

RETURN DATE: September 28, 2004

ELIZABETH KERRIGAN & JOANNE MOCK,	:	SUPERIOR COURT
JANET PECK & CAROL CONKLIN,	:	
GERALDINE ARTIS & SUZANNE ARTIS,	:	
JEFFREY BUSCH & STEPHEN DAVIS,	:	JUDICIAL DISTRICT OF NEW
J.E. MARTIN & DENISE HOWARD,	:	HAVEN AT NEW HAVEN
JOHN ANDERSON & GARRETT STACK,	:	
BARBARA LEVINE-RITTERMAN & ROBIN	:	
LEVINE-RITTERMAN	:	
	:	
vs.	:	
	:	
STATE OF CONNECTICUT, DEPARTMENT	:	
OF PUBLIC HEALTH,	:	
J. ROBERT GALVIN, in his/her official	:	
capacity as Commissioner	:	
of the Department Of Public Health,	:	
and	:	
Dorothy C. Bean, in her Official Capacity as	:	
Deputy Town Clerk and Acting Town	:	
Clerk and Deputy Registrar Of Vital	:	
Statistics and Acting Registrar Of	:	
Vital Statistics for	:	
the Town of Madison.	:	August 25, 2004

VERIFIED COMPLAINT

Introduction

1. This civil rights action involves seven same-sex couples, each of whom has made a personal commitment and assumed responsibilities for the other, and in some cases, their children. They have been denied the right to marry the person they love in violation of the law of the State of Connecticut.

2. The Plaintiffs seek declaratory relief pursuant to Conn. Gen. Stat. § 52-29 and injunctive relief pursuant to Conn. Gen. Stat. § 52-471 et seq.

Parties

3. Plaintiffs Joanne Mock and Elizabeth Kerrigan are residents of West Hartford, Connecticut.
4. Plaintiffs Janet Peck and Carol Conklin are residents of Colchester, Connecticut.
5. Plaintiffs Geraldine Artis and Suzanne Artis are residents of Middletown, Connecticut.
6. Plaintiffs Jeffrey Busch and Stephen Davis are residents of Wilton, Connecticut.
7. Plaintiffs Jane Ellen (“J.E.”) Martin and Denise Howard are residents of Stratford, Connecticut.
8. Plaintiffs John Anderson and Garrett Stack are residents of Woodbridge, Connecticut.
9. Plaintiffs Barbara Levine-Ritterman and Robin Levine-Ritterman are residents of New Haven, Connecticut.
10. Defendant State of Connecticut, Department of Public Health (“DPH”) is the state agency that is charged with supervising the state system of registering marriages pursuant to Conn. Gen. Stat. § 19a-40.
11. Defendant J. Robert Galvin is the Commissioner of the Department of Public Health.
12. Defendant Dorothy Bean is the Deputy Town Clerk and Acting Town Clerk and Deputy Registrar of Vital Statistics and Acting Registrar of Vital Statistics for the Town of Madison and has responsibility for issuing marriage licenses pursuant to Conn. Gen. Stat. § 7-37 et seq. for marriages celebrated in the Town of Madison.

13. Attorney General Richard Blumenthal has been provided notice in this declaratory judgment action pursuant to Practice Book § 17-56(b).

Joanne Mock and Elizabeth Kerrigan

14. Joanne Mock, 50, and Elizabeth Kerrigan, 49, (“Jody and Beth”) have known each other since 1993. Eleven years ago this coming March they made a personal vow of commitment to one another for life.

15. In 2001, they jointly purchased a home in West Hartford after eight years of living in a home Jody owned in Burlington. Jody and Beth were hoping to adopt children and wanted to raise their family in a community that was diverse, had good schools and a strong sense of neighborhood.

16. Both women work in the insurance industry and were transferred to Connecticut by their employers or former employers. Jody has been with The Hartford since 1981 and now works as a Project Manager related to claims. Beth has been selling long-term care insurance since 1989 and represents Metlife. Through her job at The Hartford, Jody volunteers as both a tutor and a “Reading Buddy” for Hartford public school students.

