

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

THERESA BASSETT and CAROL
KENNEDY, PETER WAYS and JOE
BREAKEY, JOLINDA JACH and
BARBARA RAMBER, DOAK BLOSS and
GERARDO ASCHERI, DENISE MILLER,
AND MICHELLE JOHNSON

Case No. 2:12-cv-10038-DML-MJH

Plaintiffs,

Hon. David M. Lawson
Mag. Michael J. Hluchaniuk

vs.

RICHARD SNYDER, in his official capacity
as Governor of the State of Michigan,

Defendant.

**DECLARATION OF JAY D. KAPLAN IN SUPPORT OF
PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION**

1. I, Jay D. Kaplan, am an attorney licensed by the state of Michigan and admitted to practice before this Court.
2. I am an attorney at ACLU Michigan and make the following declaration based upon my own personal knowledge.
3. Attached as Exhibit A is a true and correct copy of the Public Employee Domestic Partner Benefit Restriction Act. 2011 Mich. Legis. Serv. P.A. 297 (West) (to be codified at Mich. Comp. Laws §§ 15.581–15.585) webpage, <http://www.legislature.mi.gov/documents/2011-2012/publicact/pdf/2011-PA-0297.pdf>.
4. Attached as Exhibit B is a true and correct copy of the City of Kalamazoo, *Program Criteria: Other Qualified Adult*.
5. Attached as Exhibit C is a true and correct copy of the Ann Arbor Public Schools, *Other Eligible Adult Benefits Fact Sheet: Medical/Prescription/Dental/Vision Coverage*.

6. Attached as Exhibit D is a true and correct copy of the Ingham County, *Other Qualified Adult Criteria*.

7. Attached as Exhibit E is a true and correct copy of the Kalamazoo Valley Community College, *Household Member Program*.

8. Attached as Exhibit F is a true and correct copy of Attorney General Opinion No. 7171, *Constitutionality of City Providing Same-Sex Domestic Partnership Benefits*, Mich. Atty. Gen. Op. 7171 (Mar. 16, 2005) webpage, www.ag.state.mi.us/opinion/datafiles/2000s/op10247.htm.

9. Attached as Exhibit G-1 is a true and correct copy of Agema Calls CSC Ruling “Utterly Irresponsible” (Jan. 26, 2011) webpage, <http://www.gophouse.com/printarticle.asp?id=6873&District=74>.

10. Attached as Exhibit G-2 is a true and correct copy of Lund Calls to Abolish Civil Service Commission (Jan. 27, 2011) webpage, <http://www.gophouse.com/printarticle.asp?id=6867&District=36>.

11. Attached as Exhibit G-3 is a true and correct copy of Agema ‘Appalled’ by Dems’ No Votes (Mar. 23, 2011) webpage, <http://www.gophouse.com/printarticle.asp?id=7217&District=74>.

12. Attached as Exhibit G-4 is a true and correct copy of Yonker to House Democrats: This Is Disgusting (Apr. 19, 2011) webpage, <http://www.gophouse.com/printarticle.asp?id=7387&District=72>.

13. Attached as Exhibit G-5 is a true and correct copy of Rep. Hooker ‘Shocked’ by House Democrats’ Failure to Respect Michigan Residents webpage, <http://www.gophouse.com/printarticle.asp?id=7372&District=77>.

14. Attached as Exhibit G-6 is a true and correct copy of Lyons Calls Upholding Civil Service Commission Decision ‘Negligent’ webpage, <http://www.gophouse.com/printarticle.asp?id=7375&District=86>.

15. Attached as Exhibit G-7 is a true and correct copy of McMillin: Shame on House Democrats for Backing Irresponsible \$11.4 Million Benefit Increase by Civil Service Commission webpage, <http://www.gophouse.com/printarticle.asp?id=7180&District=45>.

16. Attached as Exhibit G-8 is a true and correct copy of Taxpayers Can't Afford Health Care Benefits for Roommates of State Employees webpage, <http://www.gophouse.com/printarticle.asp?id=7179&District=64>.

17. Attached as Exhibit G-9 is a true and correct copy of McMillin: Reclaiming Michigan's Future Requires a Team Effort webpage, <http://www.gophouse.com/printarticle.asp?id=7301&District=45>.

18. Attached as Exhibit G-10 is a true and correct copy of Attempt to Overturn Irresponsible Civil Service Commission Spending Blocked by House Democrats webpage, <http://www.gophouse.com/printarticle.asp?id=7302&District=46>.

19. Attached as Exhibit G-11 is a true and correct copy of Rep. Eileen Kowall Confronts Civil Service Commission's Fiscal Irresponsibility webpage, <http://www.gophouse.com/printarticle.asp?id=7150&District=44>.

20. Attached as Exhibit G-12 is a true and correct copy of Rep. Eileen Kowall Criticizes Failure to Overturn Civil Service Commission's Runaway Spending webpage, <http://www.gophouse.com/printarticle.asp?id=7312&District=44>.

21. Attached as Exhibit G-13 is a true and correct copy of House Votes Against Taxpayer-Funded Healthcare for Roommates (Sept. 15, 2011) webpage, <http://www.gophouse.com/printarticle.asp?id=7840&District=74>.

22. Attached as Exhibit H is a true and correct copy of *Att'y Gen. Bill Schuette v. Mich. Civil Serv. Comm'n*, No. 11-538-CZ (Mich. Cir. Ct. Oct. 6, 2011).

23. Attached as Exhibit I is a true and correct copy of House Fiscal Agency, *Prohibit Domestic Partners Benefits and Exclude from Collective Bargaining* 6 (Sept. 6, 2011).

24. Attached as Exhibit J is a true and correct copy of a letter from Rick Snyder, Governor, to Michigan House of Representatives 2 (Dec. 22, 2011) webpage, http://www.michigan.gov/documents/snyder/122111_HB_4770_Signing_Statement_372045_7.pdf.

25. Attached as Exhibit K is a true and correct copy of an excerpt from Senate Fiscal Agency, *Domestic Partner Benefits, House Bills 4770 & 4771*, at 2 (Oct. 18, 2011) webpage, <http://www.legislature.mi.gov/documents/2011-2012/billanalysis/Senate/pdf/2011-SFA-4770-S.pdf>.

26. Attached as Exhibit L is a true and correct copy of State Budget Office, *Statement of the Proportion of Total State Spending from State Sources Paid to Units of Local Government (Legal Basis): Fiscal Year Ended September 30, 2010*, at 4 (2011) webpage, www.michigan.gov/documents/30_tran_163132_7.pdf.

27. Attached as Exhibit M is a true and correct copy of House Fiscal Agency, *Background Briefing: School Aid 20–22* (2012) webpage, http://www.house.mi.gov/hfa/PDFs/Briefings_New/School%20Aid%2011-12.pdf.

28. Attached as Exhibit N is a true and correct copy of Ann Arbor Public Schools, *Budget Transparency Reporting: Personnel Expenditures* (2009) webpage, <http://www.a2schools.org/budget/files/per81010.pdf>.

29. Attached as Exhibit O is a true and correct copy of Kenneth P. Collard, *Dollars and Sense: How City of Kalamazoo Spends Your Money* 7 (2011) webpage, <http://www.kalamazoo.org/docs/LocalCitizenGuideKalamazooCityCMOApr2011two.pdf>.

30. Attached as Exhibit P is a true and correct copy of a letter from the Atty. Gen. to Congress on Litigation Involving the Defense of Marriage Act (Feb. 23, 2011) webpage, <http://www.justice.gov/opa/pr/2011/February/11-ag-223.html>.

