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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
DISTRICT OF WYOMING

Plaintiffs,)	
)	
Anne Marie Guzzo and Bonnie Robinson;)	
Ivan Williams and Charles Killion;)	
Brie Barth and Shelly Montgomery;)	
Carl Oleson and Rob Johnston; and)	
Wyoming Equality,)	
)	
)	Case No. 14-cv-00200-SWS
v.)	
)	
Defendants,)	
)	
Matthew H. Mead, in his official capacity)	
as the Governor of Wyoming; Dean Fausset, in his official)	
capacity as Director of the Wyoming Department of)	
Administration and Information; Dave Urquidez, in his)	
official capacity as Administrator of the State of Wyoming)	
Human Resources Division; and Debra K. Lathrop, in her)	
official capacity as Laramie County Clerk,)	

**PLAINTIFFS’ MOTION AND BRIEF IN SUPPORT OF
PRELIMINARY INJUNCTION AND TEMPORARY RESTRAINING ORDER**

Plaintiffs, by and through their attorneys, move for a preliminary injunction and temporary restraining order pursuant to Fed. R. Civ. P. 65. Defendant Lathrop does not oppose the relief requested and joins in the motion for a temporary restraining order. *See* Aff. of Defendant Debra K. Lathrop (Ex. 1). Plaintiffs left a voicemail with Mr. Mead’s counsel this morning regarding the relief requested, but have received no response.

INTRODUCTION

This is a civil rights action for injunctive and declaratory relief seeking to declare unconstitutional under the United States Constitution Wyoming’s statute defining marriage as

“between a male and a female person,” Wyo. Stat. § 20-1-101, and Wyoming’s practice of refusing to recognize the marriages of same-sex couples entered in other jurisdictions. The law on this question is clear: “A state may not deny the issuance of a marriage license to two persons, or refuse to recognize their marriage, based solely upon the sex of the persons in the marriage union.” *Kitchen v. Herbert*, 755 F.3d 1193, 1199 (10th Cir. 2014). Further, “under the Due Process and Equal Protection Clauses of the United States Constitution, those who wish to marry a person of the same sex are entitled to exercise the same fundamental right as is recognized for persons who wish to marry a person of the opposite sex.” *Id.* at 1229–30.

The Defendants deny the issuance of marriages licenses, and refuse to recognize the marriages of same-sex couples, based solely on the sex of the persons in the marriage union. In so doing, the Defendants discriminate against Wyoming’s gay and lesbian citizens and deny them access to “the fundamental right to marry, establish a family, raise children, and enjoy the full protection of [Wyoming]’s martial laws,” in violation of the United States Constitution. *Kitchen*, 755 F.3d at 1199; 1229–30. Each day that Wyoming’s unconstitutional law and practice remains in place and enforced by Wyoming officials, the Defendants inflict severe and irreparable constitutional and practical harms on Plaintiffs and their children.

PARTIES

As set forth in the Complaint, Plaintiffs are three same-sex couples who wish to be married in Wyoming and a same-sex couple who are already married and wishes to have their marriage recognized by Wyoming.¹ Compl. ¶¶ 23–27. *See also* Aff. of Plaintiff Bonnie

¹ Plaintiff Wyoming Equality’s members include many same-sex couples throughout Wyoming, including residents of Laramie County, who wish to marry and intend to apply for marriage licenses if the Wyoming law and practice prohibiting same-sex couples from marrying are declared unconstitutional as a result of this action. Wyoming Equality’s members also include same-sex couples who lawfully married in other jurisdictions and who wish to have those marriages recognized by their state. Wyoming Equality brings this action in an associational

Robinson (Ex. 2); Aff. of Plaintiff Anne M. Guzzo (Ex. 3); Aff. of Plaintiff Carl Irvin Oleson (Ex. 4); Aff. of Plaintiff Robert Hays Johnston (Ex. 5); Aff. of Plaintiff Ivan Williams (Ex. 6); Aff. of Plaintiff Chuck Killion (Ex. 7); Aff. of Plaintiff Wyoming Equality (Ex. 8).

Plaintiffs Anne Marie Guzzo and Bonnie Robinson, Ivan Williams and Charles “Chuck” Killion, and Brie Barth and Shelly Montgomery (collectively the “Unmarried Plaintiffs”), are unmarried same-sex couples in committed relationships who desire to marry in Wyoming. The Unmarried Plaintiffs meet all the requirements Wyoming imposes for the issuance of marriage licenses except that they are same-sex couples. Plaintiffs Carl Oleson and Rob Johnston (collectively the “Married Plaintiffs”), were legally married in Canada. However, in their home state of Wyoming, they are treated as legal strangers to their spouses.

ARGUMENT

On June 25, 2014, the Tenth Circuit held that state laws that treat same-sex couples differently from opposite-sex couples for purposes of marriage violate the Due Process and Equal Protection Clauses of the Fourteenth Amendment to the United States Constitution. *Kitchen*, 755 F.3d at 1229–30. Although *Kitchen* concerned the laws and practice of the State of Utah, the Tenth Circuit was explicit that its holding applied not only to the Utah law in question, but also to “similar statutory enactments,” such as the Wyoming statute at issue in this case. *Id.* at 1230. On July 18, 2014, the Tenth Circuit likewise held that Oklahoma’s prohibition of marriage for same-sex couples violated due process and equal protection, concluding that “states may not, consistent with the United States Constitution, prohibit same-sex marriages.” *Bishop v. Smith*, 760 F.3d 1070, 1082 (10th Cir. 2014).

capacity on behalf of its members who desire to marry in Wyoming but are prevented from doing so by enforcement of Wyoming’s law and practice excluding same-sex couples from marriage, or who have married in another state and whose marriages are not recognized by the State of Wyoming.

The state defendants in both *Kitchen* and *Bishop* filed petitions for writs of certiorari in the United States Supreme Court. On October 6, 2014, the United States Supreme Court denied both petitions, and the Tenth Circuit issued its mandate in both cases the same day. *See Kitchen v. Herbert*, 2014 WL 4960471; *Bishop v. Smith*, 2014 WL 4960523 (10th Cir. Oct. 6, 2014). The Tenth Circuit’s holding that “under the Due Process and Equal Protection Clauses of the United States Constitution, those who wish to marry a person of the same sex are entitled to exercise the same fundamental right as is recognized for persons who wish to marry a person of the opposite sex,” is now the law of the land in Wyoming. *Kitchen*, 755 F.3d at 1229–30.

Despite this binding precedent, Defendants Mead, Fausset, and Urquidez (the “Wyoming Defendants”) refuse to allow same-sex couples to marry in Wyoming and refuse to recognize the marriages of same-sex couples who live in Wyoming without direction from the courts, and Defendant Lathrop is declining to issue marriage licenses to otherwise-qualified same-sex couples without further instruction from the courts. Other county clerks also are awaiting instruction from the courts before issuing marriage licenses to same-sex couples. *See, e.g., Justices’ ruling might allow Wyoming gay marriage* (Associated Press Oct. 7, 2014), http://www.jhnewsandguide.com/jackson_hole_daily/local/justices-ruling-might-allow-wyoming-gay-marriage/article_9dbede1e-fb7c-56ef-9f6f-5093b5495c37.html (noting the clerk of Teton County was awaiting judicial instruction before issuing marriage licenses to same-sex couples); *Gay marriage expected to begin in Wyoming*, (Associated Press Oct. 6, 2014), http://billingsgazette.com/news/state-and-regional/wyoming/gay-marriage-expected-to-begin-in-wyoming/article_845ec36a-cac5-574d-9391-9bcdc2ad2a3c.html (noting the clerks of Albany and Natrona County were awaiting judicial instruction before issuing licenses to same-sex couples).

Plaintiffs seek a preliminary injunction and temporary restraining order requiring the Wyoming Defendants to allow same-sex couples to marry and to recognize the valid marriages of same-sex couples who live in Wyoming and requiring Defendant Lathrop to issue marriage licenses to otherwise-qualified same-sex couples. A movant is entitled to a preliminary injunction if the movant can establish the following: (1) a substantial likelihood of success on the merits of the case; (2) irreparable injury to the movant if the preliminary injunction is denied; (3) the threatened injury to the movant outweighs the injury to the other party under the preliminary injunction; and (4) the injunction is not adverse to the public interest. *Awad v. Ziriax*, 670 F.3d 1111, 1125 (10th Cir. 2012). For injunctions seeking mandatory relief, the movant must make a particularly strong showing with regard to the likelihood of success on the merits and with regard to the balance of harms. *Id.* Plaintiffs meet such a showing here.

I. Plaintiffs Are Substantially Likely To Succeed On The Merits.

“State laws . . . regulating marriage, of course, must respect the constitutional rights of persons.” *United States v. Windsor*, 133 S. Ct. 2675, 2691 (2013). Plaintiffs’ request for injunctive relief seeks from the Court only what *Kitchen* expressly holds: “A state may not deny the issuance of a marriage license to two persons, or refuse to recognize their marriage, based solely upon the sex of the persons in the marriage union.” *Kitchen*, 755 F.3d at 1199. The Tenth Circuit’s decision is binding on this Court and the Wyoming laws and practices in question have virtually identical scopes and effects to those overturned in *Kitchen*. *See Kitchen*, 755 F.3d at 1230 (holding that both state constitutional amendments and “similar statutory enactments” limiting marriage to opposite-sex couples violate the Equal Protection and Due Process Clauses). As was also true of the Oklahoma marriage ban that was subsequently struck down by the Tenth Circuit, in this case the Court’s “merits disposition is governed by [the] ruling in *Kitchen*.”

Bishop, 760 F.3d at 1074. Because Wyoming’s statutory definition of marriage and refusal to recognize the valid marriages of same-sex couples does precisely what the Tenth Circuit held to be unconstitutional, there is an overwhelming probability that Plaintiffs will prevail on the merits.

II. Plaintiffs Will Suffer Irreparable Harm If A Preliminary Injunction Does Not Issue.

Deprivation of constitutional rights “for even minimal periods of time, unquestionably constitutes irreparable harm.” *Elrod v. Burns*, 427 U.S. 347, 373 (1976); *see also Awad*, 670 F.3d at 1131 (“Furthermore, when an alleged constitutional right is involved, most courts hold that no further showing of irreparable injury is necessary.”) (citation omitted); *Bonnell v. Lorenzo*, 241 F.3d 800, 809 (6th Cir. 2001) (“[W]hen reviewing a motion for preliminary injunction, if it is found that a constitutional right is being threatened or impaired, a finding of irreparable injury is mandated.”).