17. In June 2002, they brought home from Guatemala their sons, Fernando and Carlos, then both seven-and-one-half months old. Their neighbors and co-workers threw a shower for Jody and Beth and celebrated their boys’ homecoming with balloons hanging from trees and a welcome sign on the door. They purposely live in a city with a significant Latino school-age population and there are other adopted children in their neighborhood.

18. Both women initially took off time from work to be with the boys. They now socialize with the many children on their street, as well as friends they have made at school.

19. Jody and Beth have taken all the legal steps they know of to protect their family. In addition to wills and documents for medical and financial decision-making, they completed second parent adoptions for their sons.

20. With at least eight visits per year, the boys spend lots of time with their extended families from Long Island and California and are particularly joyous when their grandfather, Beth's father, visits them. But they worry when they travel outside of Connecticut whether their legal documents – including their adoption - will be respected in the event of an emergency.

21. Because they cannot presently marry, Jody and Beth are denied rights large and small, some they need now and others they expect they will need in the future. For example, they cannot share their retirement savings (both through workplace plans and their individual IRA's) with each other on the same terms a spouse would be able. Moreover, they were not able to convert to joint ownership a small home they own in Rhode Island because the transfer would have resulted in tax consequences not otherwise imposed on a spouse. Jody is able to provide health insurance for Beth through a domestic partnership plan at her workplace, but unlike a spouse, has to add the value of Beth's insurance to her taxable income each year.

22. Jody and Beth seek to marry because they have assumed the responsibilities of married spouses and seek the same protections for their family that marriage provides.

They also seek marriage as the most secure and stable family structure in which to raise Carlos and Fernando.

Janet Peck and Carol Conklin

23. Janet Peck, 53, and Carol Conklin, 51, (“Janet and Carol”) of Colchester, have been a committed couple for the last 28 years.

24. They were both born, raised, and have spent their lives in Connecticut. After living for a short time in Coventry, they moved to Colchester in 1980.

25. Janet has had her own mental health counseling practice since 1989. Carol has operated her own electrical contracting business since 1990 and recently went back to school to learn how to repair computers.

26. Since they've become a committed couple, they have brought their families and friends together for a celebration to mark their tenth, and their twentieth anniversaries. There are plans underway for the thirtieth anniversary celebration as well.

27. Family has always been a priority for them. Nearly all of Janet’s relatives live in Connecticut and the Peck-Conklin home is the site of many holiday celebrations. When Carol’s father began to deteriorate from the affects of Alzheimer’s, the couple brought him from North Carolina to an assisted living facility in Connecticut so they could oversee his care, visit him regularly, take him to their home for Sunday dinners and provide him with the security and comforts of family. Janet also took time away from her busy counseling practice to help Carol care for her mother while she was dying.

28. One of the many reasons Janet and Carol want the protection of marriage is because of the serious health issues they have had to confront together. Over the last nine years, Janet has undergone three major surgeries. They have long had mutual

wills in place along with other documents to facilitate medical decisionmaking for each other. Yet, when Janet had benign tumors removed from her liver in 1996, a life-threatening operation, Carol was not allowed to visit Janet in intensive care immediately after the surgery because she was not immediate family. When Carol identified herself as Janet's partner, the attending nurse said she did not know what that meant. Carol was at the hospital day and night, and lovingly cared for Janet at home long and painful recuperation until she regained her mobility and independence.

29. In 2003, in connection with another hospitalization, Janet was not permitted to designate Carol as next of kin on hospital forms.

30. Although Janet and Carol have joint savings and checking accounts, jointly own their home and other possessions, have jointly planned for retirement, and have designated each other as beneficiaries on all accounts, they have faced numerous financial impediments because they are not married. For example, when they sold their first home and built another three years ago, they were unable to secure a home construction loan because they were not seen as a couple with a joint income and neither one could qualify for the loan as separate individuals.

31. For the fifteen years they have been self-employed, they have paid for two individual health insurance policies because they were unable to purchase the two-person policy available on their existing plan or any other plan because of their unrelated status. This added an additional annual expense of \$2100 which totals \$31,500 over their fifteen year period of self-employment. While they hope to purchase a family policy available to small business owners through the State of Connecticut next

month, they still cannot purchase other types of insurance on the same terms available to married couples.

