

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION**

**KARI L. CHIN and DEBORAH E. CHIN,
ALMA A. VEZQUEZ and YADIRA
ARENAS, CATHERINA M. PARETO
and KARLA P. ARGUELLO, and
EQUALITY FLORIDA INSTITUTE,
INC.,**

Plaintiffs,

v.

Case No.:

**JOHN H. ARMSTRONG, in his
official capacity as Surgeon General
and Secretary of Health for the State
of Florida, and KENNETH JONES,
in his official capacity as State
Registrar,**

Defendants.

**COMPLAINT AND JURY DEMAND FOR DECLARATORY AND INJUNCTIVE
RELIEF**

Plaintiffs Kari L. Chin, Deborah E. Chin, Alma A. Vezquez, Yadira Arenas, Catherina M. Pareto, Karla P. Arguello, and Equality Florida Institute, Inc. (“Plaintiffs”), by and through undersigned counsel, hereby sue the Defendants and allege as follows:

INTRODUCTION

1. Plaintiffs in this action are married same-sex couples who have had children and Equality Florida Institute, Inc., an organization whose members include married same-sex couples in Florida who have had or intend to have children. In the case of each Plaintiff couple, one of the spouses gave birth to a child in the State of Florida while the couple was legally married. Under Florida law, if a married woman gives birth to a child, the Florida Department of Health’s Bureau

of Vital Statistics (“Bureau”) is required to issue a birth certificate that lists her spouse as the other parent of the child. *See* Fla. Stat. § 382.013(2)(a) (“If the mother is married at the time of birth, the name of the husband shall be entered on the birth certificate as the father of the child, unless paternity has been determined otherwise by a court of competent jurisdiction.”). The Bureau complies with Section 382.013(2)(a) for children born to opposite-sex spouses by entering the husband’s name on the birth certificate as the child’s second parent when a married woman gives birth to a child and there is no court order finding someone other than the husband to be the child’s legal parent. When a child is born to a woman who is married to another woman, however, the Bureau refuses to comply with Section 382.013(2)(a) and will not issue accurate birth certificates listing both parents to each of the Plaintiff couples. Instead, the Bureau will issue only a certificate that falsely indicates that the child has only one parent and that omits the mother’s spouse as the child’s second parent. Defendants’ refusal to recognize the marriages of same-sex couples on the same terms and conditions as the marriages of opposite-sex couples when issuing birth certificates violates the Fourteenth Amendment to the United States Constitution.

2. When a child is adopted by a same-sex couple, the Bureau issues a birth certificate listing both members of the couple as the child’s parents as “parent one” and “parent two.” However, as described in the preceding paragraph, the Bureau will not issue a birth certificate listing both same-sex spouses as a child’s parents when a woman who is married to another woman gives birth to a child in Florida.

3. The Plaintiff couples are a school teacher and a social worker, a medical assistant and a pharmacy technician, and a financial planner and a stay-at-home parent. They are all tax-paying citizens actively involved in their communities, and each couple has been in a committed relationship with one another for years. Each Plaintiff couple is legally married, and each includes

a woman who gave birth to a child in Florida while lawfully married to her female spouse. Each Plaintiff couple has been denied an accurate birth certificate listing both spouses as parents.

4. Florida's refusal to apply Section 382.013(2)(a) equally to married same-sex couples denies the Plaintiff couples and their children the privacy, dignity, security, support, and protections that are provided to married opposite-sex couples and their children.

5. Defendants' refusal to issue accurate two-parent birth certificates to children born to same-sex spouses pursuant to Section 382.013(2)(a) harms married same-sex couples and their children by impairing the Plaintiff couples' ability to perform such basic and essential parental tasks as enrolling their children in daycare, school, or extracurricular activities, and authorizing medical treatment. Because of Defendants' refusal to apply Section 382.013(2)(a) equally to married same-sex couples, whenever the Plaintiff couples must produce an accurate birth certificate to establish parental rights or demonstrate authority to take action on their children's behalf, they are unable to do so.