Aside from the unquestionably irreparable harm suffered by Plaintiffs due to the Defendants’ refusal to allow Plaintiffs to enjoy the fundamental right to marry their partners, Plaintiffs have identified suffer other specific harms from this denial. Compl. ¶¶ 36–43. For example, several of the Plaintiffs are employees of the State of Wyoming, yet are unable to add their partners or spouses to their state-provided health insurance. *See id.* ¶¶ 23–26. Plaintiff Brie Barth has three young children, none of whom has a living father, and Brie lives in constant fear that her children will be placed in foster care if she was in a fatal accident. *See id.* ¶ 25. Further, Wyoming’s treatment of Plaintiffs’ relationships as lesser than the relationships of opposite-sex couples who are married or want to become married stigmatizes and demeans them,

causes them anxiety and stress, and harms their dignity as individuals and as couples.² As recognized by the Tenth Circuit, laws that treat same-sex couples as lesser than opposite-sex couples for purposes of marriage “impose[] a disadvantage, a separate status, and so a stigma upon all who enter into same-sex marriages.” *Kitchen*, 755 F.3d at 1207 (quoting *Windsor*, 133 S. Ct. at 2963). Laws that discriminate against same-sex couples undermine “both the public and private significance” of same-sex couples’ relationships by telling those couples, and all the world, that their marriages are unworthy of recognition. *Kitchen*, 755 F.3d at 1207 (quoting *Windsor*, 133 S. Ct. at 2964). Such laws “‘humiliate[] tens of thousands of children now being raised by same-sex couples’ by making ‘it even more difficult for the children to understand the integrity and closeness of their own family and its concord with other families in their community and in their daily lives.’” *Kitchen*, 755 F.3d at 1207 (quoting *Windsor*, 133 S. Ct. at 2964). With the passage of each day, these harms accumulate.

The United States Supreme Court “has long recognized that marriage is the ‘most important relation in life.’” *Kitchen*, 755 F.3d at 1209 (quoting *Maynard v. Hill*, 125 U.S. 190, 205 (1888)). The harms to Plaintiffs’ dignity that results from being deprived of this most important relation should be considered particularly irreparable because they cannot be adequately compensated for in the form of monetary damages. *See Awad*, 670 F.3d at 1131; *Prairie Band of Potawatomi Indians v. Pierce*, 253 F.3d 1234, 1251 (10th Cir. 2001). To continue to deny Plaintiffs the enjoyment and benefits of one of the most important liberties in life is to continue to irreparably harm them.

² *See, e.g.*, Aff. of Plaintiff Bonnie Robinson ¶¶ 11, 13–15, 17 (Ex. 2); Aff. of Plaintiff Anne M. Guzzo ¶¶ 8–11 (Ex. 3); Aff. of Plaintiff Carl Irvin Oleson ¶¶ 13–16 (Ex. 4); Aff. of Plaintiff Robert Hays Johnston ¶¶ 20–22 (Ex. 5); Aff. of Plaintiff Ivan Williams ¶¶ 8, 11, 12 (Ex. 6); Aff. of Plaintiff Chuck Killion ¶¶ 8, 11, 12 (Ex. 7).

III. The Harm To Plaintiffs Substantially Outweighs Any Harm To The Defendants.

“[W]hen a law is likely unconstitutional, the interests of those the government represents, such as voters do not outweigh a plaintiff’s interest in having its constitutional rights protected.” *Hobby Lobby Stores, Inc. v. Sebelius*, 723 F.3d 1114, 1145 (10th Cir. 2013) (en banc) (plurality) (quoting *Awad*, 670 F.3d at 1131), aff’d 134 S. Ct. 2751. Thus, “if the moving party establishes a likelihood of success on the merits, the balance of harms normally favors granting preliminary injunctive relief because the public interest is not harmed by preliminarily enjoining the enforcement of a statute that is probably unconstitutional.” *ACLU of Ill. v. Alvarez*, 679 F.3d 583, 589–90 (7th Cir. 2012).

The relief this preliminary injunction motion seeks is limited: Plaintiffs ask this Court only to allow them to enjoy the fundamental right to marriage to which the Tenth Circuit already found them entitled. *Kitchen*, 755 F.3d at 1229–30. Requiring Wyoming to allow same-sex couples to marry and to recognize the valid out-of-state marriages of same-sex couples would create no new burden on Defendants. Defendants already routinely issue marriage licenses to Wyoming couples who wish to marry and recognize the marriages of opposite-sex couples who live in or move to Wyoming. The Defendants will suffer no harm, let alone a harm that will outweigh the harm to the Plaintiffs.

IV. Injunctive Relief Is In The Public Interest.

“[I]t is always in the public interest to prevent the violation of a party’s constitutional rights.” *Hobby Lobby*, 723 F.3d at 1145 (quoting *Awad*, 670 F.3d at 1131–32). “While the public has an interest in the will of the voters being carried out . . . the public has a more profound and long-term interest in upholding an individual’s constitutional rights.” *Awad*, 670

F.3d at 1132. Accordingly, the relief requested serves the interest of the Plaintiffs, the Defendants and other county clerks, and the People of Wyoming.

V. A Temporary Restraining Order Is Warranted In This Case.

A party who is entitled to injunctive relief may also seek a temporary restraining order upon a summary showing of immediate and irreparable injury. Given the constitutional magnitude of the issues at stake for the Plaintiffs in this case, the irreparable nature of the injuries to the Plaintiffs, the high likelihood of success on the merits, and the specific concurrent request by Defendant Lathrop for a temporary restraining order, Plaintiffs respectfully request that the Court issue a temporary restraining order, for the maximum allowable time period under Fed. R. Civ. P. 65, requiring Defendants to issue or permit issuance of marriage licenses to same-sex couples, including the Unmarried Plaintiffs, pursuant to the same restrictions and limitations applicable to opposite-sex couples, and without regard to the gender or sexual-orientation of the applicants.

CONCLUSION

Plaintiffs are very likely to succeed on the merits of their constitutional claims and are suffering significant and irreparable harm every day that Wyoming denies their right to marry and to have their already valid marriages recognized. The balance of equities strongly favors an injunction, and an injunction is in the public interest. Accordingly, Plaintiffs respectfully request that the Court issue a preliminary injunction: (1) barring Defendants from enforcing any Wyoming statute, law, policy, or practice that exclude the Unmarried Plaintiffs and other same-sex couples from marriage, or that refuse recognition of the marriages of the Married Plaintiffs or other married same-sex couples who live in Wyoming, and (2) requiring Defendants to issue or permit issuance of marriage licenses to same-sex couples, including the Unmarried Plaintiffs,

pursuant to the same restrictions and limitations applicable to opposite-sex couples, and without regard to the gender or sexual-orientation of the applicants. Plaintiffs request such injunction remain in effect until entry of final judgment in this action. Plaintiffs further request a temporary restraining order as set forth above.

DATED: October 8, 2014.

Respectfully submitted,

s/ Tracy L. Zubrod
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Attorneys for Plaintiffs

*Admission Pro Hac Vice Pending

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing has been filed with the Clerk of Court on this 8th day of October, 2014 and served upon the following by electronic and U.S. First Class Mail:

Ryan Schelhaas Senior Assistant Attorney General Wyoming Attorney General's Office 123 Capitol Building Cheyenne, WY 82002	Mike Robinson Senior Assistant Attorney General Wyoming Attorney General's Office 123 Capitol Building Cheyenne, WY 82002
Jared Crecelius Senior Assistant Attorney General Wyoming Attorney General's Office 123 Capitol Building Cheyenne, WY 82002	Martin L. Hardscog Deputy Attorney General Wyoming Attorney General's Office 123 Capitol Building Cheyenne, WY 82002
L. James Lyman Thomas W. Stoeber, Jr. ARNOLD & PORTER LLP 370 Seventeenth Street, Suite 4400 Denver, Colorado 80202-1370	Qusair Mohamedbhai, Wyo. Bar No. 6-3809 RATHOD MOHAMEDBHAI LLC 1518 Blake Street Denver, CO 80202
Shannon P. Minter Christopher F. Stoll NATIONAL CENTER FOR LESBIAN RIGHTS 870 Market Street, Suite 370 San Francisco, CA 94102	

s/ Rebecca A. Golz
 Rebecca A. Golz

EXHIBIT 1

**UNITED STATES DISTRICT COURT
DISTRICT OF WYOMING**

Anne Marie Guzzo and Bonnie Robinson;)	
Ivan Williams and Charles Killion;)	
Brie Barth and Shelly Montgomery;)	
Carl Oleson and Rob Johnston;)	
and Wyoming Equality,)	
)	
Plaintiffs,)	
v.)	Case No. 14-cv-00200-SWS
)	
Matthew H. Mead, in his official capacity)	
as the Governor of Wyoming; Dean Fausset, in his official)	
capacity as Director of the Wyoming Department of)	
Administration and Information; Dave Urquidez, in his)	
official capacity as Administrator of the State of Wyoming)	
Human Resources Division; and Debra K. Lathrop, in her)	
official capacity as Laramie County Clerk,)	
Defendants,)	

**AFFIDAVIT OF DEBRA K. LATHROP, LARAMIE COUNTY CLERK, IN SUPPORT OF
MOTION FOR PRELIMINARY INJUNCTION**

I, Debra K. Lathrop, in my official capacity as the County Clerk for Laramie County, State of Wyoming, being duly sworn say:

1. I am a named Defendant in this action, and I submitted the attached Affidavit in Support of Motion for Temporary Restraining Order filed October 7, 2014 and Supplemental Affidavit in Support of Motion for Temporary Restraining Order filed October 8, 2014. These Affidavits were submitted in support of my request for an immediate, expedited hearing and proposed Temporary Restraining Order filed in my action for a declaratory judgment, Debra K. Lathrop v. CK & IW, Laramie County District Court, Doc. 182 No. 242 (filed Mar. 4, 2014). Also attached is the proposed Temporary Restraining Order filed in Laramie County District Court along with the parties' joint request for emergency relief on October 6, 2014.

3. As I have attested, the proposed Temporary Restraining Order is necessary to avoid

irreparable harm to both myself and the Applicants. And, I believe the relief requested in the proposed Temporary Restraining Order is the relief likely to be granted at the conclusion of either a state or a federal court challenge to the Wyoming marriage statute, Wyo. Stat. § 20-1-101 (2013).

