

U.S. DISTRICT JUDGE JAMES L. ROBART  
U.S. MAGISTRATE JUDGE J. RICHARD CREATURA

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

HELEN JOSEPHINE THORNTON, on behalf  
of herself and all others similarly situated, and  
NATIONAL COMMITTEE TO PRESERVE  
SOCIAL SECURITY AND MEDICARE,

Plaintiffs,

vs.

NANCY BERRYHILL, in her official capacity  
as the Acting Commissioner of the Social  
Security Administration,

Defendant.

Case No. 2:18-cv-01409-JLR-JRC

**DECLARATION OF PUTATIVE CLASS  
MEMBER JAMES MARTIN**

1           **DECLARATION OF PUTATIVE CLASS MEMBER JAMES MARTIN**

2           I, James A. Martin, declare as follows:

3           1.       I have actual knowledge of the matters stated in this declaration.

4           2.       I am 71 years old. I grew up in Niagara Falls, New York in a tight-knit Italian  
5 family. I started college in Niagara Falls before eventually moving to Arizona to study theater in  
6 1970. That was where I met Raymond Gannoe, Jr. (“Ray”), the love of my life.

7           3.       Ray was born in Pennsylvania, but he grew up in a military family that moved from  
8 place to place. From a young age, Ray understood how fragile life can be, and the importance of  
9 family, because his mother died from tuberculosis when he was just 4 years old.

10          4.       In adulthood, Ray followed in the footsteps of family members who served in the  
11 military by enlisting in the Navy, where he served for a total of 33 years before eventually retiring  
12 as Chief Petty Officer. During his time in the Navy, Ray was stationed on submarines, and he spent  
13 time working in emergency and operating rooms. After he left active-duty military service, he  
14 continued to serve in the reserves, and he also established a career in the medical field.

15          5.       Ray and I first met in 1972. I was pursuing acting opportunities at the time and had  
16 been cast in an industrial film about Air Evac, which was an air ambulance associated with  
17 Samaritan Health Services. At the time, Ray was the director of Air Evac.

18          6.       I then went to Italy later that year to pursue further studies, but when I returned to  
19 Arizona in 1973, Ray and I reconnected and began a friendship. This friendship evolved into a  
20 romantic relationship after we returned from a cross-country road trip in 1974. Attached as Exhibit  
21 A is a photograph of the two of us from around 1975.

22          7.       One of the reasons that I fell in love with Ray was because he was a “renaissance  
23 person.” Whatever you could think of, he could do—whether it was related to airplanes, medicine,  
24 cooking, or sewing. He also loved games, especially ones about trivia, and knew so much about  
25 everything.

26          8.       We helped to balance each other out, with each of us acting as the “yin” to the  
27 other’s “yang.” I was more outgoing than Ray, but whenever I was able to get him to come out  
28

1 with me, he was the center of attention. Ray taught me so much about life, and I encouraged him to  
2 embrace being more of a free spirit. I loved adventure, and he loved that about me. Ray would  
3 also say that I was a more relaxed and compassionate person, and that I taught him to embrace that  
4 side of himself.

5 9. From the beginning of our relationship, we were committed partners and functioned  
6 as such in terms of our finances. We had joint bank accounts and credit cards, co-owned all of our  
7 cars, and in 1976, two years after moving in together, he put my name on the house, where I still  
8 live now. During periods of time when I was not working, Ray financially supported both of us.  
9 Ray and I commingled every part of our lives.

10 10. We also supported each other emotionally as well. Ray had a lot of emotional  
11 baggage to overcome from his childhood, including from the death of his mother at a young age,  
12 and he ended up developing a pretty serious drinking problem. I helped him to work through those  
13 issues and to overcome his drinking problem.

14 11. One especially emotional experience that we shared was when Ray was finally able  
15 to visit his mother's grave. Ray's father had provided very little information to Ray about where  
16 his mother was buried. That required us to conduct extensive genealogical research for several  
17 years to locate where she was buried, but I was determined to help Ray find her gravesite. We  
18 ultimately succeeded in locating the gravesite late in Ray's life, when he was 72 years old, and we  
19 were able to visit her gravesite together.