6. Defendants' refusal to issue accurate birth certificates to the children of married same-sex parents pursuant to Section 382.013(2)(a) violates the Plaintiffs' rights to due process and equal protection under the Fourteenth Amendment. The Fourteenth Amendment requires states to recognize the marriages of same-sex couples "on the same terms and conditions as opposite-sex couples." *Obergefell v. Hodges*, 135 S. Ct. 2584, 2605 (2015); *Brenner v. Scott*, 999 F. Supp. 2d 1278, 1281-82 (N.D. Fla. 2014), *order clarified*, No. 4:14CV107-RH/CAS, 2015 WL 44260 (N.D. Fla. Jan. 1, 2015); *Pareto v. Ruvin*, No. 14-1661 CA 24 (Fla. Cir. Ct. July 25, 2014), *appeal dismissed*. Florida's refusal to issue accurate two-parent birth certificates to the children of married same-sex couples, as required by Section 382.013(2)(a), when it provides accurate two-

parent birth certificates to the children of married opposite-sex couples, is unconstitutional and should be enjoined by the Court.

7. Plaintiffs bring this action pursuant to 42 U.S.C. § 1983 for declaratory and injunctive relief against Defendants. Plaintiffs seek (1) a declaration that Florida's refusal to apply Section 382.013(2)(a) equally to married same-sex couples and to issue accurate two-parent birth certificates to married same-sex couples pursuant to Section 382.013(2)(a) on the same terms and conditions as it does for married opposite-sex couples violates the Due Process and Equal Protection Clauses of the Fourteenth Amendment of the United States Constitution; (2) an injunction prohibiting Defendants from refusing to issue accurate birth certificates to Plaintiff couples and other married same-sex couples pursuant to Section 382.013(2)(a) on the same terms and conditions as they do to married opposite-sex couples, including the issuance of birth certificates listing both spouses as the parents of children born during the marriage; and (3) an injunction requiring Defendants to issue corrected birth certificates listing both spouses as parents to the Plaintiff couples and, upon request, to other married same-sex couples in which one of the spouses gave birth in Florida during their marriage and who were not provided with a birth certificate listing both parents as required by Section 382.013(2)(a), without charging such couples any fees that would otherwise apply to issuance of a corrected birth certificate.

THE PLAINTIFFS

8. Plaintiffs Kari L. Chin and Deborah E. Chin have been in a committed relationship for fifteen years. The couple married in September 2013 in Boston, Massachusetts. Kari works as a social worker with a local school district. Deborah formerly taught elementary school, but now is a stay-at-home mother to their two children. Deborah gave birth to their daughter, E.K.C., in 2013. Kari gave birth to their son, A.V.C., on February 25, 2015, after Florida began recognizing the marriages of same-sex couples. A.V.C. was conceived through donor insemination. They are

raising both children together. They meet all of Florida's qualifications for the issuance of a birth certificate with both spouses' names listed. When Kari and Deborah's son was born in 2015, however, the Bureau of Vital Statistics refused to issue a birth certificate with both spouses' names listed. Kari and Deborah wish to receive a birth certificate with both spouses' names listed.

9. Plaintiffs Alma A. Vezquez and Yadira Arenas have been in a committed relationship for three years. The couple married in New York on June 26, 2013. Alma works as a medical assistant in a pediatric office. Yadira works as a pharmacy technician. Alma gave birth to their daughter, A.I.A., in 2015, after Florida began recognizing marriages of same-sex couples, and they are raising their child together. A.I.A. was conceived through donor insemination. They meet all of Florida's qualifications for the issuance of a birth certificate with both spouses listed as parents. When Alma and Yadira's daughter was born on March 31, 2015, the Bureau of Vital Statistics refused to issue a birth certificate with both spouses listed as their daughter's parents, and Alma was told that she had to be listed as an unmarried woman on the form. Alma and Yadira wish to receive a birth certificate with both spouses listed as their daughter's parents.

10. Plaintiffs Catherina M. Pareto and Karla P. Arguello have been in a committed relationship for fifteen years. The couple married in Miami on January 5, 2015. Catherina owns and operates a financial planning firm, and Karla is a stay-at-home mother to the couple's adopted son, who is two-and-a-half years old. Karla gave birth to twins M.A.P.-A. and L.R.P.-A. on August 6, 2015, after Florida began recognizing marriages of same-sex couples. M.A.P.-A. and L.R.P.-A. were conceived through in-vitro fertilization. Karla and Catherina meet all of Florida's qualifications for the issuance of a birth certificate with both spouses listed as parents of the twins. However, when the hospital's department of medical records contacted the couple about their birth certificate on August 7, 2015, the hospital told the couple that they could not list both parents on

the birth certificate. Catherina and Karla wish to receive a birth certificate with both spouses listed as the twins' parents.