32. At different times, each returned to school while the other continued working to support the household. Carol worked while Janet finished her undergraduate degree and master's degree in counseling. More recently, Janet worked while Carol went to school for computer repair. At tax time, however, neither could claim the other as a dependent nor pay taxes jointly as the family unit they are. They also know the modest amounts they have saved for retirement will not be fully available to the other because they are not married.

33. Even their favorite leisure activity – attending UCONN Women's Basketball games, is affected by their status as "single" persons. The tickets to the games are under Janet's name. If Janet predeceases Carol, under UCONN's priority point system, Carol could not inherit Janet's points and she could lose access to priority seats and access to the games. If they were married, Carol's name could be added to Janet's priority point account and Carol would retain those points if Janet died.

34. After 28 years of commitment and responsibility to one another, Janet and Carol no longer want to be denied marriage rights. They want their legal status to match their personal commitment, and they want others – whether hospital staff, bank officers or tax authorities – to see them as the couple and family that they are.

Geraldine and Suzanne Artis

35. Geraldine Artis, 35, and Suzanne Artis, 33, ("Geraldine and Suzanne") have shared a committed partnership for 10 years and intend to do so for the rest of their lives.

36. After living in West Hartford, they moved to Middletown in 1995 and have owned a home there since 1997.
37. Suzanne changed her last name to “Artis” to reflect their mutual commitment and the familial nature of their relationship.
38. Suzanne teaches in a public school system and Geraldine works as a Recreation Therapist for the State of Connecticut.
39. After careful consideration and with much joy, Geraldine and Suzanne brought children into their lives. Their family now includes six-year-old Geras and four-year-old twins, Zanagee and Gezani. Each of the children’s names is drawn from the letters of their parents’ first names.
40. Geraldine and Suzanne have juggled their work schedules in order to be able to teach their children at home. All three children complete work far above their grade level.
41. The children participate in playgroups, art classes, t-ball, soccer camp, basketball, art and music lessons and a reading club at the Middletown Library, activities at the YMCA, and other community events.
42. Geraldine and Suzanne have merged their finances and take full responsibility for one another and their children. Their family shares one joint checking account and jointly own their home and other possessions.
43. Geraldine and Suzanne have also taken all of the steps available to them to protect their family, including wills and powers of attorney for health and finance, and legal proceedings to protect their parental rights.

44. They wish to avoid any complications for their children because Geraldine and Suzanne's legal status can be questioned. In 2001, Gezani needed emergency medical care. The emergency medical technician delayed transporting Gezani to the hospital until he knew who was the "mother."

45. Several years ago, Geraldine had a minor surgery at a local hospital.

Suzanne was not permitted to stay with Geraldine during the preparatory work because she was neither a spouse nor next of kin but other people who were being prepared for surgery did have their spouses with them.

46. Geraldine and Suzanne are also routinely denied other rights and protections available to their married siblings and colleagues. Suzanne cannot place Geraldine on her health insurance policy at work; nor can she share her municipal retirement benefits with Geraldine the way a spouse could.

47. Geraldine and Suzanne seek to marry because of their personal commitment and dedication to one another, and to fulfill their responsibilities to their children to provide the security and social recognition that comes from having married parents.

Jeffrey Busch and Stephen Davis

48. Jeffrey Busch, 41, and Stephen Davis, 52, ("Jeffrey and Stephen") met in 1989 and have shared a committed and loving partnership for nearly fifteen years. They intend to remain together for all of their days.

49. For the first two years of their relationship, they commuted as Stephen worked in New York City and Jeffrey in Boston. In 1991, Jeffrey moved to New York City where, in 1993, they registered as "domestic partners" pursuant to a New York City ordinance.

50. Since 1997, Jeffrey has worked as an administrative law judge for the New York City Department of Finance. He also works part-time at a legal services clinic he helped found for HIV-positive people who are Asian or Pacific Islanders. Stephen runs the digital library program at Columbia University where he has worked since 1988.

51. In 1997, in anticipation of bringing a child into their lives, they moved to Wilton, where they presently reside. Wilton is Jeffrey's childhood home.