4. Furthermore, requiring me to issue marriage licenses to same-sex couples pursuant to a preliminary injunction substantially similar to ¶ 3 of the proposed Temporary Restraining Order will impose no burden on me. In contrast, the uncertainty caused by the conflict between my duties under the marriage statute and the Wyoming Civil Rights Acts, the Wyoming Constitution, and the United States Constitution, as interpreted by the Tenth Circuit, imposes a significant and immediate burden on my ability to perform my duties.

5. I believe that the validity of the Wyoming marriage statute should be determined according to state law in the ongoing litigation in Laramie County District Court, but I do not oppose the entry of a Preliminary Injunction substantially similar to ¶ 3 of the proposed Temporary Restraining Order.

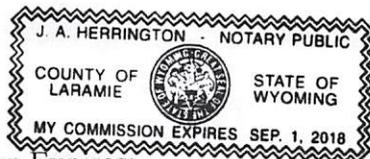
FURTHER AFFIANT SAYETH NAUGHT.

DATED this 8th, day of October, 2014.


Debra K. Lathrop, Laramie County Clerk
P. O. Box 608
Cheyenne, WY 82003

Subscribed, acknowledged and sworn to before me by Debra K. Lathrop, Laramie County Clerk, on this 8th, day of October, 2014.

WITNESS MY HAND AND OFFICIAL SEAL.



My Commission Expires: _____


NOTARY PUBLIC

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STATE OF WYOMING)
) ss:
COUNTY OF LARAMIE)

IN THE DISTRICT COURT
FIRST JUDICIAL DISTRICT

Doc. 182 No. 242

DEBRA K. LATHROP,)
in her official capacity)
as the County Clerk)
for Laramie County, State of Wyoming,)
Petitioner,)
vs.)
CK & IW,)
BR & AG, &)
Jane Doe Nos. 1-99 &)
John Doe Nos. 1-99, real names unknown,)
Respondents.)

FILED

OCT 08 2014

SANDY LANDERS
CLERK OF THE DISTRICT COURT

**SUPPLEMENTAL AFFIDAVIT IN SUPPORT OF
MOTION FOR TEMPORARY RESTRAINING ORDER**

I, Debra K. Lathrop, in my official capacity as the County Clerk for Laramie County, State of Wyoming, being duly sworn say:

1. This affidavit supplements my Affidavit in Support of Motion for Temporary Restraining Order filed October 7, 2014.

2. In addition to the two Applications submitted by the unmarried Plaintiffs in the Courage case, and the two Applications submitted to my office yesterday, October 7, 2014, as of 12:00 PM today, I have received one additional Application. All of the Applications have been accompanied by the required filing fees, and all of the Applicants qualify for a License, but for their apparent gender.

3. This morning's Applicants have indicated that they plan to solemnize their marriage as soon as they receive their license. I have reason to believe that additional applications will be filed shortly by similarly-situated couples.

4. On October 7, 2014, I was served with a Complaint and Summons in the United States District Court for the District of Wyoming. The Complaint names me as a Defendant and requests declaratory and injunctive relief, as well as attorney fees, costs, and pre- and post-judgment interest. The Plaintiffs include the unmarried Plaintiffs from Courage, as well as one of the couples that applied for a license in my office yesterday. The proposed Temporary Restraining Order in this case is necessary to avoid liability against me in the civil rights action pending in the United States District Court.

5. In the last two days, I have received inquiries from County Clerks throughout

Wyoming indicating that they are receiving Applications for Marriage Licenses from same-sex couples. I believe the proposed Temporary Restraining Order will be cited as precedent in other Counties and will therefore prevent irreparable harm to other County Clerks and Applicants for marriage licenses in other Counties.

FURTHER AFFIANT SAYETH NAUGHT.

DATED this 8th, day of October, 2014.

Debra K. Lathrop
Debra K. Lathrop, Laramie County Clerk
P. O. Box 608
Cheyenne, WY 82003

Subscribed, acknowledged and sworn to before me by Debra K. Lathrop, Laramie County Clerk, on this 8th, day of October, 2014.

WITNESS MY HAND AND OFFICIAL SEAL.



My Commission Expires 9/1/18

J. A. Herrington
NOTARY PUBLIC

RESPECTFULLY SUBMITTED this 8th day of October, 2014.

COUNTY OF LARAMIE, STATE OF WYOMING
By: *[Signature]*
Mark Voss, Laramie County Attorney
Bernard Haggerty, Deputy Laramie County Attorney
310 W. 19th Street, Suite 320
Cheyenne, WY 82001
Phone (307) 633-4370 Fax (307) 633-4329

CERTIFICATE OF SERVICE

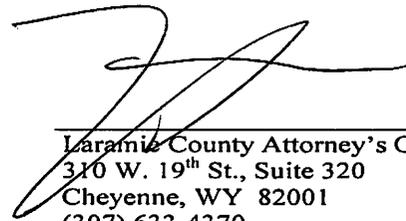
I certify the foregoing **Supplemental Affidavit in Support of Motion for Temporary Restraining Order** was served upon all parties to this action pursuant to the Wyoming Rules of Civil Procedure on 8th day of October, 2014, and that copies were served as follows:

U.S. Mail
 Fax

Fed Ex
 Hand Delivered

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(307) 633-4329 (fax)

STATE OF WYOMING)
) ss:
COUNTY OF LARAMIE)

IN THE DISTRICT COURT
FIRST JUDICIAL DISTRICT

Doc. 182 No. 242

DEBRA K. LATHROP,)
in her official capacity)
as the County Clerk)
for Laramie County, State of Wyoming,)
Petitioner,)
vs.)
CK & IW,)
BR & AG, &)
Jane Doe Nos. 1-99 &)
John Doe Nos. 1-99, real names unknown,)
Respondents.)

FILED

OCT 07 2014

SANDY LANDERS
CLERK OF THE DISTRICT COURT

**AFFIDAVIT IN SUPPORT OF
MOTION FOR TEMPORARY RESTRAINING ORDER**

I, Debra K. Lathrop, in my official capacity as the County Clerk for Laramie County, State of Wyoming, being duly sworn say:

1. I am the Petitioner in this action, and I submitted the Verified Complaint for Declaratory Judgment and Temporary and Permanent Injunctive Relief filed March 4, 2014. In my complaint I verified the facts set forth in the Motion for Temporary Restraining Order and Preliminary and Permanent Injunction, also filed March 4, 2014.

2. In the Joint Motion to Stay All Proceedings, filed March 10, 2014, I agreed to stay further proceedings in this case, including my emergency request for a Temporary Restraining Order, on the condition that no “additional same-sex couples apply for marriage licenses before the resolution of [Courage v. State, Dkt. 182 No. 262].”

3. Several couples contacted my office on October 6, 2014 regarding the issuance of marriage licenses, and early this morning, March 7, 2014, two couples, whom I have reason to believe to be same-sex couples, filed Applications for Marriage Licenses, along with the required fees. I believe these couples have definite wedding plans, including one wedding scheduled for this Saturday, which require immediate action on their licenses. Furthermore, I have reason to believe that additional applications will be filed shortly by similarly-situated couples.

4. I lack any statutory authority to delay the processing of the pending Applications or any other Application for a Marriage License. My statutory duties under the marriage statute, Wyo. Stat. § 20-1-101 & 103 (2013), appear to conflict with Wyoming’s civil rights laws, Wyo.

Stat. § 6-9-101 & 102 (2013), and the Wyoming Constitution. I cannot process the pending Applications or similar applications without immediate instructions from the Court.

5. Because additional couples have filed Applications for Marriage Licenses, and because of the urgent need for a judicial decision, I have joined with the Respondents to submit the Motions to lift the stay and for an expedited hearing, along with the proposed Temporary Restraining Order, filed on October 6, 2014.

6. The pleadings in Courage will enable Judge Campbell to grant all of the relief sought in this action, except for my request for a Temporary Restraining Order—the pleadings in Courage do not request temporary relief.

7. In the absence of the proposed Temporary Restraining Order, either I or the Applicants, and others similarly situated, will suffer immediate harm of a nature that cannot be remedied. Regardless of the basis for Judge Campbell's decision, I believe that I am likely to succeed in my request for declaratory and permanent injunctive relief at or shortly after the hearing on summary judgment in Courage, currently set for December 15, 2014.

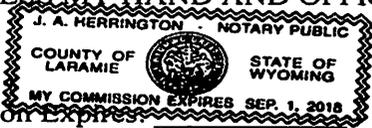
FURTHER AFFIANT SAYETH NAUGHT.

DATED this 7th, day of October, 2014.


Debra K. Lathrop, Laramie County Clerk
P. O. Box 608
Cheyenne, WY 82003

Subscribed, acknowledged and sworn to before me by Debra K. Lathrop, Laramie County Clerk, on this 7th day of October, 2014.

WITNESS MY HAND AND OFFICIAL SEAL.

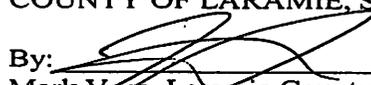


My Commission Expires


NOTARY PUBLIC

RESPECTFULLY SUBMITTED this 7th day of ~~March~~ October, 2014.

COUNTY OF LARAMIE, STATE OF WYOMING

By: 
Mark Voss, Laramie County Attorney
Bernard Haggerty, Deputy Laramie County Attorney
310 W. 19th Street, Suite 320
Cheyenne, WY 82001
Phone (307) 633-4370 Fax (307) 633-4329

CERTIFICATE OF SERVICE

I certify the foregoing **Affidavit in Support of Motion for Restraining Order** was served upon all parties to this action pursuant to the Wyoming Rules of Civil Procedure on 7th day of October, 2014, and that copies were served as follows:

U.S. Mail
 Fax

Fed Ex
 Hand Delivered

Tracy Zubrod
Zubrod Law Office, P.C.
219 E. 18th St.
Cheyenne, WY 82001
Attorney for Plaintiff

Wyoming Attorney General
Attn: Ryan Schelhaas
123 Capitol Building
Cheyenne, WY 82002


Laramie County Attorney's Office
310 W. 19th St., Suite 320
Cheyenne, WY 82001
(307) 633-4370
(307) 633-4329 (fax)

STATE OF WYOMING)
) ss:
 COUNTY OF LARAMIE)

IN THE DISTRICT COURT
 FIRST JUDICIAL DISTRICT

Doc. 182 No. 242

DEBRA K. LATHROP,)
 in her official capacity)
 as the County Clerk)
 for Laramie County, State of Wyoming,)

 Petitioner,)

 vs.)