20 12. Ray and I were also close with each other's families. Before Ray and I were a  
21 couple, and he came to terms with his sexual orientation, he was previously married to a woman,  
22 with whom he had two daughters. I grew close to his daughters, and I was the one who typically  
23 sent cards from both of us to them as well as other family members. I am still close with Ray's  
24 daughters as well as his grandchildren and great grandchildren, who send me holiday cards and call  
25 me "Big Papa." I also still visit the grave of Ray's ex-wife, who passed away many years ago,  
26 when I visit Ray's grave.

27 13. Ray was also close with my family. I half-jokingly say that they liked Ray even  
28

1 more than they liked me. My parents also liked the fact that Ray was reliable, and they could count  
2 on him to take care of me. Ray was also close with my sister, and we often went on family  
3 vacations together.

4 14. One of the greatest adventures that Ray and I shared together was when we decided  
5 to open up our own catering business, which we operated for many years. Before that, both of us  
6 had spent many years working for Samaritan Health Services in various roles, including my work  
7 related to shipping and the warehouse. But Ray always loved to cook for everyone, and eventually  
8 friends and acquaintances began offering to pay Ray to cook for them. We talked it over and  
9 decided that opening up a catering business would be a great way to make money doing something  
10 we loved. Our catering company was called “i.ragazzacci,” which means the mischievous boys in  
11 Italian.

12 15. As with other aspects of our relationship, we complemented each other well in  
13 operating the business. I ran the business side of the company, including by setting the prices and  
14 making business connections. Ray was the creative force, doing all the cooking. We specialized in  
15 intimate dinners with small groups of people. Running a catering business together, even a small  
16 one, came with all the stress you would imagine. But, by the end of a job, Ray and I would end up  
17 smiling and happy.

18 16. Although we longed to marry one another from early on, Ray and I were barred  
19 from marriage throughout our 37-year relationship together. We nonetheless did what we could to  
20 commemorate and celebrate the life we had built with one another. For example, we chose to  
21 celebrate our anniversary on Valentine’s Day each year. That felt fitting not only because that day  
22 is a celebration of love but also because it was the day that Ray had previously celebrated his  
23 wedding anniversary to his ex-wife: in both of our eyes, our relationship deserved at least the same  
24 level of respect as that marriage, even though we were denied equal legal recognition.

25 17. Ray and I also celebrated our 30<sup>th</sup> anniversary on February 14, 2004 by having a  
26 commitment ceremony in front of approximately 120 family members and friends. Ray and I  
27 catered all the food for the celebration, and we had a fabulous party with a DJ and fire dancers at  
28

1 the Moon Valley Country Club in Phoenix. At the ceremony, we exchanged rings that we had  
2 custom designed: my ring was made from the gold and diamonds in Ray's former wedding ring,  
3 and both of our rings contained tiny little emeralds to represent our shared birthday month.

4 Attached as Exhibit B is a photograph of us at the celebration, with me on the left and Ray on the  
5 right holding our cake, and both of us wearing necklaces with hearts that say "Meant for Each  
6 Other."

7 18. Although Ray and I were barred from marriage in our home state of Arizona, where  
8 we would have otherwise married, we did in fact attempt to marry elsewhere but were turned away.  
9 Soon after Massachusetts began allowing same-sex couples to marry in 2004, Ray and I were on a  
10 trip in Cape Cod. Although Arizona did not recognize the marriages of same-sex couples at the  
11 time, including any marriage entered out-of-state, we nevertheless attempted to get married since  
12 we were already in Massachusetts for our trip. However, we were turned away because of a  
13 Massachusetts law that was in place at the time barring couples whose marriages would not be  
14 recognized in their home states from obtaining a marriage license (which was later removed in  
15 2008).