11. Plaintiff Equality Florida Institute, Inc. is the state's largest civil rights organization dedicated to securing full equality for Florida's lesbian, gay, bisexual, and transgender (LGBT) community. The organization has many members throughout the state. Since its inception, the organization has represented the interests of LGBT Floridians through public education, coalition-building, advocacy, and grassroots organizing. Equality Florida Institute also coordinates public education campaigns and events for policymakers, LGBT people, and the public at large on issues affecting the LGBT community. Equality Florida Institute's members include many same-sex couples throughout Florida, including married same-sex couples who have had children during the marriage or who intend to do so. Equality Florida Institute brings this action in an associational capacity on behalf of its members who are married same-sex couples who have had children in Florida during the marriage but were not provided with a birth certificate listing both spouses as parents, or who intend to have children in the future and wish to receive an accurate birth certificate listing both spouses as parents, on the same terms and conditions as Defendants issue such accurate birth certificates to married opposite-sex couples.

THE DEFENDANTS

12. Defendant John H. Armstrong is Surgeon General and Secretary of Health for the State of Florida. In his official capacity, Surgeon General Armstrong directs the Department of Health, which is responsible for establishing an office of vital statistics under the direction of a State Registrar for the uniform and efficient registration, compilation, storage, and preservation of all vital records in the state. *See Fla Stat. § 382.003(1)*. Surgeon General Armstrong is a person within the meaning of 42 U.S.C. § 1983 and was acting under color of state law at all times relevant to this complaint. He is sued in his official capacity.

13. Defendant Kenneth Jones is State Registrar for the State of Florida. In his official capacity, State Registrar Jones is responsible for directing the Bureau of Vital Statistics to oversee the uniform and efficient registration, compilation, storage, and preservation of all vital records in the state, including the issuance and amendment of birth certificates. *See Fla Stat.* §§ 382.003(1), 382.013, 382.016. State Registrar Jones is a person within the meaning of 42 U.S.C. § 1983 and was acting under color of state law at all times relevant to this complaint. He is sued in his official capacity.

JURISDICTION AND VENUE

14. Plaintiffs bring this action under 42 U.S.C. § 1983 to redress the deprivation under color of state law of rights secured by the United States Constitution.

15. This Court has jurisdiction of the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1343 because the matters in controversy arise under the Constitution and laws of the United States. This Court has personal jurisdiction over Plaintiffs and Defendants.

16. Venue is proper in this Court under 28 U.S.C. § 1391(b)(1) and (2) because one or more Defendants reside in this District and Division and all Defendants reside in this State, and because a substantial part of the acts and events giving rise to this Complaint occurred in this District and Division.

17. This Court has authority to enter a declaratory judgment and to provide preliminary and permanent injunctive relief pursuant to Rules 57 and 65 of the Federal Rules of Civil Procedure and 28 U.S.C. §§ 2201 and 2202.

FACTUAL BACKGROUND

18. Kari L. Chin first contacted the Bureau of Vital Statistics on December 19, 2014 to ask whether her spouse, Deborah E. Chin, would be listed on their son's birth certificate when he was born. Kari followed up with the Bureau of Vital Statistics six times between December 2014

and February 2015, on January 7, 2015, January 16, 2015, January 20, 2015, January 23, 2015, January 29, 2015, and February 6, 2015, corresponding and speaking with the Manager of the Amendments and Corrections Unit, Betty Shannon, and Defendant Kenneth Jones, the State Registrar. Kari was repeatedly told that no changes in birth certificate procedure had been announced and that the agency was waiting for advice from their general counsel. However, when Kari contacted the office of the Attorney General on February 8, 2015, Gerry Hammond, Senior Assistant Attorney General, asserted that the Attorney General “has no authority to direct the State Registrar or the Bureau of Vital Statistics to accomplish this task in a particular way” in an email dated February 9, 2015. On February 18, 2015, Kari contacted Governor Rick Scott, whose office responded on February 19 directing Kari to talk to Ken Jones at the Bureau of Vital Statistics.

19. On February 25, 2015, Kari gave birth to her and Deborah’s son, A.V.C. When Kari and Deborah submitted the information for A.V.C.’s birth certificate, the hospital contacted the Bureau of Vital Statistics and was told that the couple could not list both spouses’ names on the birth certificate. When the birth certificate was issued, it only listed Kari as the mother and did not list Deborah as their son’s other parent. The space on the certificate where the other parent would have been listed was blank, and the certificate did not state whether Kari was married or unmarried.

