto Rico; ANA RIUS  
ARMENDARIZ, in her official capacity as  
Secretary of the Health Department of the  
Commonwealth of Puerto Rico; WANDA  
LLOVET DÍAZ, in her official capacity as  
Director of the Commonwealth of Puerto Rico  
Registrar of Vital Records; and MELBA ACOSTA  
FEBO, in her official capacity as Director of the  
Treasury in Puerto Rico,

*Defendants.*

Civil Action No. 3:14-cv-01253-PG

**DECLARATION OF PLAINTIFF JOHANNE VÉLEZ GARCÍA IN SUPPORT OF  
PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT**

I, Johanne Vélez García, hereby declare and state as follows:

1. I am one of the Plaintiffs in this lawsuit, along with my wife Faviola Meléndez Rodríguez. I am 49 years old and reside in Guaynabo, Puerto Rico. I have personal knowledge of the matters stated in this declaration and can and will so testify if called as a witness.

2. Faviola and I are two women in a loving, committed relationship of more than six years. We married in the State of New York on May 26, 2012. Included as "Attachment A" is a true and accurate copy of our certificate of marriage.

3. I was born in Quebec, Canada on January 12, 1965. I was adopted by my parents when I was six months old and moved to Puerto Rico on July 17, 1965. I grew up in San Juan, Puerto Rico.

4. After I graduated from Boston University in 1986, I worked as a teacher for nine years in Boston, Massachusetts and San Juan, Puerto Rico. Subsequently, I worked in public service, primarily on women's issues, and in communications in the private sector. I obtained my law degree in 2002 from the Interamerican University of Puerto Rico Law School.

5. In 2009, I was nominated by then-Puerto Rico Governor Luis Fortuño as Procuradora de las Mujeres de Puerto Rico ("Women's Advocate of Puerto Rico"), a ten-year designation.

6. I held this position for four months, until the Puerto Rico Senate rejected my nomination in April 2009.

7. Among the publicly stated reasons for rejecting my nomination were the facts that I had spoken publicly about my sexual orientation and had publicly supported marriage for same-sex couples.

8. Following my dashed confirmation, I served as Executive Director of the Women's Caucus for the Puerto Rico House of Representatives and worked as a grants management consultant for then-Governor Fortuño.

9. In January 2013, Faviola and I started our own consulting business, Frauen Group, Inc., which we continue to operate to this day.

10. Faviola and I first met on December 1, 2007. As we were getting to know each other, we appreciated each other's commitment to our families—Faviola was taking care of her grandmother, and I was taking care of my parents. We moved in together in the summer of

2008.

11. After weathering the public scrutiny surrounding my nomination to be Women's Advocate in 2009, Faviola and I started discussing marriage and how we would grow our family.

12. In 2011, we decided to become adoptive parents. However, because Puerto Rico does not recognize our marriage, and unmarried couples are not permitted to adopt jointly in Puerto Rico, I alone completed the adoption application at an adoption agency operated by the City of San Juan. Still, Faviola and I completed the interview process and home observation as a couple.

13. To this date, after several attempts to obtain an update from the case worker with whom we were working, we have received no update on the status of my application. We are frustrated because, despite our preparedness, the agency has not contacted us since we completed our application. We worry that my application for adoption has not been approved due to the discrimination against same-sex couples in Puerto Rico.

14. We decided to get married after we saw then-New York Governor Andrew Cuomo sign New York's law allowing same-sex couples to marry in June 2011. We wanted to get married because of our love for one another and the value that both our families place on marriage.

15. Because we could not get married in Puerto Rico and had to marry in another state, we had to plan our wedding from afar.

16. On May 26, 2012, Faviola and I were married at The Strand Hotel in New York City, in front of thirty family members and friends. It was wonderful to finally be able to take our vows to honor our commitment to stay with one another forever. It was hard to face the fact that upon our return home to Puerto Rico, the Commonwealth would disregard our marriage.

17. As a result of Puerto Rico's Marriage Ban, we must also file taxes as single individuals. Doing that is insulting. We believe we would owe less money in taxes if Puerto Rico recognized our marriage, as it does with different-sex couples.

18. Because Puerto Rico does not recognize our marriage, we have each been forced to purchase individual health insurance plans at a significant cost beyond what we would pay if we could purchase together.