31. Attached as Exhibit Q is a true and correct copy of Williams Institute, *Michigan—Sexual Orientation and Gender Identity Law and Documentation of Discrimination* 2–4 (2009) webpage, <http://williamsinstitute.law.ucla.edu/wp-content/uploads/Michigan.pdf>.

32. Attached as Exhibit R is a true and correct copy of Michigan State Police, *2010 Hate/Bias Crime Report* webpage, http://www.michigan.gov/documents/msp/2010_Annual_HateBiasCrime_358714_7.pdf.

33. Attached as Exhibit S is a true and correct copy of Pam Kisch and Pat Winston, eds., *Sexual Orientation and Housing Discrimination in Michigan* (2006) webpage, www.fhcmichigan.org/images/Arcus_web1.pdf.

34. Attached as Exhibit T-1 is a true and correct copy of the Theresa Bassett Declaration.

35. Attached as Exhibit T-2 is a true and correct copy of the Carol Kennedy Declaration.

36. Attached as Exhibit T-3 is a true and correct copy of the Peter Ways Declaration.

37. Attached as Exhibit T-4 is a true and correct copy of the Joe Breakey Declaration.

38. Attached as Exhibit T-5 is a true and correct copy of the Jolinda Jach Declaration.

39. Attached as Exhibit T-6 is a true and correct copy of the Barbara Ramber Declaration.

40. Attached as Exhibit T-7 is a true and correct copy of the Doak Bloss Declaration.

41. Attached as Exhibit T-8 is a true and correct copy of the Gerardo Ascheri Declaration.

42. Attached as Exhibit T-9 is a true and correct copy of the Denise Miller Declaration.

43. Attached as Exhibit T-10 is a true and correct copy of the Michelle S. Johnson Declaration.

44. Attached as Exhibit U is a true and correct copy of the M.V. Lee Badgett Declaration.

45. Attached as Exhibit V-1 is a true and correct copy of the Kenneth P. Collard Declaration.

46. Attached as Exhibit V-2 is a true and correct copy of the David A. Cosma Declaration.

47. Attached as Exhibit V-2A is a true and correct copy of the Ann Arbor Public Schools, Other Eligible Adult Benefits Fact Sheet.

48. Attached as Exhibit V-2B is a true and correct copy of the Board of Education Resolution.

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

s/ Jay D. Kaplan
Jay D. Kaplan

Exhibit V-1

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
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THERESA BASSETT and CAROL
KENNEDY, PETER WAYS and JOE
BREAKEY, JOLINDA JACH and
BARBARA RAMBER, DOAK BLOSS and
GERARDO ASCHERI, DENISE MILLER
and MICHELLE JOHNSON,

Plaintiffs,

vs.

RICHARD SNYDER, in his official capacity
as Governor of the state of Michigan,

Defendant.

Case No. 2:12-cv-10038-DML-MJH

DECLARATION OF KENNETH P. COLLARD
IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION

I, **KENNETH P. COLLARD**, hereby declare under penalty of perjury:

1. I am the City Manager for the City of Kalamazoo ("City" or "Kalamazoo.") I have worked for the City for the past 19 years. In my capacity, I am responsible for administration of the City's government. I have personal knowledge of the facts contained in this Declaration except where they are stated to be upon information and belief. As to those facts that are stated to be upon information and belief, I believe them to be true.

INDIVIDUALS RECEIVING BENEFITS FROM THE CITY OF KALAMAZOO

2. The City of Kalamazoo has a total of 689 employees who participate in group insurance plans through the City, either on an individual basis or on a family basis in the case of employees who enroll family members in the group plans.

3. A total of 1,972 individuals are currently insured through the group insurance plans made available to Kalamazoo employees and their families.

4. The City of Kalamazoo instituted a policy of offering "Other Qualified Adult" benefits to its employees in August 2007. This benefits program allowed each employee to enroll someone other than a spouse, a dependent as defined by the Internal Revenue Service, or a child, in Kalamazoo's health care plans. This other enrolled individual was referred to as an Other Qualified Adult ("OQA").

5. In order to qualify for this benefit, the OQA and the Kalamazoo employee both were required to meet certain criteria. Specifically, the employee and OQA were required to share a common principal residence and to have done so for at least twelve consecutive months; the OQA was required to be ineligible to inherit from the employee under Michigan's laws of intestate succession; both the employee and the OQA were required to be unmarried, single persons; the OQA was not permitted to be an employee of the City or a renter, boarder, landlord, or tenant of the employee; neither the OQA nor the employee was permitted to be a dependent of the other as defined by the IRS. In addition, employees were required to notify the City's Human Resources Department immediately of any change in eligibility status, and ceasing to fulfill any of these criteria would result in termination of OQA benefits at the end of that month.

6. Given these restrictions, approximately 194 current Kalamazoo employees are potentially able to extend OQA coverage to a qualifying adult because of the existence of such coverage. This number reflects the number of total employees less the number of employees already providing insurance benefits to a spouse. Of those 194 potential employees who could take advantage of the OQA benefits, only 6, or 3%, participated in the medical insurance program as of late 2011. Thus, the "take-up rate," or rate of utilization from among those directly eligible,

for OQA health insurance was only 3%. The participation rate, meaning the number of employees who had enrolled OQAs in health insurance coverage relative to the total number of City employees, was only 0.86%. An additional two employees enrolled OQAs in dental insurance but not in health insurance coverage, for a total of eight employees participating in the overall OQA program.

7. Of the 6 OQAs whom Kalamazoo employees enrolled in health insurance coverage, 3 were of the same sex as those employees. In other words, out of 689 Kalamazoo employees eligible to receive health insurance benefits, only 3, or 0.4%, enrolled OQAs of the same sex in their health insurance plans.

8. The City conducted an open enrollment period for its employee benefit plans in November 2011, and entered into contracts with its insurers for calendar year 2012 based on the results of that open enrollment period. Accordingly, if Public Act 297 of 2011 remains in effect, the contracts through which Kalamazoo employees are currently receiving OQA benefits will all expire as of December 31, 2012, and OQA benefits will be terminated as of that date.

ADMINISTRATIVE COSTS OF OQA BENEFITS

9. When Kalamazoo began offering OQA benefits in 2007, it was required to take several one-time actions in order to institute the program. This included time spent creating the requisite forms and other documents necessary to institute OQA benefits, changes to administrative handbooks for the City's employees, and changes to the payroll system so that OQA benefits could be appropriately accounted for and reported as imputed taxable income to the employee. As a result, the City incurred one-time, non-recurring costs of approximately \$200.00 in order to implement OQA benefits. If OQA benefits are discontinued, not only will the benefit of these sunk costs be limited to the preceding five years, but further administrative costs may be incurred

in order to once again change the existing benefits system.

10. In addition to the one-time administrative costs expended in 2007, there are certain minimal ongoing administrative costs associated with Kalamazoo's provision of OQA benefits. The total amount of these costs for the year 2011 was approximately \$29.00, and the expected cost of administering these benefits in 2012 is approximately \$29.00. This figure reflects the costs associated with the staff time for processing the enrollment of OQA beneficiaries.

COST OF INSURANCE BENEFITS FOR OQAS

11. Currently, Kalamazoo provides health care benefits to 689 employees, 495 of their spouses, 788 of their children, and 6 OQAs. Health insurance is provided through Blue Cross Blue Shield of Michigan and dental insurance is provided through Delta Dental. The City of Kalamazoo's group insurance plans are self-insured.

12. The total cost to Kalamazoo of providing health coverage to employees and other beneficiaries for the year 2011 was approximately \$7.5 million. The estimated total cost to the City of providing health coverage was approximately \$5,680 per person in 2011, and these costs were partially offset by employee contributions to insurance premiums, which varied depending on the type of coverage elected by the employee. The total estimated cost to the City of providing health insurance to 6 OQAs for the year 2011 was no more than \$34,080, or 0.45% of total expenditures on health insurance for the year. The total estimated cost to the City of Kalamazoo of providing health insurance to 3 OQAs of the same sex as employees in 2011 was no more than \$17,040, or 0.2% of total expenditures on health insurance for the year.