**TEMPORARY
 RESTRAINING ORDER**

CK & IW,)
 BR & AG, &)
 Jane Doe Nos. 1-99 &)
 John Doe Nos. 1-99,)
 real names unknown,)

 Respondents.)

This matter is before the Court on the Petitioner’s Motion for Temporary Restraining Order and Preliminary and Permanent Injunction. The Court has considered the file, including the Verified Complaint and the Motion, as well as the arguments of the parties at the emergency hearing. The Court finds, orders, adjudges, and decrees as follows:

1. On March 19, 2014, the Court, Arnold, D.J., entered an Order staying all proceedings in this case, pending the outcome of a companion case, Courage v. State, Dkt. 182 No. 262. Simultaneously, Judge Arnold issued an Order vacating the setting for an emergency hearing on a Temporary Restraining Order. In their Joint Motion to Stay All Proceedings the parties agreed, “in the event that additional same-sex couples apply for marriage licenses before resolution of *Courage*, Petitioner may move the Court to lift the stay.” The parties have now filed a Joint Motion to Lift Stay agreeing that at least one additional same-sex couple has applied for a marriage license.

2. The Court finds and concludes that this Temporary Restraining Order is necessary to avoid immediate and irreparable harm; specifically, to prevent the Petitioner from violating either her statutory duties or the fundamental rights of the named Respondents and others similarly situated, and that the Petitioner is likely to succeed on the merits of her action;

3. The Motion for Temporary Restraining Order is granted, and the Court ORDERS that the Petitioner shall process all Applications for Marriage Licenses without regard to the gender of the parties to the proposed marriages or their status as same-sex couples.

4. This matter is set for a further hearing on the _____ day of _____, 2014, at _____ AM/PM.

5. Other: _____

_____.

SO ORDERED this _____ day of October, 2014.

DISTRICT COURT JUDGE

EXHIBIT 2

**IN THE DISTRICT COURT OF LARAMIE COUNTY, WYOMING
FIRST JUDICIAL DISTRICT**

Cora Emma-Terese Sacah Courage and Wyoma)	
Kay Proffit; Carl Oleson and Rob Johnston;)	
Anne Marie Guzzo and Bonnie Robinson; Ivan)	
Williams and Charles Killion; and Wyoming)	Civil Action No. 182-262
Equality,)	
)	
Plaintiffs,)	
)	
v.)	
)	
State of Wyoming; Matthew H. Mead, in his)	
official capacity as the Governor of Wyoming;)	
Dean Fausset, in his official capacity as)	
Director of the Wyoming Department of)	
Administration and Information; Dave)	
Urquidez, in his official capacity as)	
Administrator of the State of Wyoming Human)	
Resources Division; and Debra K. Lathrop, in)	
her official capacity as Laramie County Clerk,)	
 Defendants.		

AFFIDAVIT OF PLAINTIFF BONNIE ROBINSON

I, Bonnie Robinson, being 18 years of age or older, swear or affirm under oath that the following statements are true and correct:

1. I am one of the Plaintiffs in this action, along with my life partner, Anne Guzzo. I have personal knowledge of the matters stated in this Affidavit and could and would competently testify to these facts.

2. I am currently 44 years old and I live in Laramie, Wyoming, with my partner Annie, our cat, and our dog. I am self-employed as a property manager while training for a career in Web Design, and Annie is an Associate Professor at the University

of Wyoming. I left my career in Information Technology (“IT”) with the State of Colorado to move to Laramie, Wyoming to be with Annie. Annie and I have been in a committed relationship for over four years.

3. I was born in Lawrence, Kansas in 1969. I am an only child and only have two relatives living: my mother who lives in Colorado, and my grandmother who lives in Texas. Annie’s parents, who live six blocks away from us in Laramie, have become like a family to me.

4. I realized I was attracted to women when I was in my early 20s, however, I tried to live a “normal” life and later married a man. Marrying him was an easy thing to do, as our families both supported it, there were no legal obstacles to obtain a marriage license, and society supported this decision.

5. Though the marriage had been a terrible mistake on many levels, I did not believe in divorce, and I stayed in the marriage for several years before I finally realized I would never live a healthy and happy life as long as I stayed in that marriage. I then filed for and obtained a divorce.

6. I earned a B.S. in Computer Information Systems and began working in the field of computer forensics. I started a company that involved monitoring the computer activities of sex offenders who were on probation or parole and taught classes around the country to law enforcement on monitoring sex offenders’ computers. Later I was hired by the State of Colorado in their IT Security division and did computer forensics and network security for them for most of my eight years of employment there.

7. I met Annie in 2010 when we were both active in the social dance community. She had been taking Lindy Hop lessons and was looking for a regular dance partner. I was just starting to learn Lindy Hop and I agreed to take classes with her.

8. We took many classes together, became friends, and eventually began to date. We have now been together for four years. Because of her, these have been four of the best years of my life. We have traveled together and supported each other's dreams and aspirations, and also been there for each other during the tough times.

9. In early 2013, Annie had a health scare. Her doctor suspected Annie had cancer, and wanted to put Annie on chemotherapy immediately.

10. Because we could not marry, we did not have any of the legal protections in place married people can take for granted when there is a health crisis. My ability to visit her in the hospital would be at the mercy of the people who worked there. My ability to have oversight or involvement in her estate should she pass away would be at the mercy of her parents. My ability to take time off of work for FMLA leave in order to be there for her was at the mercy of my employer. Health decisions would be made by her parents and the medical staff, and it was up to them whether or not I would be involved. There were many additional factors like these that complicated matters during a time when I most wanted to be focused on being there for Annie. It was overwhelming to realize that, as Annie's life partner, I had no say in these matters unless other people allowed it. Because we could not marry, major decisions that directly affected our relationship were to be made by people outside of our relationship.

11. Annie was rushed in to surgery a week later. Thankfully, her surgery went well, and the cancer was a misdiagnosis. Her parents and the hospital staff and doctor

included me in everything, and my boss was understanding and let me have time to care for Annie while she was healing. I was extremely lucky in all of these things, but my eyes were now opened to some of the supports and protections that were automatically in place for married couples but that could legally be denied to us. It was stress added to an already stressful situation, and it was something that we wouldn't have had to deal with had we been able to marry.

12. A few months after Annie's surgery, I quit my job and moved to Laramie to be with her. For years we had been commuting to see each other on weekends and driving back and forth to/from Denver and Laramie. But the health scare drove home how important it was to be together.

13. Since moving to Wyoming to be with Annie, we have run into several issues that would have not happened had we been able to marry. The first one was lack of health care. I quit my job to move to Wyoming, but because we were not married, her employer would not allow me to be on her health insurance. Her work has different benefits for domestic partners than they have for spouses. Because we could not marry, there was no "qualifying event" and I was not eligible to sign up for the domestic partner benefits until the yearly enrollment date. As a result, I was without health insurance for nine months as we waited for January 1, 2014 to come around. Her employer also would not allow me to be on Annie's insurance plan, so I had to get a much more expensive plan from an outside provider. Annie's employer pays the premium for this plan, however, instead of this being considered non-taxable as they do for married couples, they add that money on to Annie's paycheck and then tax her for it. The benefits are not

the same as Annie's opposite-sex, married co-workers, and we take a financial hit that they don't take.

14. Another financial hit we took because we could not marry was with my schooling. Had Annie and I been married, I would have been considered a Wyoming resident. However, because we could not marry, the school I enrolled in charged me the higher out-of-state tuition for two semesters until I had lived in Wyoming for a year.

15. The other financial impact it has had is on our taxes, since we have to file as two single people instead of as a married couple. With my significant reduction in income due to the move and attending school instead of working full time, we would have saved on taxes had we been able to file as a married couple.

16. Annie and I applied for a marriage license in March of 2014 and were denied. One thing that is particularly frustrating to me about this is that it was so easy to marry a man who was an unhealthy person for me to be with, but I am denied the ability to marry an incredible person like Annie. It also feels unfair to me that to marry a person that was wrong for me, all I had to do was to fill out an application for marriage license and it was approved. It was a five minute process. But when Annie and I wanted to marry each other, our form was rejected. Once again, we are at the mercy of people outside of our relationship to make decisions that directly and deeply impact our relationship.

17. We are both very private people, and we do not want to be in a position where we have to be in the public eye just to get married. But that is exactly where we are. In writing up this statement I have been reminded of how lucky I am to have Annie in my life, while once again being freshly hurt at the injustices in this society towards gay

couples. And there are so many inequalities on a day-to-day basis that it is difficult to summarize the extent of how it impacts us in just a few pages of writing.

18. I don't expect that everyone will accept that some people find their life partners in someone who is the same gender. But whether or not they agree from a moral or religious perspective, the fact is, Annie and I should have the same legal rights and protections as any other couple.

DATED this 17th day of June 2014.

By: Bonnie Robinson
Bonnie Robinson

STATE OF Wyoming)
) SS
COUNTY OF Albany)



Subscribed and sworn to me on this 17th day of June, 2014.

My commission expires: 2/7/18

J. ROBERT TREVIZO

J. Robert Trevizo
NOTARY PUBLIC

EXHIBIT 3

**IN THE DISTRICT COURT OF LARAMIE COUNTY, WYOMING
FIRST JUDICIAL DISTRICT**

Cora Emma-Terese Sacah Courage and Wyoma)	
Kay Proffit; Carl Oleson and Rob Johnston;)	
Anne Marie Guzzo and Bonnie Robinson; Ivan)	
Williams and Charles Killion; and Wyoming)	Civil Action No. 182-262
Equality,)	
)	
Plaintiffs,)	
)	
v.)	
)	
State of Wyoming; Matthew H. Mead, in his)	
official capacity as the Governor of Wyoming;)	
Dean Fausset, in his official capacity as)	
Director of the Wyoming Department of)	
Administration and Information; Dave)	
Urquidez, in his official capacity as)	
Administrator of the State of Wyoming Human)	
Resources Division; and Debra K. Lathrop, in)	
her official capacity as Laramie County Clerk,)	
 Defendants.		