20. On March 31, 2015, Alma gave birth to her daughter with Yadira, A.I.A. When Alma and Yadira submitted the information for A.I.A.’s birth certificate, they were not allowed to list Yadira as a parent and Alma was not allowed to list herself as married on the form and was told that she must be listed as single. Because they were not allowed to apply for an accurate birth certificate listing both of them as parents, Alma and Yadira did not proceed further with the application process, as they did not wish to receive an inaccurate and incomplete birth certificate.

21. On August 6, 2015, Karla gave birth to her twins with Catherina, M.A.P.-A. and L.R.P.-A. When Karla and Catherina submitted the information for M.A.P.-A.'s and L.R.P.-A.'s birth certificates, they were not allowed to list Catherina as a parent. Because they were not allowed to apply for accurate birth certificates listing both of them as parents, Catherina and Karla did not proceed further with the application process, as they did not wish to receive an inaccurate and incomplete birth certificate.

GENERAL ALLEGATIONS

22. When one spouse gives birth while married, Florida law requires Defendants to list both spouses as parents on a child's birth certificate. The Florida Vital Statistics Act requires that "[i]f the mother is married at the time of birth, the name of the husband *shall* be entered on the birth certificate as the father of the child, unless paternity has been determined otherwise by a court of competent jurisdiction." Fla. Stat. § 382.013(2)(a) (emphasis added). This provision is mandatory and requires the Bureau of Vital Statistics to provide birth certificates to married couples that include the names of both spouses as parents unless a court has declared that a person other than the mother's spouse is the child's parent. When married opposite-sex couples have children in Florida, Defendants routinely list both spouses on the birth certificate as required by Florida law.

23. In *Obergefell v. Hodges*, the United States Supreme Court held that all states—including the State of Florida—must provide married same-sex couples with the full "constellation of benefits" associated with marriage "on the same terms and conditions as opposite-sex couples." 135 S. Ct. at 2601, 2605. The Supreme Court also expressly held that this "constellation of benefits" includes birth certificates that list the names of both spouses. *See id.* at 2601 (listing "birth and death certificates" as examples of marital protections that must now be afforded equally to married same-sex couples).

24. States may not, consistent with the Fourteenth Amendment, deny rights, obligations, conditions, or benefits of marriage based on the sex of the spouses. *See Obergefell*, 135 S. Ct. 2584; *see also Brenner*, 999 F. Supp. 2d 1278; *Pareto*, slip op. at 25. Just as these precedents require the issuance of marriage licenses to same-sex couples notwithstanding the use of gendered terms such as “husband” and “wife” or “man” and “woman” in state laws concerning marriage licenses, these precedents also require Florida to provide married same-sex couples and their children with the same rights and protections provided to married opposite-sex couples and their children, notwithstanding the use of gendered terms in Section 382.013(2)(a).

25. Defendants’ refusal to issue birth certificates to children born to married same-sex parents on the same terms and conditions as to children born to married opposite-sex parents subjects these families to serious ongoing harm, marking these families as unequal and making it more difficult for the Plaintiff couples to access important benefits and protections that married opposite-sex parents can obtain for their children by producing an accurate two-parent birth certificate.

26. In particular, Defendants’ refusal to issue birth certificates to married same-sex couples on the same terms and conditions as married opposite-sex couples pursuant to Section 382.013(2)(a) effectively prevents one of the parents in each of the Plaintiff couples from being able to exercise parental authority over her child or children in a wide array of circumstances, including enrolling the child(ren) in school, Florida Statutes, Section 1003.21(4), daycare, Florida Statutes, Section 1002.53(4)(b), or many extracurricular activities; obtaining a passport for the child(ren) and traveling with the child(ren) internationally, *Passports for Minors Under 16*, United States Department of State, <http://travel.state.gov/content/passports/english/passports/under-16.html> (last visited Aug. 12, 2015); obtaining a Social Security card for the child(ren), *Learn*

What Documents You Need To Get A Social Security Card, Social Security Administration, <http://www.ssa.gov/ssnumber/ss5doc.htm> (last visited Aug. 12, 2015); and making medical decisions for the child(ren).