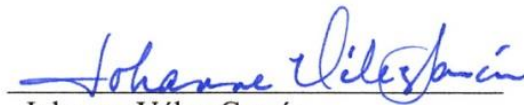
19. We also fear about how we will be able to safeguard each other's future well-being because our marriage is not recognized.

20. Puerto Rico's refusal to respect our marriage causes both Faviola and me a deep sense of loss. The fact that our government deems us strangers to each other, despite how committed we are, and in defiance of the legal marriage we have entered, interferes with our ability to communicate to others that we are a family and are committed to each other for life. It eats away at our sense of self-worth. We wish to be recognized as legally married, here at home.

21. Faviola and I are both over the age of 18, have the capacity to contract, are not barred from marrying each other as a result of consanguinity or affinity, and are not married to any other person. We are aware of no impediment to our marriage other than Puerto Rico's law prohibiting us from doing so because we are of the same sex.

22. Attached as "Attachment B" is a photograph of Faviola and me, taken in San Juan in June 2014.

Signed under penalty of perjury under the laws of the United States this 9<sup>th</sup> day of September, 2014.

  
Johanne Vélez García

**ATTACHMENT A**





**THE CITY CLERK**  
The City of New York – The State of New York

**ALL PARTIES PLEASE NOTE:**

This license permits the couple to be married anywhere in New York State only. The ceremony may be performed only after 02:52 PM on 05/25/2012 and no later than 02:52 PM on 07/23/2012. Please return this license whether used or unused.

**ISSUED**

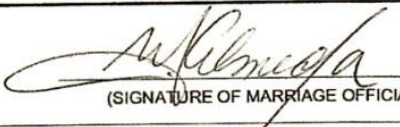
No.: M-2012-12545

Date: 05/24/2012

Time: 02:52 PM

<b>BRIDE/GROOM/SPOUSE A</b>	Name: FAVIOLA MELENDEZ RODRIGUEZ			Age: 34		
	A.K.A.:			New Surname:		
	Address: Wilson M-28 Parkville					
	City: Guaynabo	State:	ZIP: 00969	Country: Puerto Rico		
	BIRTH INFO: Date: 06/16/1977	City: San Juan	State: Puerto Rico	Country: United States		
	Usual Occupation: Monitoring Specialist					
	Father/Parent: JUAN MELENDEZ					
	Mother/Parent: JACKELINE RODRIGUEZ					
	Number of Previous Marriages: 0					
	1. Name:			Alive/Dead:		
Termination:			Where:			
2. Name:			Alive/Dead:			
Termination:			Where:			
<b>BRIDE/GROOM/SPOUSE B</b>	Name: JOHANNE MARIE VELEZ GARCIA			Age: 47		
	A.K.A.:			New Surname:		
	Address: Wilson M-28 Parkville					
	City: Guaynabo	State:	ZIP: 00969	Country: Puerto Rico		
	BIRTH INFO: Date: 01/12/1965	City: Quebec	State:	Country: Canada		
	Usual Occupation: lawyer					
	Father/Parent: FREDDY VELEZ					
	Mother/Parent: LUZ M. GARCIA					
	Number of Previous Marriages: 0					
	1. Name:			Alive/Dead:		
Termination:			Where:			
2. Name:			Alive/Dead:			
Termination:			Where:			

CERTIFICATE OF MARRIAGE OFFICIANT PERFORMING CEREMONY. PRINT OR TYPE ALL INFORMATION CLEARLY IN **BLACK INK**. FILL IN COMPLETELY.