13. Blue Cross Blue Shield calculates insurance premiums for Kalamazoo's group health insurance plan by category, and the premiums paid by the City are calculated based on the total number of covered employees and other beneficiaries. Employees make contributions to these

premiums, and the size of the employee contribution varies depending on the specific plan chosen. The City's estimated cost to provide health insurance to one employee in 2012 is no more than \$6,104.76. Kalamazoo's estimated cost to provide insurance to one child of an employee in 2012 is no more than \$6,104.76. Kalamazoo's estimated cost to provide insurance to one spouse of an employee during 2012 is no more than \$6,104.76. The City's estimated cost to provide health insurance to one OQA during 2012 is no more than \$6,104.76. Kalamazoo's estimated cost to provide insurance to one same-sex domestic partner of an employee during 2012 is therefore \$6,104.76 or less.

14. There is no additional charge to the City for inclusion of an employee's OQA on the City's group dental plans, so there are no additional costs to the City associated with the two employees who have enrolled their OQAs in dental-only coverage. The City charges one flat rate per employee for the cost of the dental benefit regardless of the number of family members enrolled.

15. The City of Kalamazoo reports the value of health insurance coverage provided to an employee's OQA as income imputed to the employee for purposes of state and federal taxes. In other words, employees who enroll OQAs in Kalamazoo's benefits plans pay state and federal taxes on the value of their OQAs' benefits.

SOURCE OF FUNDS FOR OQA BENEFITS

16. The City of Kalamazoo has a total annual budget of \$56,147,455. The City has multiple sources of funds that make up this budget. \$8,782,782, or 16.38%, of the total City budget comes from general appropriations provided by the state legislature. \$140,000, or 0.26%, of the total budget comes from state grants covering specific City services or programs. \$28,201,204, or 52.59%, of the total City budget comes from local property taxes. \$16,504,784, or 30.78%, of

the total budget comes from other sources.

17. The sources of funding for many City employees' benefits cannot be specifically traced, but some City employees work for "enterprise" programs whose budgets are generated through their own revenue and receive no State funding. For example, one of the City employees who has enrolled an OQA in the City's health insurance plan works for the City's Wastewater Department, which receives no state funding and instead obtains all of its funding from billing of utility customers. Benefits for Wastewater Department employees and their families receive none of their funding from State sources.

HISTORY AND BENEFITS OF THE CITY'S OQA PROGRAM

18. In 2000 the City of Kalamazoo implemented a domestic partner policy that allowed for health care benefits to be provided to same-sex partners of City employees. City residents confirmed their will to provide these benefits in a referendum in 2001, only to have voters in the state pass a constitutional amendment banning the recognition of same-sex marriage "for any reason" in 2004. In spite of claims by proponents of the legislation that the ambiguous phrase would not impact public employers' ability to provide domestic partner benefits, the benefits came under attack immediately following the election. In 2005, Attorney General Mike Cox opined that the amendment barred public employers in Michigan from providing such benefits, but that the City of Kalamazoo could opt to offer the benefits to other adults as long as they were not predicated any relationship. In 2007 the Michigan Court of Appeals agreed. The City of Kalamazoo then adopted a program that complied with the Attorney General's opinion, calling it "Other Qualified Adults."

19. The City of Kalamazoo has a culture that tends to be accepting and welcoming of diversity, more so than that of many other communities in West Michigan. This has been proven

by not only the passage of the referendum mentioned above, but also by the passage of an ordinance granting protections to minority groups not identified in the state's Elliott-Larsen Civil Rights Act. In 2008, the Kalamazoo City Commission approved an anti-discrimination ordinance that made employment discrimination on the basis of sexual orientation by any Kalamazoo employer illegal. After a citizens' group sought to have the ordinance repealed by popular vote, in 2009 Kalamazoo voters affirmed the antidiscrimination ordinance by a wide margin. By allowing employees to obtain benefits for their OQAs, including their same-sex partners, the City of Kalamazoo is furthering City voters' expressed preference for workplace fairness to gay and lesbian employees.

20. The City decided to adopt the original domestic partner benefits plan in 2000 due to a national trend of private and public sector employers who had already done so in an effort to recruit and retain a diverse and qualified work force. City staff recognized then that in order to be competitive in the employment market we needed to be able to provide non-traditional benefits, a trend which continues across the U.S. to this day. This philosophy has had a return on investment in the form of quality employees participating in the domestic partner and Other Qualified Adult insurance plans who have saved the City literally millions of dollars through the work they have done since the implementation of domestic partner benefits.

21. Providing OQA benefits has presented many advantages for Kalamazoo in its recruiting and retention practices. The City of Kalamazoo recruits employees for many positions that private sector employers recruit for as well. Administrative assistants, information technology professionals and administrators, human resources professionals, maintenance workers, urban planners, attorneys, and engineers, and numerous other types of workers are employed both by the City and by private sector employers in Michigan.

22. Many of these private sector employers with which Kalamazoo competes already make available benefits for the same-sex domestic partners of their employees. The availability of OQA benefits for same-sex domestic partners provides a strong, and irreplaceable, incentive to potential new hires to take a position at the same, or even a lower, rate of pay in the private sector in our area instead of with the City. In addition, candidates for many positions with Kalamazoo are conducting regional or national job searches, such that the City is effectively competing with public employers in other states, many of which make benefits available to the same-sex domestic partners of their employees. In order for the City to recruit and hire the most qualified employees for each position, it must be able to hire from, and consider, as broad a group of qualified individuals as possible, and must be able to provide competitive benefits as well as competitive pay to those individuals whom it would most like to hire.

23. Moreover, providing OQA benefits helps the City to retain qualified individuals once it has hired them. As of late 2011, 8 employees were taking advantage of the OQA benefits, of whom up to 3 may have been providing coverage to their same-sex domestic partners. The loss of this benefit is, in effect, a loss of income for these employees' families, and in some cases will leave employees' family members without access to any health insurance coverage. There is a distinct risk that these employees will seek private sector employment or public sector employment outside of Michigan that can provide better benefits for their employees. The cost of losing such employees is high – not only would Kalamazoo in each instance lose a qualified employee with a proven track record in their specific position, but the City of Kalamazoo must also spend money conducting a job search, interviewing, and training a new employee to replace the employee lost due to the lack of competitive benefits.

24. In addition, the signaling effect of providing these benefits can have significant benefits

for the local economy. If the City of Kalamazoo is seen as actively promoting positive social values and welcoming businesses and professionals of all backgrounds into its employment and environs, it will encourage greater investment in local businesses. For Kalamazoo to be seen as denying benefits to the same-sex partners of its employees could, by contrast, send a more dangerous signal to the market. It would signal that difference and diversity are not valued, and that the City of Kalamazoo may not be the best place to start a new business. The discriminatory nature of such laws provides a strong disincentive to investment in the local Michigan economy at a time when it desperately needs to attract greater outside investment. The Kalamazoo City Commission in December 2011 passed a resolution urging the Michigan Legislature and Governor Snyder not to approve HB 4770, which ultimately took effect as Public Act 297 of 2011.

25. The City of Kalamazoo perceives OQA benefits as an effective investment. The City does not wish to terminate these benefits, although it may be forced to cease providing benefits to employees' OQAs as a consequence of Public Act 297 of 2011.

26. On information and belief, any cost savings associated with an involuntary termination of OQA benefits resulting from Public Act 297 of 2011 would accrue to the City, not to the State. The City of Kalamazoo would prefer to continue investing in OQA benefits rather than accrue these negligible, putative cost savings.