16 19. Ray and I did what we could to obtain official recognition of our relationship in  
17 Arizona. After the City of Tucson created a domestic partnership registry that allowed couples to  
18 document their relationships of mutual support, caring, and commitment, Ray and I drove down  
19 from Phoenix to Tucson and registered as domestic partners in 2005. The registration required us  
20 to declare, among other things, that we lacked any blood relationship that would bar marriage in  
21 Arizona; that we were not already married to another person; that we were both each other's sole  
22 partner in the domestic partnership; that we shared a primary residence; and that we were in a  
23 mutually supportive relationship and committed to remaining in the relationship for an indefinite  
24 future. Attached as Exhibit C is a true and correct copy of our Certificate of Registration of  
25 Domestic Partnership.

26 20. Later, the City of Phoenix also adopted a similar domestic partnership registry of its  
27 own, and we registered in April 2009 shortly after it went into effect. That registration similarly  
28

1 required us to declare that we were in a committed relationship and shared responsibility for each  
2 other's common welfare; that neither of us was part of an existing domestic partnership or civil  
3 union with any third party; and that we were not related to one another by blood closer than would  
4 bar marriage in the State. Attached as Exhibit D is a true and correct copy of our Declaration of  
5 Domestic Partnership.

6 21. Ray and I also committed to care for each other in both sickness and health, and I  
7 fully devoted myself to caring for him in the last several years of his life, when he started  
8 experiencing health problems. For example, he had to have spinal surgery, and soon thereafter,  
9 also fell and broke his foot. Because his body was still recovering from the spinal surgery, his  
10 healing did not go as it should, and he required intensive therapy and assistance from me. In order  
11 to keep him out of a nursing home, I learned how to do such things as change IVs and run a bone  
12 stimulator every twelve hours. He was in significant pain, which required high levels of painkillers,  
13 and I had to watch very closely that he did not overdose.

14 22. In the last several years of Ray's life, there would be periods of time when he  
15 seemed to get better, but then he would relapse. It was difficult swinging from feelings of hope to  
16 despair and back again, but we were there for each other through all of the ups and downs.

17 23. Ray was also in and out of the hospital during this time. Unfortunately, there were  
18 too many times that I had to remind the hospital we were partners. About a month before he died,  
19 right before Christmas in 2010, Ray had a severe reaction to antibiotics, and after I rushed him to  
20 the emergency room, the doctor would not speak to me even though I was his partner. I had to  
21 drive home and get copies of all the paperwork that I had previously given to the hospital.

22 24. In January 2011, Ray was back in the hospital for heart problems. Knowing this  
23 was the end, we had him intubated so that our friends and family would have time to come and say  
24 their goodbyes. Before he died on January 23, 2011, we had close to thirty people in his room, and  
25 we all wore Hawaiian shirts and straw hats in honor of Ray. Right before he died, Ray said he  
26 loved me.

27 25. Ray's death certificate reflects that my relationship to him was as his life partner.

1           26.     Ray had so many people who loved him, and many of them showed up for his  
2 memorial service and funeral. He had a full military funeral with a 21-gun salute. The military  
3 representative at the funeral said he could only give the folded flag to one of his daughters because I  
4 was only Ray's domestic partner. But when the time came for Ray's daughters to receive the flag,  
5 they both refused so that it would have to come to me. They believed I was the rightful person to  
6 receive it. It was an overwhelming and emotional time, and having the support of our combined  
7 family was how I was able to get through it.

8           27.     Ray did what he could do to make sure I was financially protected when he was  
9 gone. I was the named beneficiary of his life savings and his 401k. I used the 401k money to pay  
10 for his funeral and other home expenses.

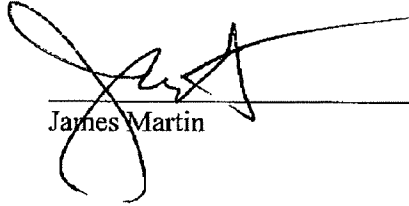
11           28.     Because we were barred from marrying, however, I was not eligible for social  
12 security benefits on Ray's work history. Before Ray died, he had begun receiving social security  
13 benefits, which were approximately \$1,500 each month. I applied for social security survivor's  
14 benefits based on Ray's work history but was denied by the Social Security Administration in April  
15 2015 because we were not able to be married. It was painful to be told that the government did not  
16 recognize our relationship. I was not able to pursue the next level of the administrative appeal  
17 because I was out-of-town with my father, who was dying at the time. Regardless of whether I am  
18 able to receive survivor's benefits dating back to 2015, it would make a significant difference in my  
19 life to be able to receive survivor's benefits going forward, and I would apply for survivor's  
20 benefits again if same-sex partners like myself were eligible for them.