27. In addition, because of Defendants' refusal to issue accurate birth certificates, Plaintiffs and other similarly situated married same-sex couples are unable to produce a birth certificate in order to enroll their children for benefits from government agencies or employers, such as for purposes of enrolling a child on a parent's insurance plan or for applying for Social Security survivor benefits to the child in the event of the parent's death. *See Benefits for Children*, Social Security Administration, <http://www.ssa.gov/pubs/EN-05-10085.pdf> (last visited Aug. 12, 2015).

28. While married same-sex couples may try to explain the discrepancies in the birth certificates and may in some instances ultimately be able to establish both parents' equal claim to make decisions on behalf of the child or to obtain some benefits through other legal methods, the uncertainty, time, inconvenience, and expense of these requirements imposes a heavy burden on these families and treats them unequally. The need to explain or establish a parental relationship through other means also invades the privacy of married same-sex couples' families and exposes them to stigma, humiliation, and discrimination.

29. These burdens deprive these married couples and their children of the very security and protection that the protections given to married parents under Florida law designed to secure. *Obergefell*, 135 S. Ct. at 2600-01; *United States v. Windsor*, 133 S. Ct. 2675, 2694, 2695 (2013).

30. Defendants' refusal to apply Section 382.013(2)(a) equally to same-sex spouses also demeans Plaintiffs' families and treats them as having lesser value than other families and as being unworthy of legal recognition and support. This discriminatory treatment of married same-

sex couples' familial relationships damages them and their children by facilitating and encouraging public and private discrimination, by stripping them of privacy and dignity, and by stigmatizing their relationships and families. *Windsor*, 133 S. Ct. at 2695, 2696; *Obergefell*, 135 S. Ct. at 2604.

31. In sum, Defendants' discriminatory denial of accurate two-parent birth certificates to Plaintiffs and their children pursuant to Section 382.013(2)(a) denies these families the privacy, dignity, legitimacy, security, support, and protections available to similarly-situated married opposite-sex parents and their children. There is no justification, let alone a constitutionally adequate one, for imposing these harms on the Plaintiffs' families.

CLAIMS FOR RELIEF

COUNT I: **INFRINGEMENT OF THE FUNDAMENTAL RIGHT TO MARRY**

32. Plaintiffs incorporate by reference and re-allege all of the preceding paragraphs of this complaint as though fully set forth herein.

33. The Fourteenth Amendment to the United States Constitution, enforceable pursuant to 42 U.S.C. § 1983, provides that no state shall "deprive any person of life, liberty, or property, without due process of law." U.S. Const. amend. XIV, § 1.

34. Defendants' refusal, under color of state law, to issue birth certificates to Plaintiffs and other married same-sex couples under Section 382.013(2)(a) on the same terms and conditions as opposite-sex couples violates the due process guarantee of the Fourteenth Amendment both facially and as applied to Plaintiffs.

35. In *Obergefell*, the Supreme Court held that the right to marry and to receive all of the governmental rights, benefits, and responsibilities that are provided to legal spouses and their children under state and federal law is a fundamental right protected by the Due Process Clause of the Fourteenth Amendment. 135 S. Ct. at 2601, 2605. As the Court explained, legally protected

“aspects of marital status include: taxation; inheritance and property rights; rules of intestate succession; spousal privilege in the law of evidence; hospital access; medical decisionmaking authority; adoption rights; the rights and benefits of survivors; *birth and death certificates*; professional ethics rules; campaign finance restrictions; workers’ compensation benefits; health insurance; and child custody, support, and visitation rules.” *Id.* at 2601 (emphasis added). Defendants’ refusal to issue birth certificates to married same-sex couples under Section 382.013(2)(a) on the same terms and conditions as to married opposite-sex couples infringes upon Plaintiffs’ fundamental right to marry and to receive all of the rights and benefits given to other married couples under Florida law. *Id.*

36. Defendants’ refusal to issue birth certificates to married same-sex couples under Section 382.013(2)(a) on the same terms and conditions as to opposite-sex couples violates the Due Process Clause because it cannot satisfy the heightened level of scrutiny that applies to a deprivation of the fundamental right to marry, and is not even rationally related to a legitimate governmental interest.

37. There is a bona fide adversity of interests between the Plaintiffs and the Defendants concerning these constitutional rights of Plaintiffs guaranteed by the Due Process Clause of the Fourteenth Amendment.

38. Plaintiffs have no adequate remedy at law to redress the wrongs alleged herein, which are of a continuing nature and will cause them irreparable harm.