In accordance with 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct. Executed this 7th day of March, 2012.

A handwritten signature in black ink, appearing to read "K. P. Collard", is written over a horizontal line.

KENNETH P. COLLARD

Exhibit V-2

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

THERESA BASSETT and CAROL
KENNEDY, PETER WAYS and JOE
BREAKEY, JOLINDA JACH and
BARBARA RAMBER, DOAK BLOSS and
GERARDO ASCHERI, DENISE MILLER
and MICHELLE JOHNSON,

Plaintiffs,

vs.

RICHARD SNYDER, in his official capacity
as Governor of the state of Michigan,

Defendant.

Case No. 2:12-cv-10038--DML-MJH

DECLARATION OF DAVID A. COMSA
IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION

I, **DAVID A. COMSA**, hereby declare under penalty of perjury:

1. I am the Deputy Superintendent for Human Resources and General Counsel for Ann Arbor Public Schools (the "District"). I have worked for the District for the past five (5) years. In my capacity, I am responsible for all Human Resources and General Counsel duties. I have personal knowledge of the facts contained in this Declaration except where they are stated to be upon information and belief. As to those facts that are stated to be upon information and belief, I believe them to be true.

INDIVIDUALS RECEIVING BENEFITS FROM ANN ARBOR PUBLIC SCHOOLS

2. Ann Arbor Public Schools has a total of approximately 1,800 full-time employees. All full-time employees are eligible to participate in group health insurance plans through Ann Arbor

Public Schools, either on an individual basis or on a family basis in the case of employees who choose to enroll family members in the group plans.

3. As of the 2011-2012 school year, a total of 4,265 individuals are insured through the group health plans made available to District employees and their families. Participants in these plans include 1,028 teachers, who are covered by an Ann Arbor Education Association contract and are eligible to participate in four different group health plans, as well as family members of those teachers who have elected to enroll in family coverage. Participants in the District's group health plans also include 544 support staff (non-teachers), and their families in the case of support staff who have enrolled family members in the plans.

4. Ann Arbor Public Schools instituted a policy of offering "Other Eligible Adult" benefits to its employees in July 2009. This benefits program allowed each employee to enroll someone other than a spouse, a dependent as defined by the Internal Revenue Service, or a child, in the District's health care plans. This other enrolled individual was referred to as an Other Eligible Adult ("OEA"). In order to qualify for this benefit, the OEA and the employee both were required to meet certain criteria. A copy of these criteria is attached as Exhibit A.

5. Out of approximately 1,800 employees who were eligible to take advantage of the OEA benefits, only 33, were doing so as of January 1, 2012. The participation rate, meaning the number of employees who enrolled OEAs relative to the total number of Ann Arbor Public Schools employees, is only 1.8%.

6. On information and belief, 11 of the 33 OEAs whom Ann Arbor Public Schools employees enrolled in health insurance coverage were the same-sex domestic partners of those employees.

7. We currently have 7 collective bargaining agreements with our employees, with

AFSCME's expiring on June 30, 2012, at which time AFSCME members would be subject to the statutory prohibition on OQA benefits. Four other collective bargaining agreements expire in 2013.

ADMINISTRATIVE COSTS OF OEA BENEFITS

8. When Ann Arbor Public Schools began offering OEA benefits in 2009, it was required to take several one-time actions in order to institute the program. This included time spent creating the requisite forms and other documents necessary to institute OEA benefits, changes to the administrative handbooks for the District's employees and human resources personnel who oversee the administration of benefits, and the institution of changes to the payroll system so that OEA benefits could be appropriately accounted for and taxed as income to the employee. As a result, the District incurred one-time, non-recurring costs of approximately \$1,517.00 in order to implement OEA benefits. If OEA benefits are discontinued, not only will the benefit of these sunk costs be limited to the preceding three (3) years, but further administrative costs may be incurred in order to once again change the existing benefits system.

9. In addition to the one-time administrative costs expended in 2009, there are certain minimal ongoing administrative costs associated with providing OEA benefits, in the form of staff time spent processing the enrollment of OEA beneficiaries. On information and belief, the total amount of these costs for the 2011-12 school year was less than \$500. This figure reflects the costs associated with the staff time for processing the enrollment of OEA beneficiaries.

COST OF INSURANCE PREMIUMS FOR OEA BENEFITS

10. Currently, Ann Arbor Public Schools provides health care benefits to 1,572 employees, 1,110 of their spouses, 1,550 of their children, and 33 OEAs. Insurance is provided through four (4) insurers. Ann Arbor Public Schools pays a portion of the health insurance premiums for

these employees, and their children, spouses, and OEAs. The total net cost to the District of providing health insurance to these teachers, and their families in the case of teachers who have enrolled family members in the plans, is approximately \$11,776,364. The average net cost per participating teacher is approximately \$10,985. The total net cost to the District of providing coverage to support staff and their families is approximately \$5,020,614 for the current school year. The average net cost per participating non-teacher employee is approximately \$9,229.

11. The total cost to Ann Arbor Public Schools of providing health insurance to employees and other beneficiaries for the 2011-2012 plan year is expected to be \$16,796,978. The total cost to the District of providing health insurance to employees for the 2011-2012 plan year is expected to be \$7,786,679. The total cost to the District of providing health insurance to children of employees for the 2011-2012 plan year is expected to be \$1,932,843. The total cost to the District of providing health insurance to the spouses of employees for the 2011-2012 plan year is expected to be \$6,873,120. The total cost to the District of providing health insurance to OEAs for the 2011-2012 plan year is expected to be \$204,336, or 1.2% of total expenditures on health insurance for the year. The total cost to Ann Arbor Public Schools of providing health insurance to OEAs who are, on information and belief, same-sex domestic partners for the 2011-2012 plan year is expected to be \$68,112, or 0.4% of total expenditures on health insurance for the year.

12. Insurers calculate insurance premiums for the District's insurance plans by category, and the premiums paid by the District are calculated based on the total number of covered employees and other beneficiaries. The District's average cost to provide insurance to one employee is \$4,672 annually for the 2011-2012 plan year. The District's average cost to provide insurance to one child of an employee is \$6,192 annually for this plan year. The District's average cost to

provide insurance to one spouse of an employee during 2012 is \$6,192 annually for this plan year. The District's average cost to provide insurance to one OEA annually for this plan year is \$6,192. The District's average annual cost to provide insurance to one same-sex domestic partner of an employee for this plan year is \$6,192.

SOURCE OF FUNDS FOR OEA BENEFITS

13. Ann Arbor Public Schools has a total annual budget of \$239,919,062. The District has multiple sources of funds that make up this budget. \$77,284,446, or 32.21%, of the total budget comes from general appropriations provided by the state legislature. \$691,000, or 0.29%, of the total budget comes from state grants covering specific District services or programs. \$102,788,516, or 42.84%, of the total budget comes from local property taxes. \$34,472,484, or 14.37%, of the total budget comes from other sources.

14. \$30,772,962, or 12.83% of the District's budget consists of funds allocated by the state for specific purposes, that cannot be used to pay for health insurance premiums for employees. Overall, approximately 41.9% of the District's total budgeted expenses are paid with money sourced from the state government.

BENEFITS TO ANN ARBOR PUBLIC SCHOOLS OF PROVIDING OEA BENEFITS

15. Providing OEA benefits has presented many advantages for Ann Arbor Public Schools in its retention and recruiting practices.

16. Ann Arbor Public Schools recruits employees for many positions that private sector employers recruit for as well. Teachers, educational administrators, administrative assistants, information technology professionals and administrators, human resources professionals, maintenance workers, attorneys, and numerous other types of workers are employed both by the District and by private schools and other private sector employers in Michigan.