52. After many long discussions and extensive planning, Jeffrey and Stephen took a "leap of faith" and decided to try to have a child. In August 2002, their son Elijah (Eli) Davis Busch was born. In naming their son Elijah, a Jewish symbol of hope, they honored Jeffrey's Aunt Hope, who died shortly before Eli was born. They are raising Eli in the Jewish faith and are members of Temple B'nai Chaim, a Jewish synagogue near their home.

53. Jeffrey takes Eli to activities all around Wilton, including a music group and "Yoga for Tots." Jeffrey was a welcome participant in the "New Moms" group in Wilton as well.

54. In June 2004, Jeffrey, Stephen and Eli were returning from a trip abroad when they were stopped and pulled out of line by officials with Canadian Customs. The agent demanded to know where the mother was and what Stephen's relationship to the child was. The agent was not responsive to the fact that Jeffrey was the parent listed on Eli's passport and that he also had Eli's birth certificate, showing Jeffrey as parent. Although they were eventually allowed to enter the United States, they know they are vulnerable because their familial relationship is not acknowledged.

55. Jeffrey and Stephen want Eli to grow up in a world where his family is respected as a legitimate family in every way and has access to the same legal protections as other families.

56. Both Jeffrey and Stephen reach out to their extended families. In order to provide Eli with more family time, their family moved into the first floor of Jeffrey's mother's home in Wilton, thereby maximizing his time with his parents and his grandmother. They spend time with Jeffrey's sister in Alaska and Stephen's siblings in California. They celebrate Thanksgiving and the Jewish holidays with members of their extended family, and travel with Eli on family vacations, to weddings, funerals and other family events. Jeffrey and Eli often accompany Stephen when he travels on business.

57. Jeffrey's and Stephen's finances are interdependent in every way. For example, from their joint incomes, they help to pay for nursing care for Stephen's mother who lives in California and is severely incapacitated from multiple sclerosis. They are also named as beneficiaries on each others' retirement accounts.

58. The couple is securing every legal protection they can in Connecticut, both with respect to one another and as a family, but know that these protections pale in comparison to marriage.

59. While the family has health insurance through Stephen's employer, they must pay taxes on the value of Jeffrey's insurance that they would not pay if they were spouses. Even though Jeffrey is the named beneficiary, Stephen's workplace retirement plan will be taxed differently because they are not married and thus will not provide the same safety net it would for a married spouse. The same is true with respect to Jeffrey's IRA. Neither can share in the other's social security.

60. Jeffrey and Stephen want to marry to secure the legal protections and responsibilities this legal bond would provide and thereby to support and shield their family emotional bond and commitment.

J.E. Martin and Denise Howard

61. J.E. Martin, 42, and Denise Howard, 47, (“J.E. and Denise”) met in 1990 and have now been a committed couple for fourteen years. They intend to continue taking responsibility for one another for their entire lives.

62. They lived together in Derby for three years, and have now lived in Stratford for ten years. J.E. has worked for General Electric for twenty years, sixteen in Connecticut. She is a Master Black Belt, or six sigma quality coach, and has been for the past five years. Denise has been an Account Representative with HealthNet for the last eight years.

63. Denise adopted their children, seven-year-old Rachel and four-year-old Ross, three years ago, just before the children’s fourth and first birthdays. Rachel is involved in dance, theatre and t-ball. Ross is keen on sports and is eager to play t-ball, basketball and soccer when he turns five.

64. In 2001, J.E. completed second parent adoptions for the children. They have meals as a family, do homework together, and go on walks and vacations together. The children view both J.E. and Denise as their mothers.

65. J.E. and Denise are both are active in their wider community. They attend PTA meetings in Stratford and participate in fundraisers and other school activities. They both volunteer in Rachel’s school and Ross’s preschool. J.E. coordinates the Sunday

School Program at the Metropolitan Community Church in New Haven that they attend as a family.

66. Their extended families are very important to J.E. and Denise and their children. Denise grew up in Seymour, and most of her family resides in Connecticut, so the relatives see the children at least once a month and more around holiday times. They all spend Christmas with J.E.'s family in Texas every other year. Now that Denise's father has Alzheimer's and lives in a nursing home, they have arranged their schedules so that Denise can visit him and care for him when Denise's mother cannot.