AFFIDAVIT OF PLAINTIFF ANNE M. GUZZO

I, Anne M. Guzzo, being 18 years of age or older, swear or affirm under oath that the following statements are true and correct:

1. I am one of the Plaintiffs in this action, along with my life partner, Bonnie Robinson. I have personal knowledge of the matters stated in this Affidavit and could and would competently testify to these facts.

2. I am currently 45 years old and I live in Laramie, Wyoming with my partner Bonnie and our pets, a dog and a cat adopted from local shelters. I am a native of Laramie, Wyoming (b. 1968) and had the considerable good luck to be interviewed and

hired for a full-time university position in my field, classical music composition, in my hometown. I love Laramie, and especially how easy it is to access nature in Wyoming—I relish spending time with Bonnie and my dog, Giotto, and our community of friends, hiking, skiing, swimming, and gardening. My parents live six blocks away from us, so we socialize a great deal, meeting for coffee, meals, and projects, like a recent vegetable garden bed we dug and planted for my father. Bonnie and I are active in the community of Laramie, having recently started an International Folk Dance group and are currently exploring volunteer opportunities such as Home on the Range animal rescue. We are also taking private swing dance lessons together in Denver when we can and dancing at the monthly swing dances in Laramie. My older brother, sister-in-law, and niece and nephew live in McMinneville, Oregon and I see them as often as I can.

3. I am an Associate Professor of Music Composition and Theory at the University of Wyoming, where I teach music theory, composition, and history classes. I really enjoy the students and have won several teaching awards. I founded a new music festival at the University called New Frontiers, which brings in world-renowned composers and performers. The festival is in its 8th season now. I currently have tenure at the University.

4. As an undergraduate student, I attended the University of Wyoming, starting in 1986. I transferred to the University of New Mexico in 1990, did my graduate work in Santa Cruz (M.A.) and Davis, California (Ph.D.) starting in 1996, and returned to Wyoming in 1999 to take a part-time position that eventually turned into my current, full-time job.

5. Coming out was a challenge in the town where I grew up. It was a challenge to hide my true self. I realized I was gay and told a few friends during my undergraduate years at the University of Wyoming, around 1988. Someone sent my parents an anonymous letter outing me that year. My parents expressed their love for me, but at the time, understandably struggled and worried about what their friends and peers might think and what struggles I might come across in my life. Now that there is more understanding and acceptance in the world and they have had time, they are most loving and welcoming to Bonnie—and the grand-dog.

6. After transferring to the University of New Mexico in 1989, I felt more able to grow and be myself. From 1992-1996 I enjoyed living in Santa Cruz, California, where city anti-discrimination laws protected me, and the culture was such that I could be open and out all the time. I received my Master of Music at UCSC. I moved to Davis, CA for my Ph.D. Davis was similarly welcoming to the LGBT community. In addition to my studies, I started a social group for LGBT women in that city, where we had mixer events and classes on a wide variety of topics, from ballroom dance to oil-change workshops.

7. While I was living in Laramie, I met Bonnie in 2010 on an online-dating service. I used the search engine to find any LGBT woman in a 200-mile radius of Laramie who included “swing dance” in their profile. Bonnie and one other woman from Albuquerque showed up. Bonnie and I then met in Boulder to take Lindy Hop lessons together, and we got to know each other better, danced a lot, and ended up dating. One of our great joys as a couple is dancing together, and we do it as often as we can. We dated long distance for three years, driving between Laramie, Wyoming and Denver, Colorado.

Tired of the commute to see each other (especially in Winter over dreadfully dangerous mountain passes) we decided to move in together in Laramie in 2013.

8. Part of the reason we decided to live together was because I had a health scare in January of 2013. My OB/Gyn thought I might have uterine cancer because I had extremely large fibroid growths. She rushed me into major surgery to remove the tumors. Though over 9 lbs, thankfully, they turned out to be benign. During this time, it hit home that Bonnie and I really had no legal protections for each other. I did not have a legal guarantee that Bonnie could even see me at the hospital, let alone inherit anything should there be a terrible turn of events. Before going to the hospital, I wrote Bonnie a check for everything in my accounts just to give her something in the event of an emergency—nothing like an inheritance, but a token to show my love and gratitude, which was my only legal option at the time.

9. When Bonnie moved to Laramie, she was unable to get the recently added “Partner Benefits” at the University of Wyoming because there wasn’t a “qualifying event” —even if we had been married in another state, the University would not recognize it as a qualifying event. Bonnie went for almost a year without health insurance because we had to wait for the enrollment period.

10. The University of Wyoming “Partner Benefits” program is a separate system that does not provide the same benefits that legally married couples receive. Instead of allowing my partner to be on my insurance and take part in the same network, treatment options, and deductible that my legally married colleagues get for their spouses, I am given a voucher, which comes in the form of an addition to my paycheck. Bonnie had to find insurance through the Affordable Care Act, where her payments and

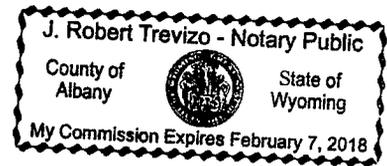
deductible are significantly higher than through the University of Wyoming state program for spouses. Since the money for her insurance is given to me in the form of an addition to my paycheck, I have to pay taxes on that voucher money.

11. Bonnie and I want to get married in Wyoming. I have a special love for my home state. We realize we could get married elsewhere and at least get national recognition. But I want my home, the Equality State, to live up to its nickname. I want to marry in the place I love dearly, Wyoming, to the person I love dearly, Bonnie Robinson. I want to be treated fairly where we live— where we work, socialize, and contribute to the community that we love.

DATED this 17 day of June, 2014.

By: *Anne M. Guzzo*
Anne M. Guzzo

STATE OF Wyoming)
) SS
COUNTY OF Albany)



Subscribed and sworn to me on this 17th day of June, 2014.

My commission expires: 2/7/18

J. ROBERT TREVIZO

J. Robert Trevizo
NOTARY PUBLIC

EXHIBIT 4

**IN THE DISTRICT COURT OF LARAMIE COUNTY, WYOMING
FIRST JUDICIAL DISTRICT**

Cora Emma-Terese Sacah Courage and Wyoma)	
Kay Proffit; Carl Oleson and Rob Johnston;)	
Anne Marie Guzzo and Bonnie Robinson; Ivan)	
Williams and Charles Killion; and Wyoming)	Civil Action No. 182-262
Equality,)	
)	
Plaintiffs,)	
)	
v.)	
)	
State of Wyoming; Matthew H. Mead, in his)	
official capacity as the Governor of Wyoming;)	
Dean Fausset, in his official capacity as)	
Director of the Wyoming Department of)	
Administration and Information; Dave)	
Urquidez, in his official capacity as)	
Administrator of the State of Wyoming Human)	
Resources Division; and Debra K. Lathrop, in)	
her official capacity as Laramie County Clerk,)	
 Defendants.		

AFFIDAVIT OF PLAINTIFF CARL IRVIN OLESON

I, Carl Irvin Oleson, being 18 years of age or older, swear or affirm under oath that the following statements are true and correct:

1. I am one of the Plaintiffs in this action, along with my spouse, Robert Hays Johnston. I have personal knowledge of the matters stated in this Affidavit and could and would competently testify to these facts.

2. I am currently 54 years old and live in Casper, Wyoming with my spouse Robert, 2 dogs, and 3 cats. Rob and I have been together for nearly 17 years and married for nearly 4 years. We have lived in our home in Casper for 13 years this July.

3. I came to Casper as a trained Kitchen Designer with The Home Depot. I was there for approximately 3 years before I started working for a custom cabinet maker, selling custom and factory made cabinets, mouldings, millworks, and doors. After the economy took a downswing in 2008-2009, I left kitchen design to become the store manager of a small, locally owned remote control hobby store. I will have been in that position 5 years this coming August.

4. A year and a half ago Rob retired from the State of Wyoming Department of Health ("DOH") after several years as the HIV Prevention Manager. He was hired immediately after he left the DOH by a local alcohol/drug recovery center to create a program to assist people in developing life and job skills to help them advance in their recovery. Very recently, Rob interviewed for and accepted a position with the Prevention Management Organization, a statewide non-profit organization that partners with the State to improve the general well being of the citizens of the State of Wyoming.

5. I was born December 15, 1959 in Rock Springs, Wyoming. My parents moved very shortly after my birth, with my older brother and me, to Oklahoma, Colorado, Arkansas, Texas, and New Mexico, before returning to Riverton, Wyoming in 1969. We'd picked up southern accents and two new brothers by then. My father started his own data collection business in the oilfield and Riverton became our permanent home until my parents divorced, sold the house, and moved on with their separate lives in 1992. I attended elementary school from the 3rd grade through my first year of junior college there, graduating from Riverton High School in 1978 while also taking college courses at Central Wyoming College. In 1979 I auditioned for and was accepted into the very competitive American Academy of Dramatic Art in New York, NY. I transferred, after

having been invited back to continue studying for the second year of training, to the sister campus in Pasadena, California, where I was then invited to perform in the production company for a 3rd year at AADA. To have been accepted to attend the first year and invited back to both the second year and company year were tremendous honors at such a prestigious and historical school for the performing arts in America. I qualified for my Screen Actors Guild card by having a very small part in the 1984 Oscar Nominated film “Frances” starring Sam Shepard and Jessica Lange. For the next 15 years I participated in all aspects of performance and production in local, regional, and post-secondary theatre and theatre education in the states of Colorado, Washington, and Wyoming.

6. Theatre was not my first love, however. From the time I was a very small boy until I had a life-changing epiphany at 14 years of age, I was going to be a minister. I had been raised in the Southern Baptist Church, attending on my own even after my parents ceased to attend. I was also a Cub Scout, Webelos, Boy Scout, and member of the DeMolay’s—until the day I realized I was gay and none of those institutions were particularly accepting of anyone who strayed too far from their narrow definition of what it meant to be a real man, a good Christian, or a worthy citizen. I had dreamed of the day I could stand in the pulpit, spreading and celebrating God’s love with my brothers and sisters. I also dreamed of being a father and marrying the man of my dreams. Until I met Rob, I thought I would never achieve any of these three dreams. I had to learn a spirituality that was based on my own experiences of being open to discovering my own truths and having faith in what I could make happen in my own life, and helping others to achieve their dreams and live in dignity and respect for themselves and others. I defined what it meant to be a man in my life.