17. Many of these private sector employers with which Ann Arbor Public Schools competes already make available benefits for the same-sex domestic partners of their employees. The availability of OEA benefits for same-sex domestic partners provides a strong, and irreplaceable, incentive to potential new hires to take a position at the same, or even a lower, rate of pay in the private sector in our area instead of with Ann Arbor Public Schools. In addition, candidates for many positions with the District are conducting regional or national job searches, such that the District is effectively competing with public employers in other states, many of which make benefits available to the same-sex domestic partners of their employees. In order for the District to recruit and hire the most qualified employees for each position, it must be able to hire from, and consider, as broad a group of qualified individuals as possible, and must be able to provide competitive benefits as well as competitive pay to those individuals whom it would most like to hire.

18. Moreover, providing OEA benefits helps Ann Arbor Public Schools to retain qualified individuals once it has hired them. 33 people currently take advantage of the OEA benefits, and of those, 11 are believed to be the same sex domestic partners of public employees. The loss of this benefit is, in effect, a loss of income for these employees' families, and in some cases will leave employees' family members without access to any health insurance coverage. There is a distinct risk that these employees will seek private sector employment or public sector employment outside of Michigan that can provide better benefits for their employees. The cost of losing such employees is high – not only would the District in each instance lose a qualified employee with a proven track record in their specific position, but Ann Arbor Public Schools would also need to spend money conducting a job search, interviewing, and training a new employee to replace the employee lost due to the lack of competitive benefits.

19. There is a significant benefit to Ann Arbor Public Schools in creating a diverse and innovative work environment for its employees. Providing OEA benefits signals to potential employees that the District maintains an open and diverse working environment. This signal is important to talented professionals, not just gay, lesbian, and bisexual professionals, because it suggests that the environment is one in which their talents will be welcomed and be invited to thrive. Failing to send such a signal could have a detrimental effect on overall recruitment by Ann Arbor Public Schools.

20. Ann Arbor Public Schools has long recognized that gay and lesbian employees are equally qualified and provide equal contributions to the District's mission as their heterosexual colleagues. Since the 2003-4 school year, Ann Arbor Public Schools has promulgated a nondiscrimination policy including a commitment that "[no person shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination in any educational program or activity ... on the basis of ... sexual orientation [or]... marital or familial status," among other characteristics. Making benefits available to the same-sex domestic partners of employees through the OEA program allows the District to effectuate this commitment to nondiscrimination and to increase parity of compensation for straight and gay employees who are doing equivalent jobs.

21. Our Board of Education on December 14, 2011 passed a resolution opposing the bill that Governor Snyder later signed into law as Public Act 297 of 2011. A copy of that resolution is attached as Exhibit B.

22. Ann Arbor Public Schools would like to continue making OEA benefits available to its employees, although it may be forced to stop doing so by Public Act 297 of 2011.

23. On information and belief, in the event that Ann Arbor Public Schools in the future is

forced to cease making OEA benefits available to any of its employees, the small amount of reduced expenditures on benefits would accrue to the District, not to the state. The District would prefer to continue making a small investment in OEA benefits rather than accrue these putative savings.

In accordance with 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct. Executed this 6th day of March, 2012.

A handwritten signature in cursive script that reads "David a. Comsa". The signature is written in black ink and is positioned above a horizontal line.

DAVID A. COMSA

Exhibit A

**ANN ARBOR PUBLIC SCHOOLS
Other Eligible Adult Benefits Fact Sheet
Medical/Prescription/Dental/Vision Coverage**

Beginning July 1, 2009, an Ann Arbor Public School District (“District”) employee may enroll an adult individual (“Other Eligible Adult”) for benefit coverage under one of the District’s medical/prescription/dental/vision plans (“Plan”) subject to the following:

Conditions

1. The employee is eligible for District benefits and participates in a District offered Plan;
2. The Other Eligible Adult satisfies eligibility standards required by or applicable to the Plan;
3. The employee and the Other Eligible Adult comply with any conditions required by or applicable to the Plan;
4. The Plan accepts the Other Eligible Adult as a participant;
5. The enrollment of an Other Eligible Adult for benefit coverage under one of the District’s Plans is contingent on the employee and/or Other Eligible Adult submitting documentation establishing conditions 6(a-d) and 7(a-e), below, to the satisfaction of the District, and providing any other documentation requested by the District.
6. The Other Eligible Adult:
 - a) Is 26 years of age or older; and
 - b) Is not the employee’s “dependent” as defined by the Internal Revenue Service; and
 - c) Is not covered by any other insurance plan; and
 - d) Is not an undocumented immigrant.
7. The employee and the Other Eligible Adult:
 - a) Reside together and have done so for 18 continuous months prior to the Other Eligible Adult’s enrollment in the Plan; and
 - b) Are not married to any other party; and
 - c) Are not related by blood (child, grandchild, parent, grandparent, sibling, niece, nephew, aunt, uncle, cousin) or marriage; and
 - d) Are not in a landlord, tenant, or boarder relationship; and

- e) Are financially interdependent. Financial interdependence may be established by submission of proof of joint bank account, joint home ownership or other documented proof.

Dependent Children of Other Individual

In addition to coverage for an Other Eligible Adult, an employee may elect coverage for the eligible child(ren) of an Other Eligible Adult, contingent on the Other Eligible Adult submitting documentation establishing dependent status, to the satisfaction of the District. The dependent children are eligible for coverage through the end of the month they:

- Live primarily with the employee, including periods when living temporarily away from home attending school;
- Are eligible to be claimed as a dependent on the employee's or the Other Eligible Adult's most recent income tax return; and
- Meet eligibility criteria established by the applicable carrier.

The dependent children of an Other Eligible Adult are not eligible for coverage through the District as an employee; and are not eligible for coverage if they are covered through the District as a dependent on another District employee's coverage.

Cost of Other Eligible Adult Benefits

The insurance premium rates and District and employee contributions, when coverage is provided to an Other Eligible Adult, are identical to those for two-persons or families (i.e., the two-person rate and contribution would apply if the coverage changes from single to two-person, the family rate and contribution would apply if the coverage changes from single or two-persons to family).

Taxation of Other Eligible Adult Benefits

When an employee enrolls an Other Eligible Adult (or the Other Eligible Adult's dependent child[ren]) in a District sponsored health plan, the District's contribution toward the additional coverage will be included in the employee's gross income for state and federal income taxes as well as for FICA (Social Security and Medicare) taxes withheld from the employee's paycheck. On the employee's earnings statement, this taxable benefit will be reflected under "Other Taxable" and will be added to the employee's taxable gross income.

Confidentiality

The District will keep records containing information on Other Eligible Adults confidential to the extent permitted by law.

Enrollment

An Other Eligible Adult may be added at the following times:

Annual Open Enrollment Period: An annual Open Enrollment period is held, usually in May, during which benefits elections may be changed, including adding or deleting persons covered under benefits. Any election changes made during Open Enrollment are effective July 1, with the start of the new plan year, unless a later effective date is determined by the Plan.

New Hire: Newly hired employees may elect coverage for themselves and an Other Eligible Adult providing District and Plan eligibility requirements and conditions are met. To enroll, the employee will be required to select the appropriate coverage level on the election form and list the Other Eligible Adult on the cover sheet.

Eligibility event during Plan year: Once the criteria defining eligibility has been met, the employee will have only 30 days to add an Other Eligible Adult to his/her coverage. If the Other Eligible Adult were to lose coverage elsewhere, the employee would have only 30 days to add the Other Eligible Adult to his/her coverage.