67. While they have prepared wills, powers of attorney and the other legal documents available to them, J.E. and Denise want to take legal responsibility for one another in marriage – a legal commitment that best reflects their personal commitment to one another and their children.

68. Nor do J.E. and Denise want their family to be denied the protections and rights that come automatically with marriage. For example, even though they have completely commingled their lives and their finances, J.E. could not designate Denise as a dependent on her taxes when Denise was laid off from work and J.E. primarily supported the family. They still cannot secure the best rates on or even qualify for some insurance policies because they are not recognized spouses. They have named each other as beneficiaries on their workplace and other retirement savings plans, but they know tax laws will penalize the surviving beneficiary because they are not married.

69. While Rachel and Ross already know there are many types of families, J.E. and Denise want to marry in large part so that their children will feel secure that their parents' relationship is as secure and valued in the eyes of the community as the

relationships of their friends' parents. They want the world to see that they are a committed, loving and responsible family.

John Anderson & Garrett Stack

70. John Anderson, 61, and Garrett Stack, 57, ("John and Garrett") of Woodbridge, have built a life together for 24 years and plan to be together for all of their days.

71. Garrett, a Connecticut native, met John at an education conference in 1980, and they settled in Garrett's Woodbridge home in 1982 where they have lived ever since. Both men are passionate supporters of public education, and they have dedicated their careers to the public school students and their families in nearby Stratford. Garrett spent 35 years in Stratford as a teacher and then a school administrator, recently retiring after twelve years as the principal of the Franklin Elementary School. This fall, John, will begin his twentieth year teaching Latin at Stratford's Bunnell High School. They are both known as gay men in the Stratford community and at work.

72. In the larger community, for the past sixteen years, Garrett has hosted a Saturday night show on a Connecticut public radio station, WMNR, called "Echoes of the Past" which features American jazz and popular music from the Thirties to Sixties. Since 1991, John has penned a regular column on gay and lesbian life for *The New Haven Register*

73. Although John and Garrett have taken the legal steps to secure the legal protections available to them, including registering as domestic partners in Hartford in 1993, they are denied many rights available to spouses. For example, despite over two decades of commingled finances, shared ownership of personal property and accounts,

and legal documents about medical and financial decision-making, they cannot share their retirement savings with the other as they could if they were married because the survivor will pay large taxes a spouse would not have to pay. Moreover, because Garrett first owned the home they have now shared for the last twenty-two years, they cannot place their largest asset in both their names even though they have shared all the maintenance and mortgage costs because of the gift tax consequences. Those very significant tax implications are not imposed on a married spouse. Further, John's social security will die with him rather than being available to support Garrett.

74. As they age, they face an uncertain health future, which they view with greater trepidation in light of the obstacles that often face gay couples in times of medical emergencies, such as being denied hospital visitation. They want the security of knowing that they will each be able to be by the other's side and to make decisions if necessary rather than having others intrude or their wishes brushed aside.

75. They seek to marry because they believe marriage is a personal commitment and choice that should be theirs alone to make. After committing so much of their adult lives to one another, John and Garrett want to memorialize their commitment in a marriage and attain the financial and legal security that only marriage brings. They feel they have been responsible members of the community and want to make a public commitment of responsibility for one another that others understand as the ultimate marker of a family.

Barbara and Robin Levine-Ritterman

76. Barbara Levine-Ritterman, 51, and Robin Levine-Ritterman, 45, (“Barb and Robin”) have been living in a committed and loving partnership since 1989 and intend to do so for life.

77. Barb owns and operates a business in New Haven assisting customers with computer databases. Robin works as a naturopathic physician and acupuncturist in nearby Hamden. Robin also teaches courses on acupuncture at the University of Bridgeport.

78. After living in West Haven for several years, they jointly purchased a home in New Haven in 1993.

79. Barb and Robin had a religious ceremony celebrating their love and commitment with over 100 members of their family and friends in 1992. They have a ketubah (Jewish marriage contract) confirming their commitment.

80. They both long desired a family with children and after careful planning and consideration, Barb gave birth to Maya in 1995 and Robin to Joshua in 1997 using the same anonymous sperm donor. Both mothers took off time from work after each birth. They gradually transitioned up to working four days each per week in order to spend more time with their children.