<b>TO BE COMPLETED UNDER SUPERVISION OF THE MARRIAGE OFFICIANT</b>	MARCIA Almeida Minister ID# 1216689 201-657-4304					
	PRINT FULL NAME OF MARRIAGE OFFICIANT ABOVE		PRINT TITLE OF MARRIAGE OFFICIANT ABOVE		PRINT TELEPHONE NUMBER ABOVE	
	57 Fairview Pl Montclair NJ 07043					
	PRINT RESIDENCE ADDRESS ABOVE		PRINT TOWN OR CITY ABOVE		PRINT ZIP CODE ABOVE	
	DO HEREBY CERTIFY THAT I DID ON 05 26 2012 5:49 PM		33 W 37th St NY 10018		STATE OF NY	
	MONTH DAY YEAR TIME		LOCATION OF CEREMONY & STREET ADDRESS			
	SOLEMNIZE THE RITES OF MATRIMONY BETWEEN THE COUPLE IN THE PRESENCE OF					
	<b>WITNESS INFORMATION</b>	Ana T. Garriga 7946 Greenezag Rd. Wilmington NC 28411				
		PRINT NAME ABOVE	PRINT STREET ADDRESS ABOVE	PRINT CITY ABOVE	STATE	ZIP CODE
	<b>SIGNATURES</b>	Roberta Garcia 111 Preston Harbor Ln. Cary NC 27513				
PRINT NAME ABOVE		PRINT STREET ADDRESS ABOVE	PRINT CITY ABOVE	STATE	ZIP CODE	
	(SIGNATURE OF BRIDE/GROOM/SPOUSE A ABOVE)		(SIGNATURE OF WITNESS ABOVE)			
	(SIGNATURE OF BRIDE/GROOM/SPOUSE B ABOVE)		(SIGNATURE OF WITNESS ABOVE)			
WITNESS MY HAND AT THE LOCATION LISTED ABOVE IN THE COUNTY OF ON THE DATE LISTED ABOVE.						
 (SIGNATURE OF MARRIAGE OFFICIANT ABOVE)						



**ATTACHMENT B**



**UNITED STATES DISTRICT COURT  
DISTRICT OF PUERTO RICO**

ADA MERCEDES CONDE VIDAL and  
IVONNE ÁLVAREZ VÉLEZ; MARITZA  
LÓPEZ AVILÉS and IRIS DELIA RIVERA  
RIVERA; JOSÉ A. TORRUELLAS  
IGLESIAS and THOMAS J. ROBINSON;  
ZULMA OLIVERAS VEGA and YOLANDA  
ARROYO PIZARRO; JOHANNE VÉLEZ  
GARCÍA and FAVIOLA MELÉNDEZ  
RODRÍGUEZ; and PUERTO RICO PARA  
TOD@S,

*Plaintiffs,*

v.

ALEJANDRO J. GARCÍA PADILLA, in his  
official capacity as Governor of the  
Commonwealth of Puerto Rico; ANA RIUS  
ARMENDARIZ, in her official capacity as  
Secretary of the Health Department of the  
Commonwealth of Puerto Rico; WANDA  
LLOVET DÍAZ, in her official capacity as  
Director of the Commonwealth of Puerto Rico  
Registrar of Vital Records; and MELBA  
ACOSTA FEBO, in her official capacity as  
Director of the Treasury in Puerto Rico,

*Defendants.*

Civil Action No. 3:14-cv-01253-PG

**DECLARATION OF PLAINTIFF FAVIOLA MELÉNDEZ RODRÍGUEZ IN SUPPORT  
OF PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT**

I, Faviola Mélendez Rodríguez, hereby declare and state as follows:

1. I am one of the Plaintiffs in this lawsuit along, with my wife Johanne Vélez García. I am 37 years old and reside in Guaynabo, Puerto Rico. I have personal knowledge of the matters stated in this declaration and can and will so testify if called as a witness.
2. Johanne and I are two women in a loving, committed relationship of more than six years. We married in the State of New York on May 26, 2012.
3. I was born on June 16, 1977, in San Juan, Puerto Rico, where I grew up. I have

two sisters and a younger brother.

4. I graduated from Colegio Guadalupe in 1995. I then attended the Rio Piedras campus of the University of Puerto Rico, where I studied communications.

5. In 1998, I left college and started working full-time at FoodNet, where I worked for a total of 12 years, with a brief stint at ProNatura during that timeframe. In 2007, I enrolled at the University of Phoenix to complete my undergraduate studies. Subsequently, in 2010, I obtained my master's degree in business administration from the University of Phoenix.

6. In 2013, Johanne and I started our own consulting business, Frauen Group, Inc.

7. Johanne and I first met on December 1, 2007. We fell in love and moved in together in the summer of 2008.

8. We decided to marry in New York after watching then-New York Governor Andrew Cuomo sign New York's law allowing same-sex couples to marry in June 2011.

9. On May 26, 2012, Johanne and I were married at The Strand Hotel in New York City in front of thirty family members and friends. It was spectacular to finally take our vows to honor our commitment to stay with one another forever. I was filled with emotion.

10. In 2011, we decided we wanted to grow our family and wanted to adopt. Because Puerto Rico does not recognize our marriage, and unmarried couples are not permitted to adopt jointly in Puerto Rico, Johanne alone completed the adoption application at an adoption agency operated by the City of San Juan.