To request the addition of an Other Eligible Adult, whether during the open enrollment period, as a new hire, or following an eligibility event, the employee must:

1. Complete an Enrollment Application form.
2. Sign an Affidavit Relating to Enrollment of Other Eligible Adult.
3. Submit an Affidavit from the Other Eligible Adult.
4. Read and acknowledge receipt of the District's Other Eligible Adult Fact Sheet.
5. Return the completed Enrollment Application Form and Affidavits to the Fringe Benefit office or directly to the insurance carrier – as directed.

When enrollment follows the occurrence of an eligibility event, all forms MUST be returned within 30 days of the event causing the addition of the Other Eligible Adult.

If the required enrollment materials are not completed and returned within 30 days of the event, the employee may not add an Other Eligible Adult until open enrollment.

Employee Notice Obligations – Change in Other Eligible Adult Status or Status of Other Eligible Adult Dependent Child[ren]

The employee must notify the District's Fringe Benefit Office and complete all applicable District and Plan documents, including Notification of Change in Other Eligible Adult Status or status of Other Eligible Adult's Dependent Child[ren] within thirty (30) days of any of the following events:

- Any of the Other Eligible Adult eligibility Conditions set out in 6(b)-(d) and/or 7(a)-(e) above, are no longer true.
- The child[ren] of the Other Eligible Adult no longer qualify(ies) as a dependent child, and/or no longer meet(s) eligibility criteria established by the applicable carrier.

Any false statement made by an employee, the failure of an employee to notify the District that any of the conditions set out in 6(b)-(d) and/or 7(a)-(e) are no longer true, or the failure of any employee to notify the District that the child[ren] of the Other Eligible Adult no longer qualify(ies) as a dependent child and/or no longer meet(s) eligibility criteria established by the applicable carrier, is cause for disciplinary action up to and including discharge and liability for losses (i.e., claims paid according to Plan specifications) incurred and the District's costs and attorneys fees, if any, related to collection of said losses.

Cancellation of Coverage

Coverage of the Other Eligible Adult will be canceled at the end of any month in which (1) the employee is no longer eligible for District Benefits, (2) any of the Conditions set forth in 6(b)-(d) and/or 7(a)-(e) above, are no longer true, (3) the District is notified by the Plan that the coverage will no longer be provided, either generally or to a specific Other Eligible Adult, (4) coverage conflicts with the terms of an applicable collective bargaining agreement, or (5) the District cancels coverage to Other Eligible Adults when it deems cancellation is necessary in order to comply with state or federal laws, or for other reasons determined at the District's discretion.

The Employee and Other Eligible Adult will be responsible for charges for services or benefits provided for under the Plan after the Other Eligible Adult ceases to be eligible for coverage.

Subsequent Other Eligible Adult

If the Employee deletes his or her Other Eligible Adult from coverage, neither a new Other Eligible Adult nor a previous Other Eligible Adult can be added until all of the eligibility standards are met and 18 months have elapsed from the date of deletion of the previous Other Eligible Adult.

COBRA

There are no rights to COBRA continuation for an Other Eligible Adult, or the Other Eligible Adult's dependent child[ren].

Effective Date

The effective date of coverage for an Other Eligible Adult shall be determined by the Plan.

Forms

All forms can be obtained from District Fringe Benefits, 2555 S. State St., Balas I.

Questions

Questions should be directed to Fringe Benefits at (734) 994-1666.

The District retains the right to modify terms or conditions of coverage or to cancel coverage to the Other Eligible Adult upon thirty (30) days notice, if deemed necessary in order to comply with state or federal laws, or for other reasons determined at the District's discretion.

I acknowledge receipt of the Ann Arbor Public School's Other Eligible Adult Benefits Fact Sheet.

[Print Name]

Employee Signature

Date

[Print Name]

Other Eligible Adult Signature

Date

Fringe Benefits Representative verification

Date

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Exhibit B



ANN ARBOR PUBLIC SCHOOLS
Board of Education Resolution
Opposing HB 4770: Public Employee Domestic Partner
Benefit Restriction Act

A regular meeting of the Board of Education (the "Board") of Ann Arbor Public Schools (the "School District"), was held on the 14th day of December, 2011 at 7:00 o'clock p.m.

The meeting was called to order by Debra Mexicotte, President.

Present: Baskett, Lightfoot, Nelson, Mexicotte, Patalan, Stead, Thomas.
Absent: None.

The following preamble and resolution were offered by Trustee Nelson and supported by Trustee Patalan:

WHEREAS, the Michigan Senate and House have passed House Bill No. 4770 (HB 4770) as amended December 7, 2011; and

WHEREAS, Governor Snyder has not yet signed or vetoed HB 4770; and

WHEREAS, Governor Snyder's signature on HB 4770 would eliminate health and other fringe benefits for public employees, including employees of public schools; and

WHEREAS, we affirm and celebrate the worth and dignity of people of diverse sexual orientations and in particular the worth and dignity of our Ann Arbor Public School (AAPS) employees; and

WHEREAS, Governor Snyder's signature on HB 4770 would conflict with the high value we place on respect and celebration of diverse people including but not limited to diverse sexual orientations, gender identities, and gender expressions; and

WHEREAS, we recognize and appreciate the commitment of our AAPS employees, regardless of sexual orientation, to the education of children and young people; and

WHEREAS, Governor Snyder's signature on HB 4770 would lessen the attraction of Ann Arbor and Michigan to people in same-sex relationships, or possibly in such a relationship in the future, and thereby decrease our ability to attract and retain excellent employees in such relationships.

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ANN ARBOR PUBLIC SCHOOLS

Board of Education Resolution

Page 2

NOW, THEREFORE, IT IS HEREBY RESOLVED:

The Board of Education of the AAPS

- Strongly urges Governor Snyder to veto HB 4770; and
- Commends Senator Warren and Representatives Irwin and Rutledge for their opposition to HB 4770; the articulate, strong statement of protest of Senator Warren (Senate Journal No. 96, December 7, 2011) is particularly noteworthy; and
- Is deeply disappointed with Senator Richardville and Representatives Olson and Ouimet for their support of HB 4770; and
- Directs the Executive Assistant of the AAPS Board of Education to transmit copies of this resolution to:
 - Governor Rick Snyder
 - Senator Randy Richardville, Senate Majority Leader
 - Representative Jase Bolger, Speaker of the House
 - Senator Gretchen Whitmer, Senate Democratic leader
 - Representative Richard Hammel, Minority Leader of the House
 - Senator Rebekah Warren, 18th District
 - Representative Mark Ouimet, 52nd District
 - Representative Jeff Irwin, 53rd District
 - Representative David Rutledge, 54th District
 - Representative Rick Olson, 55th District
 - Local print, voice, and internet media
 - Kathy Hayes, Executive Director, Michigan Association of School Boards
 - Larry Cobler, President, Washtenaw Association of School Boards (WASB)
 - David Friese, Chair, Legislative Relations Network, WASB
 - Michigan School Business Officials

Ayes: Baskett, Lightfoot, Mexicotte, Nelson, Patalan, Stead, Thomas.

Nayes: None.

Resolution declared adopted.



Andy Thomas
Secretary, Board of Education

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ANN ARBOR PUBLIC SCHOOLS

Board of Education Resolution

Page 3

The undersigned duly qualified and acting secretary of the Board of Education of Ann Arbor, County of Washtenaw, State of Michigan, hereby certifies that the foregoing is a true and complete copy of a resolution adopted by the Board of Education at a regular meeting held on December 14, 2011, the original of which resolution is a part of the Board's minutes and further certifies that notice of the meeting was given to the public under the Open Meetings Act, 1976 PA 267, as amended.