7. I met Rob on July 7, 1997 when he came to the home decor shop I worked at in Las Vegas, Nevada. By September 1st of that same year, we had moved in together and have never looked back or regretted a moment we've spent together. I was 38 and Rob was 49. A few years later, while at dinner with some friends at their apartment, Rob asked me to marry him while we stood on their balcony, watching the lights of the nearby Las Vegas Strip. I thought he was being flippant and shared with him, in no uncertain terms, that that was the last of my childhood dreams, one which I felt was as unlikely to occur in my life as the other two, and the idea of marriage was too sacred and too important to just seemingly throw out the suggestion with the casualness of asking if I wanted to go to a movie or buy a new shirt. A few months later, while visiting New York City, Rob proposed to me again while I was showing him one of my favorite spots in Central Park. He even wrote me a note stating his desire to share his life with me and for me to share my life with him. After I said "Yes!" we asked a passerby to take our picture, which now hangs in our kitchen along with the note.

8. Initially, we had planned on marrying in California while the narrow window of marriage was available to same-sex couples, but my father, who had recently remarried, had a heart attack and stroke. After our visit to see him when he'd left the hospital, we immediately realized my stepmother could not take good care of him during his long recovery without some additional help. We put our plans to marry on hold, sold our house in Las Vegas, and moved to Casper, Wyoming to aid in my father's return to health.

9. After a couple of years of long walks along the river with Rob and a will forged of iron, Dad had recovered to a degree that astounded his doctors and all the rest

of us. But the strain and subsequent changes in his personality were too great for my stepmother to handle, and they divorced. Dad moved in with us until he had recovered enough to move out and onward with his own life. By that time, marriage was no longer an option in California, so we decided to wait until such time as we could enjoy full legal marriage somewhere else.

10. In August of 2008, Dad was bitten by a mosquito in a field in rural Utah. In less than a week, he was airlifted, in a coma, from the small-town hospital closest to where he was working to a neurological ICU at a hospital in Salt Lake City, Utah, with no idea what was causing his condition. The next morning, I was in my van headed to Salt Lake City. I did not return home for four months, when I made the return trip with him, paralyzed, on a portable ventilator and in a wheelchair strapped to the space where my seats once attached to the floor. Less than two weeks later Dad died from respiratory failure brought on by a severe neurological reaction to West Nile Virus. We were emotionally devastated and financial unable to follow through on our wedding plans at that time.

11. Then, in late 2009, Rob's mom was diagnosed with an aggressive form of lung cancer and we made plans to spend her last Christmas with her, as she was not expected to live much past the beginning of the New Year. In February of 2010, while at Rob's mother's memorial service, a lesbian couple who are longtime friends of Rob's family, and who had been together for 20 years or more, suggested we have a double wedding in Windsor, Ontario, Canada, where full legal same-sex marriage was the rule of law.

12. On July 16, 2010 Rob and I were married in a sculpture park with a view of downtown Detroit across the river, in the company of friends and family, present and departed. Crossing into Canada, the border guard was genuinely congratulatory. Upon our return to Detroit the American official was at first officious but then became rude and interrogative when he found we had just been married.

13. When we returned to Wyoming, Rob asked his supervisor at the Department of Health if he could add me to his health insurance and was told that our marriage was not legal in Wyoming, so therefore I didn't qualify for an extension of benefits as his legal spouse. At his new job, when he asked the Human Resources person if he could add me to his new insurance, she asked if the State recognized our marriage. When he said "No," she said she could not add me as they have a contract with the State and Wyoming doesn't recognize our legal Canadian marriage. Most businesses as small as the last two I have worked for cannot or choose not to provide health insurance to their employees. If our legal Canadian marriage were recognized, I would be able to get excellent health insurance from Rob's new employer.

14. When Rob retired from the Wyoming Department of Health in December 2012, we were both present at the exit meeting he had with the people who handle retirement benefits for state employees. When asked what beneficiary option Rob wanted to use, he told them that he wanted to use the "Married" option, naming me his spouse. The woman who was helping us had no idea if the State would support that choice and declared that ours would be a "test case" with no sense as to whether I would receive Rob's pension as his spouse or not.

15. In our research to protect our home, property, and health care wishes, we have found that it could cost thousands of dollars to create the documents and legal protections we would need while opposite-sex couples often have those protections for the cost of a marriage license.

16. The greatest harm we face through the non-recognition of our lawful union is the fact that we are invisible to state government agencies, most healthcare providers, corporations, public accommodations, private businesses, and charitable organizations. Their refusal to recognize our marriage relegates us to less than others around us, who differ from us only because their spouse is of the opposite sex. We own our home, have good jobs, pay taxes, and contribute time and money and energy to our community and several charitable organizations. But if I were to die tomorrow, there is no guarantee that Rob could continue to live in our home or claim sole surviving ownership of the life we have worked so hard to build, sometimes under very adverse circumstances, together. As good, kind, and honest citizens of this great nation, there can be no greater harm done to us than the inequitable application of the rule of law regarding our marriage. As I understand it, an important element of our constitutional democracy protects the rights of minorities from the unreasonable or unfounded fears and abuses of the majority, particularly if that abuse is not based on empirical truths or fact but ignorance or bigotry.

EXHIBIT 5

**IN THE DISTRICT COURT OF LARAMIE COUNTY, WYOMING
FIRST JUDICIAL DISTRICT**

Cora Emma-Terese Sacah Courage and Wyoma)	
Kay Proffit; Carl Oleson and Rob Johnston;)	
Anne Marie Guzzo and Bonnie Robinson; Ivan)	
Williams and Charles Killion; and Wyoming)	Civil Action No. 182-262
Equality,)	
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State of Wyoming; Matthew H. Mead, in his)	
official capacity as the Governor of Wyoming;)	
Dean Fausset, in his official capacity as)	
Director of the Wyoming Department of)	
Administration and Information; Dave)	
Urquidez, in his official capacity as)	
Administrator of the State of Wyoming Human)	
Resources Division; and Debra K. Lathrop, in)	
her official capacity as Laramie County Clerk,)	
 Defendants.		

AFFIDAVIT OF PLAINTIFF ROBERT HAYS JOHNSTON

I, Robert Hays Johnston, being 18 years of age or older, swear or affirm under oath that the following statements are true and correct:

1. I am one of the Plaintiffs in this action, along with my spouse, Carl I. Oleson. I have personal knowledge of the matters stated in this Affidavit and could and would competently testify to these facts.

2. I am currently 65 years old and I live in Casper, Wyoming, with my spouse, Carl, and our two dogs, and three cats. I am a Program Director at the 12-24 Club, a community resource for persons in recovery. I recently accepted a new job as a

Community Prevention Professional with the Prevention Management Organization of Natrona County.

3. I was born in Pittsburgh, Pennsylvania in 1948. My parents grew up in Canonsburg, Pennsylvania, went to high school together, graduated from college and then married in 1940. I have an older brother who lives in Ohio; my older sister died thirty-five years ago; my other brother is 13 months younger than me; and, my youngest sister is nine years younger than me.

4. I knew I was different from other boys at a very early age. It took me over fifteen years to begin to accept my sexuality, and even then, it was very difficult. I went to a very small high school outside of Pittsburgh, and although I dated girls, I was never sexually active. I did my undergraduate and graduate work at Pennsylvania State University. I pledged a fraternity and that same fraternity voted to blacklist me from the fraternity because they thought I was too effeminate. For ten weeks, I practiced how I walked, smoked cigarettes, and talked. I was forced to do push-ups and sit-ups every time I entered the fraternity house. At the time I was in college, if I told anyone I was gay, I could be dismissed from school. Friends who knew that I was gay threatened to expose me to others on the residence hall staff, thereby threatening my ability to complete my education.

5. Upon completion of my master's degree, I obtained a job at Cornell University on the Dean of Student's staff. I told staff there I was gay and began the process of being more upfront about my sexuality. In my third year at Cornell, I was offered a job as the Placement Coordinator for the New York School of Industrial and Labor Relations. In my second year in that job, my contract was not renewed as I was

perceived as not masculine enough for the job. My previous boss in the Dean of Student's Office recommended me to her sister, who was then Vice President of Student Affairs at Pomona College in Claremont, California. So I moved across the country, and "came out of the closet" as a gay man.

6. In California, I became very active in the gay community. I came out to my family. As a result of that process, I was banned from my older brother and his wife's home for years and was not allowed any contact with their children.

7. In 1980, I started a journey related to recovery from alcoholism and drug addiction. Many of my friends began to die from what we now know as AIDS. When I left my second partner in 1985, I decided to take some time and travel the country. I sold everything I owned and loaded up my car with camping equipment and my dog. We spent four months traveling two-lane highways across the United States. I finally ended up in Washington, D.C., living with my younger sister and her female partner. I got a job working as a Training Specialist with PSI Associates, a minority owned firm that provided day treatment services to the developmentally disabled. Two years later, I was offered another training position with the Center for HIV and Substance Abuse Services. It was the first time that I actually worked with other gay men and had a gay man as my supervisor.

8. While working for the Center, I provided training in Nevada. Later, I was offered a job as Deputy Chief of the Bureau of Alcohol and Drug Abuse for the state of Nevada in Carson City. Several years later, I was then given the opportunity of relocating to Las Vegas to provide more of a presence in Nevada's largest metropolitan

area. I was also named Chief of the Bureau and commuted between Las Vegas and Carson City during the legislative session.

9. I bought a home in Las Vegas, and when I was trying to redesign elements of the house, I asked a friend who was an interior decorator for his assistance. He told me that he had just brought a guy in from Phoenix who might be willing to work with me. The next day, July 7, 1997, I drove to his shop and met Carl. He came by the house to check things out, and we had our first date on July 11th. He moved in on September 1st, following a dinner at my house where he fixed my washing machine, and I knew that I had found a “keeper.”

10. Our journey together has been filled with a lot of love and a lot of loss. My family met Carl when they ventured to Las Vegas for my fiftieth birthday. It was a melding of my family and our friends from Carson City, Las Vegas, and Los Angeles. During that time, I also met Carl’s dad and his girlfriend, Charlene, who would often visit us in Las Vegas. My first trip to Wyoming was to witness his father’s wedding to Charlene. I met his family and got to see those places critical to his life growing up in Wyoming. Carl endeared himself to my mother when he nursed me through several surgeries as a result of bile duct blockage caused by gall stones, which grew years following the removal of my gall bladder.