11. Johanne and I completed the interview process and home observation together as a couple. We are frustrated because, despite our preparedness, the agency has not contacted us since we completed our application.

12. We worry that we have not been selected as adoptive parents due to the

discrimination faced by same-sex couples in Puerto Rico.

13. As a result of Puerto Rico's Marriage Ban, we must file taxes as single individuals. Doing that is insulting. We believe we would owe less money in taxes if Puerto Rico recognized our marriage, as it does with different-sex couples.

14. Because Puerto Rico does not recognize our marriage, we have also each been forced to purchase individual health insurance plans at a significant cost beyond what we would pay if we could purchase together.

15. Puerto Rico's refusal to respect our marriage causes both Johanne and me a deep sense of loss. The fact that our government deems us strangers to each other, despite how committed we are, and in defiance of the legal marriage we have entered, interferes with our ability to communicate to others that we are a family and are committed to each other for life. It eats away at our sense of self-worth. We wish to be recognized as legally married, here at home.

16. Johanne and I are both over the age of 18, have the capacity to contract, are not barred from marrying each other as a result of consanguinity or affinity, and are not married to any other person. We are aware of no impediment to our marriage other than Puerto Rico's law prohibiting us from doing so because we are of the same sex.

Signed under penalty of perjury under the laws of the United States this 9 day of September, 2014.



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Faviola Mélenández Rodríguez

**UNITED STATES DISTRICT COURT  
DISTRICT OF PUERTO RICO**

ADA MERCEDES CONDE VIDAL and  
IVONNE ÁLVAREZ VÉLEZ; MARITZA  
LÓPEZ AVILÉS and IRIS DELIA RIVERA  
RIVERA; JOSÉ A. TORRUELLAS IGLESIAS  
and THOMAS J. ROBINSON; ZULMA  
OLIVERAS VEGA and YOLANDA ARROYO  
PIZARRO; JOHANNE VÉLEZ GARCÍA and  
FAVIOLA MELÉNDEZ RODRÍGUEZ; and  
PUERTO RICO PARA TOD@S,

*Plaintiffs,*

v.

ALEJANDRO J. GARCÍA PADILLA, in his  
official capacity as Governor of the  
Commonwealth of Puerto Rico; ANA RIUS  
ARMENDARIZ, in her official capacity as  
Secretary of the Health Department of the  
Commonwealth of Puerto Rico; WANDA  
LLOVET DÍAZ, in her official capacity as  
Director of the Commonwealth of Puerto Rico  
Registrar of Vital Records; and MELBA ACOSTA  
FEBO, in her official capacity as Director of the  
Treasury in Puerto Rico,

*Defendants.*

Civil Action No. 3:14-cv-01253-PG

**DECLARATION OF PLAINTIFF ZULMA OLIVERAS VEGA IN SUPPORT OF  
PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT**

I, Zulma Oliveras Vega, hereby declare and state as follows:

1. I am one of the Plaintiffs in this lawsuit along with my partner Yolanda Arroyo Pizarro. I am 43 years old and reside in Carolina, Puerto Rico. I have personal knowledge of the matters stated in this declaration and can and will so testify if called as a witness.

2. Yolanda and I are two women in a loving, committed relationship. We have been together since 2009 and have built our lives with one another since then. I have also been an active participant in raising, A.T.A., Yolanda's daughter from a prior marriage.



3. I was born on October 24, 1970, in San Germán, Puerto Rico and attended high school at Lola Rodríguez de Tió in San Germán. After high school, I obtained a bachelor's degree in sociology from Seton Hall University. I also have a master's degree in school counseling from San Francisco State University.

4. As of June 4, 2014, I have been employed by the Department of Children and Family Services. My job includes evaluating disability claims.

5. My life's work has involved social services and human rights advocacy in a variety of contexts. In 1999, while living in Berkeley, California, I worked as a case manager for runaway youth. Thereafter, I have also worked as a coordinator for the non-profit organization Paz Para La Mujer, coordinating workshops on sexual assault and violence against people with disabilities. I also have worked at Proyecto Matria as a case manager for domestic violence survivors.

6. I first met Yolanda on December 30, 2008, at a Christmas party, while I was visiting from San Francisco. On July 30, 2009, I met Yolanda a second time at a poetry event in Old San Juan. After the event, I asked Yolanda out for drinks. We then took a stroll around Old San Juan and began to fall in love. At the time, I had returned to Puerto Rico and was living in San Germán.