Andy Thomas
Secretary, Board of Education

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Exhibit U

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

THERESA BASSETT and CAROL
KENNEDY, PETER WAYS and JOE
BREAKEY, JOLINDA JACH and
BARBARA RAMBER, DOAK BLOSS and
GERARDO ASCHERI, DENISE MILLER
and MICHELLE JOHNSON,

Plaintiffs,

vs.

RICHARD SNYDER, in his official capacity
as Governor of the state of Michigan,

Defendant.

Case No. 2:12-cv-10038

Hon. David M. Lawson

**DECLARATION OF M.V. LEE BADGETT IN SUPPORT OF
PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION**

I, M.V. Lee Badgett, hereby declare under penalty of perjury:

1. All of the matters in this affidavit are based on my personal knowledge, and I am competent to testify thereto.

I. Qualifications.

2. My background, experience, and list of publications from the last 10 years are summarized in my curriculum vitae, which is attached as an exhibit to this declaration.

3. I am a professor of economics at the University of Massachusetts Amherst, where I have taught since 1997. In addition, I am the director of the Center for Public Policy and Administration at the University of Massachusetts Amherst. I am also the research director of the Williams Institute for Sexual Orientation Law and Public Policy at the UCLA School of Law. From 2005-2007, I was a visiting professor at UCLA School of Law. Prior to those positions,

from 1990 to 1997 I was an assistant professor of Public Affairs at the School of Public Affairs, University of Maryland, College Park. I have conducted research at the Amsterdam School for Social Science Research, University of Amsterdam, and conducted research and taught at the Women's Studies and Lesbian and Gay Studies programs of Yale University. I received my A.B. in Economics from the University of Chicago in 1982 and my Ph.D. in Economics from the University of California, Berkeley, in 1990.

4. The primary focus of my research and teaching is in the fields of Economics, including Microeconomics, Labor Economics, and Sexual Orientation and Economics; and Sexual Orientation and Public Policy, including sexual orientation discrimination, family structures and family policy, same-sex partner recognition in the US and Europe, domestic partner health care and pension benefits, and the health insurance status of lesbians and gay men.

5. I am the author of two books and the co-editor of a third on sexual orientation economics and public policy: *Money, Myths and Change: The Economic Lives of Lesbians and Gay Men* (2001), *Sexual Orientation Discrimination: An International Perspective* (2007), and *When Gay People Get Married: What Happens When Societies Legalize Same-Sex Marriage* (2009). I have also authored numerous published articles and book chapters, as set forth in my curriculum vitae.

6. The facts or data that I rely upon to reach my opinions below are the sources cited in the footnotes or my experience in my field of expertise regarding the economics of sexual orientation. These facts or data that I rely on here are the type of facts or data that are reasonably relied upon by an expert in my field when they form opinions regarding this subject area, and the facts or data are otherwise reasonably reliable.

II. Introduction

7. A well-established body of research and information from government agencies demonstrates that health insurance coverage is an important form of employment compensation, and employers currently are the primary source of health care coverage for Americans under sixty-five years of age. Given that context, same-sex partners and the children of lesbian and gay employees are vulnerable without access to employer-provided family health insurance, which routinely leaves many with inferior or no alternative health coverage. In fact, as discussed below, same-sex partners are twice as likely as married people to be uninsured.

8. Some public sector employers in Michigan allow unmarried employees to designate an individual, and sometimes that individual's children, to receive certain benefits, including health care benefits. The term for that individual varies across public sector employers and includes "Other Qualifying Adult," "Other Eligible Adult," "Other Eligible Individual," "Additional Eligible Adult," and other terms. In spite of the variation in the term used, public employers often use similar criteria for determining that status, such as cohabitation and evidence of financial interdependence.

9. Offering health care benefits to employees' Other Qualifying Adult (or OQA, the term I will use below to stand for such statuses) results in relatively small additional costs to the State of Michigan. Employees often pay all or part of the additional premium, and the local jurisdictions pay part of the additional cost from their own coffers. In addition, we now have two decades of experience with employers offering domestic partner benefits that show that employers can extend health care benefits (and other employment benefits) to domestic partners without incurring significant costs. Because most private employers and public employers outside of Michigan provide benefits to these other household members through what is called a

“domestic partner” relationship, below I use that term to document employer experiences and policies. I also show that while some direct costs to the state and to local governments might fall to a small extent if public employers cannot cover Other Qualifying Adults, other employment costs and public benefits costs might rise for state and local governments.

III. Administrative costs are small one-time costs.

10. Thousands of employers have successfully implemented domestic partner benefits in their workplaces. Although the programs at issue here provided benefits based on OQA status rather than based on a domestic partner relationship, the administrative burden of establishing such programs would be similar to that of establishing a more traditional domestic partner benefits program. Employer reports in news accounts and other direct communications that I have had with employers suggest that the development of administrative procedures for these programs is not costly. To the extent that any administrative costs are involved in implementing domestic partner benefits, those costs would be one-time start-up costs. Furthermore, these negligible costs would be borne mostly or completely by the local public sector employers.

11. Typically employers set up a system for an employee to sign an affidavit or other declaration of having a domestic partner, to provide any necessary documentation of financial interdependence, and for indicating the end of a domestic partner relationship. Employers may also change forms and handbooks, as well as adjust payroll systems to include the employer’s cost of benefits paid for a domestic partner as imputed income for the employee. After those procedures are in place, employers would see little or no additional administrative costs.

12. I know of no studies or data that suggest that administrative problems exist. Because the administration of employment benefits for same-sex domestic partners falls within my area of expertise, I believe that I would have learned of such studies or data if they existed.

IV. Costs per partner are not higher for domestic partners.

13. Health care costs per person are not higher for domestic partners. Early in the history of domestic partner benefits, insurance companies and employers feared that the cost of health care benefits for domestic partners could be high as a result of fraud and adverse selection, that is the signing up of partners who have higher-than-average health care costs. For example, the City of Berkeley and the City of Seattle both had to pay higher insurance premiums when they initially offered domestic partner benefits. When the claims experience showed no evidence of adverse selection, the insurance plans dropped the higher premiums and surcharges.¹ Perhaps the best evidence that insurance companies no longer see domestic partner benefits as a problem is the fact that many insurance companies offer them to their own employees, including Wellpoint, Inc., Aetna, and MetLife.²

14. However, it is possible that some employers would adopt definitions of OQAs that are permissible under Public Act 297 and would include multiple eligible household members, such as parents or other relatives. If employers were to do so, they might be increasing their health care costs if employees choose to add particular OQAs with higher-than-expected health care costs.

V. Direct health care costs rise for public sector employers in Michigan because employees sign up a small number of additional enrollees who are OQAs, but those cost increases are small and proportionate.

15. Information related to enrollment and health care costs of OQAs obtained voluntarily from public employers by plaintiffs' attorneys was provided to me. This information included

¹ For Berkeley case, see Spencer's Research Reports on Employee Benefits, 1992. "Design Features of Domestic Partner Benefits," Vol. 327 No. 4-5, pp 5-8. For Seattle case, see Kimberly Blanton, "To Insure, or Not to Insure: Big Insurance Companies Balk at the Coverage of Unmarried Partners," *Boston Globe*, October 13, 1993, p. 39.

² Human Rights Campaign Employer Database, searched July 8, 2011.

preliminary data from public employers in Michigan, including cities, counties, school districts, and universities, on how many OQAs were enrolled for health insurance benefits. Responses from six employers allowed calculation of take-up rates, or the percentage of covered employees who signed up an OQA. The take-up rate range was 0.3% to 1.5%, indicating that employers are adding a small number of OQAs to the health care roll. In addition, eight employers reported data allowing calculation of the percentage change in health care costs. The cost increase ranged from 0.3% to 0.7%, again a very small change.