81. Friends threw a shower before Maya was born for family and friends. Both families welcomed the children into the extended family immediately. The children spend time with their grandparents, aunts, uncles and many cousins throughout the Northeast, and regularly share religious and cultural holidays with their extended

families. They regularly attend Ritterman family reunions and share time with the Levine cousins every summer on a lake in Pennsylvania.

82. Both children have had hyphenated surnames since birth, and the parents completed second parent adoptions for both children in 2001. Barb and Robin officially changed their names to hyphenated surnames in 1999 to reflect their familial commitment.

83. Barb's and Robin's children are happy, well-adjusted, with a close sibling relationship and with friends in their neighborhood and at school. Maya started learning the violin in first grade and Joshua plays soccer in the New Haven Youth Soccer League. Both children are thriving in the New Haven public school they attend.

84. The Levine-Ritterman family belongs to a local Reform Jewish temple. Maya attends Hebrew School and Joshua will start in the Fall.

85. In addition to volunteering on PTO projects at their children's school, Barb and Robin volunteer at a soup kitchen run through their synagogue. Barb also volunteered for five years with an adult literacy project.

86. Barb and Robin own the bulk of their personal property together and have merged their incomes and financial lives to be fully responsible for one another and their children. Each is the named beneficiary of the other's will and of their modest retirement savings and life insurance. They have designated the other to make financial and medical decisions if one is incapacitated. They both have ongoing concerns about whether they will need to argue with health care providers or other institutions in times of crisis.

87. These issues have come into sharper focus since June 2004 when Barb was diagnosed with breast cancer and had surgical treatment. While the family is hopeful and determined, the cancer diagnosis, ongoing treatment and uncertain future have shaken them badly.

88. This crisis heightens both their awareness of their importance to one another and their legal vulnerability without marriage. They both want to see their children graduate from high school, but fear that may not happen if the cancer recurs. They dread the possibility of a time when Robin would have to contend with her grief, the children's grief, and the loss of Barb as a mother, loving partner and friend, and wage earner. Moreover, because there is no legal recognition of their committed relationship, their family would struggle financially if Barb died. Among other things, Robin would not even be able to claim social security survivor benefits as a surviving spouse even though Barb has paid into that system for over 30 years. Barb, Robin and the children would all find marriage a solid legal rock to stand on --and a critical source of legal protections -- as they endure this family emergency.

89. Robin cared for Barb before, during and after Barb's surgery, and assists her during her recovery from chemotherapy treatments. She is also the contact point for concerned family and friends. While Barb and Robin have equally shared childcare during the years, Robin has cut back on her work schedule to allow Barb time to rest and to return to work herself on a reduced schedule.

90. Deepening their commitment to one another has always been important to Barb and Robin, and was heightened after they had children, and now again with Barb's cancer diagnosis. They are doing everything they can to make each other and their

children safe and secure, but know that their fullest efforts have only a minimal impact in attaining legal protections.

91. Their family is not always respected. For example, when attempting to join a Ritterman family reunion abroad in December 2002, they were pulled out of line by airline employees at Bradley Airport because they thought Barb and Robin were taking their children out of the country without their father's permission. After much discussion, the issue resolved, but it has heightened Barb's and Robin's sense of vulnerability when they travel.

92. Barb and Robin seek to marry as the natural expression of their love and commitment for one another and with the expectation that they view and others understand marriage as the ultimate expression of commitment. They also want their children to grow up with the security of a loving family as well as the security provided to a legally married family.

Plaintiffs' Attempts to Obtain Marriage Licenses

93. On August 23, 2004, each of the above-named Plaintiff Couples appeared separately at the offices of the Town Clerk and Registrar of Vital Statistics for the Town of Madison. Each Plaintiff couple had proper identification, and was prepared to complete the application and to tender the appropriate fee. Each Couple spoke briefly with a person in the office of Defendant Bean by explaining who they were and that they wanted to apply for a marriage license.

94. For each couple, the person acting upon behalf of Defendant Bean stated that she could not issue them a license and provided them with a copy of the Opinion of the Attorney General dated May 17, 2004.