7. After our second meeting, Yolanda and I started to see one another regularly on weekends. Because I was living in San Germán, the frequent trips to San Juan were taxing and time-consuming, but I continued to make them because of our developing commitment and love for one another.

8. In October 2009, Zulma and I moved in together so that we could be closer to each other and continue to build our life together.

9. My commitment to Yolanda extends to her daughter, A.T.A., with whom I have developed a strong relationship. I have jointly parented A.T.A. along with Yolanda, A.T.A.'s father and his wife, who live in Texas. We even hold co-parenting conference calls and approach parenting as a joint endeavor. It has been a pleasure to watch A.T.A. grow into a thoughtful, intelligent young woman.

10. I believe that elimination of Puerto Rico's Marriage Ban would reduce the stigma that lesbian, gay, bisexual, and transgender (LGBT) people must endure in Puerto Rico and would help confer legitimacy to the loving and committed relationship that Yolanda and I share. It pains Yolanda and me to know that A.T.A. can see how the government actively discriminates against LGBT people and does not respect our family. We do not want her to feel insecure or to adopt any negative beliefs about her own self-worth or the worth of her parents as a result of Puerto Rico's Marriage Ban.

11. Yolanda suffers from chronic asthma, which often requires medical attention. In June 2014, Yolanda was hospitalized at Hospital Pavía with bronchitis after she experienced complications from the asthma. During such episode, hospital staff questioned me and Yolanda as to the nature of our relationship. I believe we would be much less likely to be subjected to such questioning if Puerto Rico would allow us to marry. Yolanda and I often worry about what would happen to us during a medical emergency, and whether we could see each other and be allowed to make decisions for each other if one of us were incapacitated.

12. Yolanda and I want to marry in Puerto Rico because it is our home. In July 2012, we held a commitment ceremony in a restaurant in San Juan where we exchanged rings and vows before our family and friends. It was incredibly meaningful to share this event in the company of loved ones. We would like our commitment to be legally recognized by the



Commonwealth.

13. We are very distressed that Puerto Rico discriminates against LGBT people and refuses to allow same-sex couples to get married. We feel that Puerto Rico's discriminatory marriage laws are painful, stigmatizing, and disrespectful. After so many years of building a life together, we want to marry at home, in Puerto Rico, so that we can have a big celebration that our friends and family can participate in.

14. Yolanda and I are both over the age of 18, have the capacity to contract, are not barred from marrying each other as a result of consanguinity or affinity, and are not married to any other person. We are aware of no impediment to our marriage other than Puerto Rico's law prohibiting us from doing so because we are of the same sex.

15. Yolanda and I are reluctant to apply for a marriage license in Puerto Rico because of the risk of being criminally prosecuted for attempting to marry another person currently prohibited by Puerto Rico's laws.

16. Attached as "Attachment A" is a photograph of Yolanda and me, taken in San Juan in June 2014.

Signed under penalty of perjury under the laws of the United States this \_\_\_\_ day of September 2014.



Zulma Oliveras Vega

**ATTACHMENT A**



**UNITED STATES DISTRICT COURT  
DISTRICT OF PUERTO RICO**

ADA MERCEDES CONDE VIDAL and  
IVONNE ÁLVAREZ VÉLEZ; MARITZA  
LÓPEZ AVILÉS and IRIS DELIA RIVERA  
RIVERA; JOSÉ A. TORRUELLAS IGLESIAS  
and THOMAS J. ROBINSON; ZULMA  
OLIVERAS VEGA and YOLANDA ARROYO  
PIZARRO; JOHANNE VÉLEZ GARCÍA and  
FAVIOLA MELÉNDEZ RODRÍGUEZ; and  
PUERTO RICO PARA TOD@S,

*Plaintiffs,*

v.