11. In 2002, we moved from Las Vegas to Casper, Wyoming, after his dad had a stroke and a heart attack. Carl had been working as a kitchen designer at Home Depot in Las Vegas, and he was able to transfer to the Casper store immediately. We were able to find a house in Casper, and Carl promptly filled our little pickup with a bed and a TV. I stayed in Las Vegas to sell our old house. Two months later, at the

beginning of September, I drove a U-Haul truck to Casper with our two dogs at the time, Rusty (an Irish setter) and Bandit (our black lab).

12. In early October, I attended a conference in Casper sponsored by the Wyoming AIDS Project. I introduced myself to the Wyoming Department of Health's HIV Prevention Coordinator. I explained my history with recovery and HIV, and she encouraged me to apply for a new contract position they had created for a High Risk Population Specialist. I was hired, and for the most part worked from my home. I would travel to Cheyenne about once a week to meet with other staff. My position was salaried with no benefits.

13. Several years later, my boss resigned to take an Executive Director position with a local family planning clinic. I was promoted into her position, now having benefits. Everyone there knew I was gay, and most had met Carl. I did mention to my new supervisor that it would be nice if Carl could be covered by my benefits. She agreed, but knew that the political climate in the state and in the Department of Health would not support it. We kept hoping that benefit changes might occur for faculty and staff at the University of Wyoming for same gender domestic partnerships. As of today, nothing has changed.

14. During this time, I was contacted by the National Development Research Institute (NDRI) in New York City to see if I was willing to write a training curriculum on Gay Men and Methamphetamine based upon the research of two NDRI scientists. I traveled to New York twice to present the curricula, and to the best of my knowledge the AIDS Institute in New York State is still using the curricula. I was then asked to present

the research findings at that year's annual education conference of the Wyoming Public Health Association.

15. Our Section Chief resigned to take a job as Executive Director of the Nebraska AIDS Project. She was replaced by a woman who worked in the Substance Abuse Division, and who years before facilitated the HIV Prevention Planning group. Early in her tenure, my Project Officer for the Centers for Disease Control and Prevention recommended me to the International Health Organization to provide HIV training for physicians and other medical and social service providers in Patna, India. It was an honor and a challenge to do this.

16. Requesting benefits for my partner was not feasible. I also remember filling out a survey for a national organization where I was asked how many open gay men and lesbians worked for the Wyoming Department of Health, and I was the only one I knew of at that time.

17. I proposed marriage to Carl on a trip to New York City when I worked for the Bureau of Alcohol and Drug Abuse while we were in NYC for a national methadone conference. We still have that written proposal framed with a picture of us in Central Park. We had planned on getting married at Lake Tahoe when California originally allowed same-sex couples to marry. However, his father was infected with the West Nile virus, and all of our funds went to supporting Carl's living in Salt Lake City to care for his father, who was totally paralyzed with severe neurological complications. Carl and his uncle eventually brought Carl's dad back to Casper, where he died within a week of being home.

18. Carl's dad was the most accepting and supportive of our relationship. I loved him probably more than my own father. When he was recuperating from his earlier stroke and heart attack, we would walk our dogs every morning down by the river. We would look at the deer and antelope, search for owls in the trees, and transplant wildflowers in our garden (Carl accused us of planting weeds!).

19. My mother several years ago was diagnosed with terminal lung cancer, so we spent her last Christmas with her and my other siblings in Naples, Florida. My mother talked about how happy she was that Carl and I had found one another and were so happy in our relationship. She died a little over a month later. It was while visiting again in February 2010, that we planned a July wedding with our friends Susie and Suzanne outside Detroit in Windsor, Ontario. My younger brother and his wife graciously hosted a party following our wedding.

20. At the end of 2012, I was offered a job at a recovery center in Casper. Just before New Year's, I gave two weeks' notice to the state and resigned by position as the HIV Prevention Program Manager in January 2013. When Carl came to Cheyenne to help move me back to Casper, we made an appointment on my last day with the folks in the Retirement Office. As I was completing the paperwork, I asked if it was okay to list Carl as my partner. The woman helping us said yes. We then were asked to look at several disbursement options should I precede him in death. One option given was to list him as my spouse since we had been married in Ontario, Canada the preceding July (July 16th to be exact). She had never had a same sex couple submit the form with this designation, but she said we could be the "test case" and let me designate Carl.

EXHIBIT 6

**IN THE DISTRICT COURT OF LARAMIE COUNTY, WYOMING
FIRST JUDICIAL DISTRICT**

Cora Emma-Terese Sacah Courage and Wyoma)	
Kay Proffit; Carl Oleson and Rob Johnston;)	
Anne Marie Guzzo and Bonnie Robinson; Ivan)	
Williams and Charles Killion; and Wyoming)	Civil Action No. 182-262
Equality,)	
)	
Plaintiffs,)	
)	
v.)	
)	
State of Wyoming; Matthew H. Mead, in his)	
official capacity as the Governor of Wyoming;)	
Dean Fausset, in his official capacity as)	
Director of the Wyoming Department of)	
Administration and Information; Dave)	
Urquidez, in his official capacity as)	
Administrator of the State of Wyoming Human)	
Resources Division; and Debra K. Lathrop, in)	
her official capacity as Laramie County Clerk,)	
 Defendants.		

AFFIDAVIT OF PLAINTIFF IVAN H. WILLIAMS

I, Ivan H. Williams, being 18 years of age or older, swear or affirm under oath that the following statements are true and correct:

1. I am one of the Plaintiffs in this action, along with my life partner, Charles R. Killion (Chuck). I have personal knowledge of the matters stated in this Affidavit and could and would competently testify to these facts.

2. I am currently 47 years old and I live in Cheyenne, Wyoming, with my partner Chuck. I am an attorney employed as Senior Counsel for the Wyoming Office of Consumer Advocate, which is an independent operating division of the Wyoming Public

Service Commission. Chuck is an accountant employed as Comptroller of the 4 Quarters Companies, which are related construction and development companies. Chuck and I have been in a committed relationship for over two years.

3. I was born in Cheyenne, Wyoming, in 1966. My mother, a retired health care worker, still lives in Cheyenne. My father passed in 1999 as a result of complications from an interstitial lung disease. He served in the Marine Corp and was an engineer for the Wyoming Department of Transportation for over 30 years. I have one younger brother who is a medical assistant and also lives in Cheyenne.

4. I realized I was attracted to men as a young adult. The “coming out” process was long and tortured, to say the least. In an attempt to overcome my sexual identity and “do the right thing,” I was twice married. The first marriage lasted approximately seven years. I have two daughters from that marriage, and I retained custody of and raised them after my divorce from their mother. I was married the second time for approximately 10 years. There were no children resulting from that marriage.

5. After finishing high school in 1985, I attended the University of Wyoming. I graduated with a Bachelor of Science in Accounting in 1989. I then attended the University of Wyoming College of Law and graduated with a J.D. in 1992.

6. During law school, I was an intern with the Wyoming Public Service Commission, which is the state agency charged with regulating public utilities in Wyoming. I worked at the Commission throughout law school and was employed, in various capacities, within the agency until 2004, when I assumed my current position as Senior Counsel for the Wyoming Office of Consumer Advocate, which was separated from the Commission by the Wyoming legislature in 2003.

7. I met Chuck in April of 2012 through a mutual friend. We began dating immediately. We began living together in August of 2012, and purchased a home together in June of 2013. Chuck asked me to marry him in Winter Park, Florida while on vacation in November of 2013.

8. We have been in a committed relationship for over two years, but in the eyes of Wyoming law, we are legal strangers. The state of Wyoming does not allow us to get married and does not recognize us as a family. This is both unfair and demeaning, and we worry about the message these discriminatory laws sends to others.

9. Chuck and I are active members of our church, which is both accepting and supportive of our relationship. We contribute both our time and resources to the church and charitable causes. Over the years, I have taught Sunday school and played piano for church praise and worship teams.

10. On February 27, 2014, Chuck and I went to the office of the Laramie County Clerk in Cheyenne to apply for a marriage license. Other than the fact that Chuck and I are both men, we meet all the legal requirements for the issuance of a marriage license in Wyoming. The staff of the clerk's office initially declined to process our application for a marriage license due to the fact that Wyoming statutes define marriage as being between one man and one woman. Subsequently, Chuck received a call from the Laramie County Clerk, the Laramie County Attorney, and representatives of their offices. They asked Chuck and me to return and complete an application for marriage license, which we did on March 3, 2014. At that time, the clerk's office took our application and sent the resulting license to one of the District Court judges for a ruling due to what was determined to be a "legal impediment" to its issuance. The Laramie

County Clerk, Laramie County Attorney, and those in their employ were extremely supportive. Nevertheless, we were not given a valid marriage license.

11. Chuck and I want to have the same freedom to marry one another that opposite-sex couples enjoy. We want to share in the benefits and responsibilities of marriage, and we want our relationship to be both recognized and protected under Wyoming law. Because our relationship is not recognized, we are forced to maintain separate health insurance plans, which is not an optimal solution. We are both insulin-dependent diabetics. We have disparate coverage, under the two plans, for essentially the same medications. We also have extreme differences in deductibles and co-pays under the two plans. To date, we have spent a significant amount of money for the preparation of legal documents in an attempt to begin to approximate the rights and protections that we would otherwise have if we were permitted to marry. We will incur additional legal fees to continue this process. In spite of these efforts, we do not and will not have the same safety, security, and stability that marriage provides.

12. We have had many opportunities to get married in other states, but we want to get married in Wyoming because it is our home. We also worry that our marriage in another state wouldn't be recognized after we returned home to Wyoming.

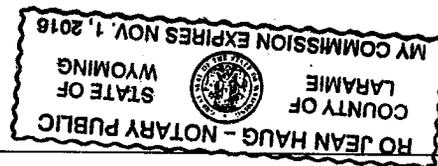
DATED this 10 day of June, 2014.

By: Ivan H. Williams
Ivan H. Williams

STATE OF Wyoming)
) SS
COUNTY OF Laramie)

Subscribed and sworn to me on this 17 day of June, 2014.