21           29.     I currently collect social security benefits based on my own work history and  
22 receive approximately \$800 a month. Receiving survivor's benefits based on Ray's work history  
23 would make an enormous difference to my basic quality of life. It would also recognize the  
24 relationship we had with one another, which was as loving and committed as the relationship  
25 between any married couple, and allow Ray's hard work over his lifetime to protect the person he  
26 loved and left behind.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

I declare under penalty of perjury and under the laws of the United States of America that the foregoing is true and correct.

Executed this 24 day of May, 2019



James Martin

DECLARATION OF PUTATIVE CLASS MEMBER  
JAMES MARTIN - 8  
Case No. 2:18-cv-01409-JLR-JRC

Nossaman LLP

719 Second Ave, Suite 1200  
Seattle, WA 98104  
(206) 395-7630



**CERTIFICATE OF SERVICE**

The undersigned certifies under penalty of perjury under the laws of the United States of America and the laws of the State of Washington that all participants in the case are registered CM/ECF users and that service of the foregoing document will be accomplished by the CM/ECF system on May 28, 2019.

/s/ Linda R. Larson  
Linda R. Larson (WSBA No. 9171)  
NOSSAMAN LLP  
601 Union Street, Suite 5305  
Seattle, WA 98101  
Email: llarson@nossaman.com  
Telephone: 206-395-7630

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

# Exhibit A



# Exhibit B



# Exhibit C

*Certificate of Registration of  
Domestic Partnership*

*City of Tucson, Pima County, Arizona*

*I, Kathleen S. Detrick, the duly appointed and qualified City Clerk of the City of Tucson, Arizona, do certify that Raymond D Gannoe Jr and James A Martin declared and registered their commitment to each other under the provisions of the Tucson Domestic Partnership Ordinance (Tucson City Code, Chapter 17, Article IX).*

*In Witness Whereof, I have hereunto set my hand and affixed the seal of the City of Tucson, Arizona on Tuesday, December 13, 2005.*



*Kathleen S. Detrick*

Kathleen S. Detrick  
City Clerk of the City of Tucson, Arizona



Certificate No. 00382

# Exhibit D





**City of Phoenix**

City Clerk Department  
 200 West Washington Street, Suite 1500  
 Phoenix, Arizona 85003-1611  
 602-262-6811


Office Use Only	
Registration Number:	<u>0138</u>
Date Filed:	<u>4/3/09</u>
Accepted by:	<u>DS</u>

**DECLARATION OF DOMESTIC PARTNERSHIP**


We the undersigned affirm we meet the requirements of Domestic Partnership which is defined as follows:

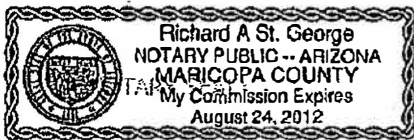
- Both individuals reside within the City of Phoenix;
- Both individuals currently share a common residence;
- Both individuals are in a committed relationship and share responsibility for each other's common welfare;
- Neither individual is married to any third party;
- Neither individual is part of an existing domestic partnership or civil union with any third party;
- Each individual is competent to enter into a contract;
- Each individual is 18 years of age or older; and
- The individuals are not related to one another by blood closer than would bar marriage in the State

**Partner 1: (Please Print)**

<u>GANNON</u>	<u>RAYMOND</u>	<u>DELBERT JR</u>
Last Name	First Name	Middle Name
		
Signature		

**Partner 2: (Please Print)**

<u>MARTIN</u>	<u>JAMES</u>	<u>ANTHONY</u>
Last Name	First Name	Middle Name
		
Signature		



State of Arizona, County of Maricopa

All parties subscribed and sworn (or affirmed) before me on

this 3 day of April 2009

Richard A. St. George  
 Signature Notary Public

(THIS FORM IS ONLY VALID WITH CITY OF PHOENIX SEAL)