ALEJANDRO J. GARCÍA PADILLA, in his  
official capacity as Governor of the  
Commonwealth of Puerto Rico; ANA RIUS  
ARMENDARIZ, in her official capacity as  
Secretary of the Health Department of the  
Commonwealth of Puerto Rico; WANDA  
LLOVET DÍAZ, in her official capacity as  
Director of the Commonwealth of Puerto Rico  
Registrar of Vital Records; and MELBA ACOSTA  
FEBO, in her official capacity as Director of the  
Treasury in Puerto Rico,

*Defendants.*

Civil Action No. 3:14-cv-01253-PG

**DECLARATION OF PLAINTIFF YOLANDA ARROYO PIZARRO IN SUPPORT OF  
PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT**

I, Yolanda Arroyo Pizarro, hereby declare and state as follows:

1. I am one of the Plaintiffs in this lawsuit along with my partner Zulma Oliveras Vega. I am 43 years old and reside in Carolina, Puerto Rico. I have personal knowledge of the matters stated in this declaration and can and will so testify if called as a witness.
2. Zulma and I are two women in a loving, committed relationship. We have been together since 2009 and have built our lives with one another since then. We have jointly raised my daughter, A.T.A.

3. I am a technology educator, employed with Vernet (the Virtual Education Resources Network) for the past thirteen years.

4. I am also a published poet and author. I have published several books, stories, and poems.

5. I was born on October 29, 1970, in Guaynabo, Puerto Rico and attended high school at Nuestra Señora de Belén and Colegio Santa Rosa de Bayamón, from which I graduated in 1985. After high school, I attended college at the Río Piedras Campus of the University of Puerto Rico.

6. I have four brothers and one sister. My mother now lives in the Commonwealth of Pennsylvania, while my father still lives in Puerto Rico.

7. I have known from an early age that I am attracted to both men and women. Throughout high school and college, I dated both men and women.

8. In 1994, I married a man with whom I had one daughter, A.T.A., in 1998. We divorced in July 2008. We remain on good terms, have joint custody of our daughter, and approach parenting jointly.

9. On December 30, 2008, I first met Zulma at a Christmas party. Zulma lived in California at the time. On July 30, 2009, I met Zulma a second time at a poetry event in Old San Juan. By that time, Zulma was living in San Germán, Puerto Rico.

10. After the poetry event, Zulma and I went out for drinks together, strolled around Old San Juan, and began to fall in love. I began to realize my appreciation for Zulma's warmth and strength of character.

11. In October 2009, Zulma and I moved in together so that we could continue to build our life together. Prior to our moving in together, I spoke with A.T.A. about my

relationship with Zulma, and A.T.A. was very accepting of Zulma.

12. From 2009 to 2012, Zulma and I jointly parented A.T.A. along with her father, who had moved to Texas. A.T.A.'s father has met Zulma and is very accepting and welcoming of our relationship.

13. In 2012, when A.T.A. was 14 years old, A.T.A.'s father, his wife, Zulma, and I together decided that A.T.A. would move to Dallas, Texas to live with her father during the school year, because we believed she could have important educational opportunities in Texas.

14. A.T.A.'s father, his wife, Zulma, and I hold co-parenting conference calls and approach parenting as a joint endeavor.

15. A.T.A. lives with me and Zulma during the summers and during holiday breaks.

16. A.T.A. is a healthy, well-adjusted teenager—she plays sports and participates in extracurricular activities at her high school, including her school's gay-straight alliance. Still, it pains me to know that my daughter can see how the government actively discriminates against gay people and does not respect our family. We do not want her to feel insecure or to adopt any negative beliefs about her own self-worth or the worth of her parents as a result of Puerto Rico's Marriage Ban.

17. I also suffer from chronic asthma, which often requires medical attention. In June 2014, I was hospitalized at Hospital Pavía with bronchitis after I experienced complications from the asthma.

18. While I was hospitalized in June 2014, hospital staff questioned Zulma and me about our relationship. I believe we would be much less likely to be subjected to such questioning if Puerto Rico would allow us to marry, and we could make clear that we are legal spouses. Without the security of marriage, Zulma and I fear what could happen during a medical



emergency. We worry about whether we could see each other and whether we would be allowed to make decisions for each other if one of us were incapacitated.

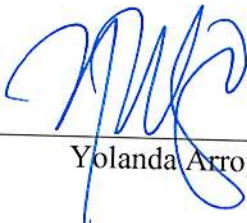
19. Zulma and I want to marry in Puerto Rico because it is our home. In July 2012, we held a commitment ceremony in a restaurant in San Juan where we exchanged rings and vows before our family and friends. We would like our commitment to be recognized by the Commonwealth through marriage.

20. We are very distressed that Puerto Rico discriminates against gay people and refuses to allow same-sex couples to get married. We feel that Puerto Rico's discriminatory marriage laws are painful, stigmatizing, and disrespectful. After so many years of building a life together, we want to marry at home, in Puerto Rico, so that we can have a big celebration that our friends and family can participate in.