Facts as to All Plaintiffs

95. Apart from the fact that they are of the same sex, each Plaintiff individually and each Plaintiff couple is qualified to contract to marry and to marry under the laws of State of Connecticut in that each is over the age of eighteen, none is part of an existing marriage, none are related within the degrees of kinship set forth in Conn. Gen. Stat. § 46b-21, and each appeared in person and offered to tender the required fee.

96. Each Plaintiff individually and each Plaintiff couple has been deprived of the opportunity to obtain a marriage license because the person each Plaintiff wants to marry is of the same sex as said Plaintiff.

97. Defendants' actions deny the Plaintiffs the equal right to marry on the same terms as others, the due process right to marry the person of their choice, and the rights of intimate and expressive association.

98. These Plaintiffs are daily denied marriage rights, including the legal and social status of a marital relationship, and the protections, rights and responsibilities – financial, legal, emotional and others – afforded to married couples.

Counts and Prayer for Relief

FIRST COUNT

99. Paragraphs 1 through 98 are hereby incorporated by reference and made paragraphs 1 through 98 of the First Count.

100. To the extent that any statute, regulation, or common-law rule, including but not limited to Conn. Gen. Stat. §§ 46b-21, 46b-25, 46b-36, 46b-37, and 46b-81, is applied to deny otherwise qualified individuals from marrying because they wish to marry someone of the same sex or are gay or lesbian couples, such statutes, regulations, and

common-law rules violate the equal protection provisions set forth in Article First, §§ 1 and 20 of the Connecticut Constitution.

SECOND COUNT

101. Paragraphs 1 through 100 are hereby incorporated by reference and made paragraphs 1 through 100 of the Second Count.

102. To the extent that any statute, regulation, or common-law rule, including but not limited to Conn. Gen. Stat. §§ 46b-21, 46b-25, 46b-36, 46b-37, and 46b-81, is applied to deny otherwise qualified individuals from marrying because they wish to marry someone of the same sex or are gay or lesbian couples, such statutes, regulations, and common-law rules violate the due process provisions of Article First, §§ 8 and 10 of the Connecticut Constitution.

THIRD COUNT

103. Paragraphs 1 through 102 are hereby incorporated by referenced and made paragraphs 1 through 102 of the Third Count.

104. To the extent that any statute, regulation, or common-law rule, including but not limited to Conn. Gen. Stat. §§ 46b-21, 46b-25, 46b-36, 46b-37, and 46b-81, is applied to deny otherwise qualified individuals from marrying because they wish to marry someone of the same sex or are gay or lesbian couples, such statutes, regulations, and common-law rules violate the rights of intimate and expressive association in Article First, §§ 4, 5, 14 of the Connecticut Constitution.

Prayers for Relief

WHEREFORE, for the foregoing reasons, the Plaintiffs seek the following relief:

1. A declaratory judgment that to the extent that any statute, regulation, or common-law rule is applied to deny otherwise qualified individuals from marrying because they wish to marry someone of the same sex or are gay or lesbian couples, then such statutes, regulations, and common-law rules be held to violate (a) the equal protection provisions set forth in Article First, §§ 1 and 20 of the Connecticut Constitution, (b) the due process provisions of Article First, §§ 8 and 10 of the Connecticut Constitution, and (c) the rights of intimate and expressive association in Article First, §§ 4, 5, 14 of the Connecticut Constitution.

2. An injunction ordering Defendant Bean, or her successor in office, to issue marriage licenses to the Plaintiffs upon proper completion by the Plaintiffs of applications for the same and to the record the marriages upon their celebration according to law.

3. An injunction ordering Defendant Department of Public Health to take any and all steps necessary to effectuate the Court's declaration, including registering such marriages upon proper return.

PLAINTIFFS, ELIZABETH KERRIGAN &
JOANNE MOCK, JANET PECK & CAROL
CONKLIN, GERALDINE ARTIS &
SUZANNE ARTIS, JEFFREY BUSCH &
STEPHEN DAVIS, J.E. MARTIN &
DENISE HOWARD, JOHN ANDERSON &
GARRETT STACK, BARBARA LEVINE-
RITTERMAN & ROBIN LEVINE-
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