My commission expires: Nov 1, 2016



Rojean Haug
NOTARY PUBLIC

EXHIBIT 7

**IN THE DISTRICT COURT OF LARAMIE COUNTY, WYOMING
FIRST JUDICIAL DISTRICT**

Cora Emma-Terese Sacah Courage and Wyoma)	
Kay Proffit; Carl Oleson and Rob Johnston;)	
Anne Marie Guzzo and Bonnie Robinson; Ivan)	
Williams and Charles Killion; and Wyoming)	Civil Action No. 182-262
Equality,)	
)	
Plaintiffs,)	
)	
v.)	
)	
State of Wyoming; Matthew H. Mead, in his)	
official capacity as the Governor of Wyoming;)	
Dean Fausset, in his official capacity as)	
Director of the Wyoming Department of)	
Administration and Information; Dave)	
Urquidez, in his official capacity as)	
Administrator of the State of Wyoming Human)	
Resources Division; and Debra K. Lathrop, in)	
her official capacity as Laramie County Clerk,)	
 Defendants.		

AFFIDAVIT OF PLAINTIFF CHARLES R. KILLION

I, Charles R. Killion, being 18 years of age or older, swear or affirm under oath that the following statements are true and correct:

1. I am one of the Plaintiffs in this action, along with my life partner, Ivan H. Williams. I have personal knowledge of the matters stated in this Affidavit and could and would competently testify to these facts.

2. I am currently 57 years old and I live in Cheyenne, Wyoming, with my partner Ivan, and our dog. I am a Comptroller with 4 Quarters Companies and Ivan is an

attorney with the Wyoming Office of Consumer Advocate. Ivan and I have been in a committed relationship for over two years.

3. I was born in Jackson Hole, Wyoming in 1957. My father was raised in Wyoming and my mother was raised 50 miles due east of St. Louis, Illinois. They met in Jackson Hole, Wyoming as my mother was a surgical nurse and my father was a school teacher and owned the Dubois Cold Storage. My father served in both World War II and the Korean War. They raised me and one sister in Dubois, Wyoming. My sister Kim now lives with her partner in Anchorage, Alaska. They are planning to get married in Spokane, Washington because the state of Alaska does not recognize marriages of same-sex couples.

4. I realized I was attracted to other guys when I was in junior high school, but after college I got married and raised three children. The “coming out” process was a long and arduous period in my life, to say the least, as I was married for 30 years.

5. After finishing high school in 1975, I attended the University of Wyoming. I graduated in 1979 with a Bachelor in Accounting with honors. After three years working for a Public Accounting firm, I earned my Certified Public Accountant certificate.

6. My first professional job was at McGladrey, Pullen & Associates, which I obtained after I graduated from college in 1979. Five years later I went to work for the Wyoming Secretary of State within their Securities Registration Department. In 1980, I joined Security Savings and Loan as controller. In 1985, I joined Maryland National Bank Wyoming Division. In 1987, I joined TRC Mariah Associates as controller over five branches in five states. In 2000, I joined Airgas Intermountain, Inc. as controller

over 38 branches located in 5 states. In 2013, I joined 4 Quarters Companies as comptroller.

7. I met Ivan in 2012 at a mutual friend's house. We became best friends, and started dating and a romantic relationship. We have been in a committed relationship for the past 2 years. We have been engaged since November, 2013.

8. Despite our committed, long-term relationship, in the eyes of Wyoming law, we are legal strangers. Wyoming does not allow us to get married and does not recognize us a couple. This is both unfair and demeaning and we worry about the message these discriminatory laws send to friends and family.

9. Ivan and I have been charitable contributors to many local as well as national organizations. My community service began back in high school, when I served as treasurer of our class, and later in College as I was President of the Newman Club, which is a Collegiate Catholic College Organization. Since then, I have continued to serve my community in many capacities. I have held several officer positions in the Cheyenne and Laramie, Wyoming Kiwanis Clubs. I also served as Treasurer and leader in the Weld County 4 H leadership. I am an active member in my church. I currently sing with the Cheyenne Capital Chorale. Ivan and I discussed at length our committed relationship and that it was important for both of us to be a part of this law suit in Wyoming.

10. On Thursday, February 27, 2014, Ivan and I went to the Office of the County Clerk of Laramie County, to apply for a marriage license. Other than the fact that Ivan and I are both men, we meet all the legal requirements for marriage in Wyoming. Ivan had stopped in earlier that day to obtain a Marriage License Fact Sheet and nowhere

on this fact sheet did it state you had to be a man and a woman. The Marriage License Department Supervisor refused to issue us a marriage license because we are a same-sex couple, pursuant to existing Wyoming law. On Monday, March 3, 2014, I got a call about 10 a.m. from the Laramie County Attorney, Laramie County Assistant-attorney, Debra K. Lathrop, Laramie County Clerk, and Laramie County Clerk Marriage License Division supervisor, stating that they erred in not allowing us to apply for a marriage license and asked Ivan and me to return and reapply for a marriage license. They were not able to issue us a marriage license as it had to go before the County Judge, as it had a legal impediment.

11. As a family, as life partners, and as Wyomingites, Ivan and I want to have the same freedom to marry the person we love as opposite-sex couples enjoy. We want to share in the benefits and responsibilities of marriage, and we want our family to be legally recognized and protected by Wyoming law. Because our relationship is not recognized, for instance, our healthcare plans and benefits are not comparable. My health insurance costs me substantially more than what Ivan's State of Wyoming health insurance costs him. Finally, we have had to spend a significant amount of money on legal documents that attempt to mimic the rights on same-sex couples that are married. So far we have spent \$1,600 preparing wills, powers of attorney, living wills and healthcare proxies. Despite having these documents in place, they do not provide the same safety, security, and stability for our family that marriage provides. We want our family to be recognized, and we want to insure that our dignity would remain intact and that our wishes would be followed in case something happens to one or both of us. These are the same rights afforded to any married couple.

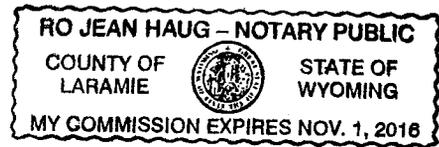
12. Ivan and I want to get married in Wyoming. Ivan and I have considered getting married in a state where same-sex couples can marry, but we want to marry in Wyoming, which is our home. We should not be forced to go outside of Wyoming to get married, only to have our out-of-state marriage ignored by our home state.

DATED this 17 day of June, 2014.

By: Charles R. Killion
Charles R. Killion

STATE OF Wyoming)
) SS
COUNTY OF Laramie)

Subscribed and sworn to me on this 17 day of June, 2014.



My commission expires: Nov. 1, 2016

Ro Jean Haug
NOTARY PUBLIC

EXHIBIT 8

**IN THE DISTRICT COURT OF LARAMIE COUNTY, WYOMING
FIRST JUDICIAL DISTRICT**

Cora Emma-Terese Sacah Courage and Wyoma)	
Kay Proffit; Carl Oleson and Rob Johnston;)	
Anne Marie Guzzo and Bonnie Robinson; Ivan)	
Williams and Charles Killion; and Wyoming)	Civil Action No. 182-262
Equality,)	
)	
Plaintiffs,)	
)	
v.)	
)	
State of Wyoming; Matthew H. Mead, in his)	
official capacity as the Governor of Wyoming;)	
Dean Fausset, in his official capacity as)	
Director of the Wyoming Department of)	
Administration and Information; Dave)	
Urquidez, in his official capacity as)	
Administrator of the State of Wyoming Human)	
Resources Division; and Debra K. Lathrop, in)	
her official capacity as Laramie County Clerk,)	
)	
Defendants.)	

**AFFIDAVIT OF JERAN ARTERY ON BEHALF OF PLAINTIFF
WYOMING EQUALITY**

I, Jeran Artery, being 18 years of age or older, swear or affirm under oath that the following statements are true and correct:

1. I am the Chairman of Wyoming Equality, one of the Plaintiffs in this action. I have personal knowledge of the matters stated in this Affidavit and could and would competently testify to these facts.

2. Wyoming Equality was founded in 1987. I have been the Chairman of Wyoming Equality since 2011. Wyoming Equality is the largest civil rights organization

dedicated to securing full equality for Wyoming's lesbian, gay, bisexual, and transgender (LGBT) community. Through advocacy, grassroots organizing, education, and coalition building, we seek to change Wyoming so that no one suffers harassment or discrimination on the basis of their sexual orientation or gender identity. We coordinate public education campaigns to inform and engage policymakers, LGBT people, and the public at large on issues affecting the LGBT community.

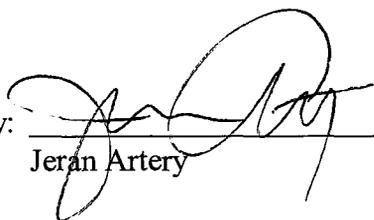
3. One of Wyoming Equality's main areas of focus is working to protect LGBT families. Without legal protections, LGBT families are unable to make vital health care, child care, and end of life decisions for their partners and their children. We represent same-gender couples and their families who are proud to call "The Equality State" home. Many of our members, including myself, are Wyoming natives and are part of third and fourth generation families who have called Wyoming home for 100 years or more. Being forced to leave the state in order to get married, and not being able to have our marriages recognized when we return, seems contrary to the live-and-let-live mantra so many Wyomingites adhere to.

4. We decided to be a Plaintiff in this lawsuit for marriage equality because Wyoming's lesser treatment of same-gender couples with regard to marriage is wrong and it is harmful to LGBT Wyoming residents and their families, including our members. Participating in this lawsuit is central to our mission as Wyoming's statewide LGBT organization.

5. Many of our members, including some of the named Plaintiff couples, wish to marry in Wyoming or are already married in other jurisdictions but don't have their marriages recognized by Wyoming. Our members have expressed a desire to marry

but are prevented by Wyoming's discriminatory laws and policies. If those laws and policies were struck down, many of these members, including the ones raising children, would apply for marriage licenses and would marry their same-sex partners, or would ask Wyoming to recognize their existing marriages and afford them the numerous rights that Wyoming affords opposite-gender married couples.

DATED this 18th day of June, 2014.

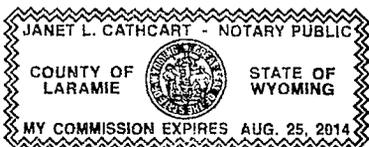
By: 
Jeran Artery

STATE OF Wyoming)
) SS
COUNTY OF Laramie)

Subscribed and sworn to me on this 18 day of June, 2014.

My commission expires:

August 25, 2014




NOTARY PUBLIC