21. Zulma and I are both over the age of 18, have the capacity to contract, are not barred from marrying each other as a result of consanguinity or affinity, and are not married to any other person. We are aware of no impediment to our marriage other than Puerto Rico's law prohibiting us from doing so because we are of the same sex.

22. Zulma and I are reluctant to apply for a marriage license in Puerto Rico because of the risk of being criminally prosecuted for attempting to marry another person currently prohibited by Puerto Rico's laws.

Signed under penalty of perjury under the laws of the United States this 10 day of September 2014.

  
\_\_\_\_\_  
Yolanda Arroyo Pizarro



**UNITED STATES DISTRICT COURT  
DISTRICT OF PUERTO RICO**

ADA MERCEDES CONDE VIDAL and  
IVONNE ÁLVAREZ VÉLEZ; MARITZA  
LÓPEZ AVILES and IRIS DELIA RIVERA  
RIVERA; JOSÉ A. TORRUELLAS IGLESIAS  
and THOMAS J. ROBINSON; ZULMA  
OLIVERAS VEGA and YOLANDA ARROYO  
PIZARRO; JOHANNE VÉLEZ GARCÍA and  
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Civil Action No. 3:14-cv-01253-PG

**DECLARATION OF PEDRO JULIO SERRANO BURGOS IN SUPPORT OF  
PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT**

I, Pedro Julio Serrano Burgos, hereby declare and state as follows:

1. I am a Board Member, President, and founder of Puerto Rico Para Tod@s, Inc., an organizational plaintiff in this lawsuit. I am 39 years old and reside in Carolina, Puerto Rico. I have personal knowledge of the matters stated in this declaration and can and will so testify if called as a witness.

2. I studied communications at the University of Puerto Rico—Río Piedras Campus. I have more than 15 years of experience working for the rights of lesbian, gay, bisexual, and

transgender (LGBT) people in Puerto Rico and the United States. I have worked as the Director of Communications of LLEGO, a national organization for LGBT for Latinos in the United States, and as the Communications Manager for the National Gay and Lesbian Task Force, a national organization that seeks to build the grassroots power of the LGBT community.

3. In September 2003 I, along with other people interested in social justice and human rights, founded Puerto Rico Para Tod@s. Since then I have served on the Board of Directors of Puerto Rico Para Tod@s and also serve as its President and spokesperson.

4. Puerto Rico Para Tod@s, Inc. is a domestic nonprofit corporation organized under the laws of Puerto Rico. Puerto Rico Para Tod@s is a leading nonprofit organization working to secure, protect, and defend the equal civil rights and welfare of LGBT people and their families in Puerto Rico. Puerto Rico Para Tod@s endeavors to fulfill its mission through education, legislative advocacy, grassroots organizing, and coalition building. These efforts are designed to educate the public and the media, to promote a politically active, effective membership, and to inform policymakers about issues affecting our members.

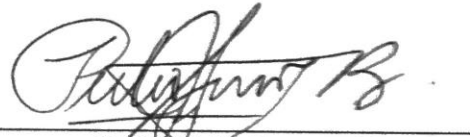
5. For example, in the past two years, Puerto Rico Para Tod@s has advocated for the enactment of nondiscrimination protections for LGBT people in the workplace, public accommodations, and housing; helped organize the Boquerón Pride Parade and Jornada Contra la Homofobia; helped train law enforcement officers about hate crimes and LGBT awareness; and conducted workshops in schools about LGBT issues and bullying.

6. Puerto Rico Para Tod@s has hundreds of members throughout Puerto Rico, including multiple LGBT couples, who have contributed time, money and resources to help the organization achieve its goals..

7. Many Puerto Rico Para Tod@s members desire and intend to marry in Puerto

Rico, but have been prevented from doing so by Puerto Rico's Marriage Ban because they are in same-sex relationships. Likewise, many LGBT members of Puerto Rico Para Tod@s who reside in Puerto Rico have married outside the Commonwealth, and their marriages are not recognized and respected in the Commonwealth due to Puerto Rico's Marriage Ban. Many members of Puerto Rico Para Tod@s have experienced and continue to experience a variety of hardships and stigma because they cannot marry in Puerto Rico or because their marriages are not recognized by the Commonwealth.

Signed under penalty of perjury under the laws of the United States this 10 day of September 2014.

  
Pedro Julio Serrano Burgos