39. Accordingly, Plaintiffs are entitled to declaratory and injunctive relief as requested in this Complaint.

COUNT II:
DENIAL OF EQUAL PROTECTION OF THE LAWS

40. Plaintiffs repeat and incorporate by reference all of the above allegations of this Complaint as though fully set forth herein.

41. The Fourteenth Amendment, enforceable pursuant to 42 U.S.C. § 1983, provides that no state shall “deny to any person within its jurisdiction the equal protection of the laws.” U.S. Const. amend. XIV, § 1.

42. Married same-sex couples such as Plaintiffs are similarly situated to married opposite-sex couples in all respects relevant to Defendants’ issuance of birth certificates pursuant to Section 382.013(2)(a). Nevertheless, Defendants issue accurate birth certificates listing both spouses as parents to the children of married opposite-sex couples as required by Section 382.013(2)(a) but refuse to issue such birth certificates to the children of married same-sex couples.

43. As the Supreme Court recognized in *Obergefell*, denying same-sex couples full and equal access to the constellation of governmental rights, benefits, and responsibilities that accompany marriage violates the Equal Protection Clause of the Fourteenth Amendment. 135 S. Ct. at 2601, 2605. Defendants’ refusal to issue birth certificates pursuant to Section 382.013(2)(a) to married same-sex couples on the same terms and conditions as married opposite-sex couples denies them equal protection of the laws. *Id.*

44. Defendants’ refusal to issue accurate two-parent birth certificates to married same-sex couples pursuant to Section 382.013(2)(a) denies those couples and their children equal dignity and respect, treats same-sex couples and their children as second-class citizens (and their legal marriages as second-class marriages), and invites private bias and discrimination by instructing all

persons with whom same-sex couples interact, including their own children, that their marriages are less worthy than the marriages of others. *Windsor*, 133 S. Ct. at 2695, 2696.

45. Defendants' refusal to issue birth certificates to married same-sex couples pursuant to Section 382.013(2)(a) on the same terms and conditions as opposite-sex couples is unconstitutional on its face and as applied to Plaintiffs.

46. Defendants' refusal to issue birth certificates to Plaintiffs and other married same-sex couples pursuant to Section 382.013(2)(a) on the same terms and conditions as to opposite-sex couples is subject to heightened scrutiny under the Equal Protection Clause.

47. Defendants' conduct is not rationally related to the furtherance of any legitimate government interest, let alone narrowly tailored to substantially advance any compelling or important government interest.

48. The irrationality of Defendants' refusal to treat married same-sex parents equally to married opposite-sex parents under Section 382.013(2)(a) is underscored by Defendants' issuance of birth certificates listing both parents to children adopted by same-sex parents, including the son adopted by Plaintiffs Karla and Catherina.

49. There is a bona fide adversity of interests between the Plaintiffs and the Defendants concerning these constitutional rights of Plaintiffs guaranteed by the Equal Protection Clause of the Fourteenth Amendment.

50. Plaintiffs have no adequate remedy at law to redress the wrongs alleged herein, which are of a continuing nature and will cause them irreparable harm.

51. Accordingly, Plaintiffs are entitled to declaratory and injunctive relief as requested in this Complaint.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that this Court enter judgment as follows:

A. Declaring that Florida's refusal to apply Section 382.013(2)(a) equally to married same-sex couples and to issue accurate two-parent birth certificates to married same-sex couples pursuant to Section 382.013(2)(a) on the same terms and conditions as it does for married opposite-sex couples violates the Due Process and Equal Protection Clauses of the Fourteenth Amendment of the United States Constitution.

B. Enjoining Defendants from refusing to issue accurate birth certificates to Plaintiff couples and other married same-sex couples pursuant to Section 382.013(2)(a) on the same terms and conditions as they do to married opposite-sex couples, including the issuance of birth certificates listing both spouses as the parents of children born during the marriage.

C. Requiring Defendants to issue corrected birth certificates listing both spouses as parents pursuant to Section 382.013(2)(a) to the Plaintiff couples and, upon request, to other married same-sex couples in which one of the spouses gave birth in Florida during their marriage and who were not provided with a birth certificate listing both parents as required by Section 382.013(2)(a), without charging such couples any fees that would otherwise apply to issuance of a corrected birth certificate.

D. Awarding Plaintiffs costs of suit herein, including reasonable attorneys' fees pursuant to 42 U.S.C. § 1988; and

E. Granting such other and further relief as the Court deems just and proper.

Respectfully Submitted,

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