16. The data from most employers combined same-sex partners who are OQAs with other types of household members. In some cases, employers were able to provide separate figures on same-sex couples, which were lower than the total number of OQAs. Therefore, the take-up and cost figures in the previous paragraph would be smaller if same-sex couples could be isolated. Also, these take-up rates are in line with the range from studies of domestic partner benefits, which is typically 0.1% to 1%.³

VI. Savings would be very small if public sector employers drop OQA coverage.

17. Domestic partner benefits result in higher health care costs for employers because more people are covered, but the increase in costs is small. In Michigan, implementing Public Act 297 would reduce the number of people covered by public employers, reducing costs to some extent. However, the overall drop in spending by the state would not be as much as the direct spending on benefits.

³ Michael Ash and M. V. Lee Badgett (2006). "Separate and Unequal: The Effect of Unequal Access to Employment-Based Health Insurance on Gay, Lesbian, and Bisexual People," *Contemporary Economic Policy*, 24: 582-599. Employee Benefit Research Institute, "Domestic Partner Benefits: Facts and Background," Feb. 2009, <http://www.ebri.org/pdf/publications/facts/0209fact.pdf>

18. First, the number of new enrollees as the result of the availability of OQA coverage has been low. The take-up rates cited earlier show that few employees sign up an OQA.

19. Second, not all of those benefits are paid for with state dollars. Instead, many public sector employers rely heavily on local funds for the cost of those benefits. In many instances, employees themselves contribute to the cost of coverage for their OQAs.

20. Third, the state will lose some revenue from offsetting income tax payments. When a married employee receives employer-provided health care benefits for a different-sex spouse, the IRS does not tax the employee for either the value of the employee benefits or the spousal benefits. However, employees whose domestic partners receive employer-provided benefits must pay federal income taxes on the imputed value of those benefits. The only exception is when the partner is an IRS dependent. Most employees receiving OQA benefits would, therefore, currently be paying state taxes on the imputed value of OQA benefits. Thus state tax revenue will offset the cost of OQA benefits to some extent, and eliminating OQA benefits will reduce state tax revenue. Since the current Michigan state income tax rate is 4.35%, each state dollar saved by public sector employers nets the state only \$0.95.

21. Fourth, not all current OQAs will be prevented from receiving benefits. Some are in categories not excluded by Public Act 297: they are legally recognized family members or are dependents according to the tax code. For instance, in Washtenaw County an “otherwise eligible adult” who is an IRS dependent of a public employee could qualify for benefits. Furthermore, some employees who had received OQA benefits would be able to marry to regain benefits, further reducing the cost impact of Public Act 297.

22. Fifth, the provision of OQA benefits has prevented some individuals from being uninsured, so eliminating these benefits would tend to increase certain other costs that state and

local governments would otherwise bear for Medicaid and other government-sponsored health care programs. Recent studies show that people with same-sex unmarried partners are much more likely to be uninsured than are married people.⁴ If uninsured partners or OQAs of public employees are no longer allowed to sign up for an employee's health plan, then the state will spend more money on state-supported health care programs since uninsured people still require health care but often cannot pay for it. Some of the newly uninsured partners of public employees might qualify for Medicaid, a program for low-income and disabled people that is paid for by both state and federal government contributions. In 2008, the Medicaid cost per non-aged, non-disabled adult was \$3,438.⁵ The State of Michigan paid 30% of Medicaid costs, or \$1031 per adult, with the federal government paying the rest.⁶

23. Other no-longer insured OQAs might be underinsured or completely uninsured but are still likely to require medical care that they might not be able to pay for. One study estimates that state and local government contributions to pay for uncompensated care by uninsured people in the United States totaled \$17 billion in 2008.⁷ Averaging that spending over the 41 million people who were uninsured for a full year gives an average state and local government spending of \$414 per person.

⁴ Ash and Badgett (2006); J. Heck, R. Sell, and S. Sheinfeld Gorin. (2006). "Health Care Access Among Individuals Involved in Same-Sex Relationships," *American Journal of Public Health*, 96: 1111- 1118; N. Ponce, S. Cochran, J. Pizer, and V. Mays (2010). "The Effects of Unequal Access to Health Insurance for Same-Sex Couples in California," *Health Affairs*, 29(8): 1539-1548.

⁵ Kaiser Family Foundation, State Health Facts, <http://www.statehealthfacts.org/profileind.jsp?ind=183&cat=4&rgn=24&cmprgn=1>, accessed 2/9/12.

⁶ Kaiser Family Foundation, State Health Facts, <http://www.statehealthfacts.org/profileind.jsp?cmprgn=1&cat=4&rgn=24&ind=636&sub=47>, 2/9/12

⁷ Jack Hadley, John Holahan, Teresa Coughlin and Dawn Miller. "Covering The Uninsured In 2008: Current Costs, Sources Of Payment, And Incremental Costs," *Health Affairs*, 27, no.5 (2008):w399-w415 (published online August 25, 2008; 10.1377/hlthaff.27.5.w399).

VII. Losing the ability to offer OQA benefits might increase other employment costs to public sector employers.

24. If they cannot offer OQA benefits, public employers will lose a compensation tool that is useful for competing with other employers to recruit and retain talented and committed employees. First, public employers may not be able to compete successfully with employers offering domestic partner benefits, which some Michigan public employers are not allowed to offer. This competitive effect would make it difficult for public employers to hire the best-qualified and most productive employees, thus potentially decreasing employee productivity and increasing employment costs. Second, public employers will not be able to offer competitive benefits to retain employees, which might lead to higher costs of turnover, such as the cost of lost production and retraining new employees. For example, one study calculated the training, vacancy, hiring, and recruiting costs for a registered nurse to be \$62,000 to \$67,000.⁸ A study of the cost of public school teacher turnover found costs ranging from \$4,300 to more than \$17,000 per teacher.⁹

25. Public employers in Michigan compete with two kinds of employers: private sector employers in Michigan and elsewhere, and public sector employers in other states and university and state employees under civil service in Michigan. If prevented from offering benefits to same-sex partners of employees, most of Michigan's public sector employers will be put at a competitive disadvantage that might result in higher labor costs.

⁸ Cheryl Jones. (2005). The Costs of Nurse Turnover, Part 2: Application of the Nursing Turnover Cost Calculation Methodology, 35 *Journal of Nursing Administration* 41.

⁹ Gary Barnes, Edward Crowe, and Benjamin Schaefer. 2007. *The cost of teacher turnover in five school districts: A pilot study*. Washington D.C.: National Commission on Teaching and America's Future. <http://nctaf.org/wp-content/uploads/2012/01/NCTAF-Cost-of-Teacher-Turnover-2007-full-report.pdf>, last accessed 2/14/12.

26. The United States Department of Labor's Bureau of Labor Statistics reports that a significant number of private and state and local employees can include a same-sex unmarried partner on their health insurance plans. For the first time, the 2011 National Compensation Survey (NCS) collected data on the provision of benefits to unmarried partners, or "two unrelated, unmarried adults who share the same household." The decision to ask such questions of employers by the Department of Labor itself reflects the increasing provision of benefits to unmarried partners, and the survey findings confirm how common those benefits are.

27. The NCS is the most important and reliable source of data on employment benefits in the United States. The NCS survey includes data on the employment benefit policies of a sample of more than 10,000 employers, including 8,727 private employers and 1,748 state and local government employers. The 2011 survey found that 33% of all employees of state and local governments have access to health care benefits for a same-sex partner. Furthermore, in the private sector, 29% of employees can designate a same-sex partner and 25% can name a different-sex partner for benefits.

28. Furthermore, many Michigan employers already offer domestic partner benefits to employees, including Ford Motor Co., General Motors, Kellogg Co., Steelcase Inc., TRW Automotive Holdings, Whirlpool, American Brake & Clutch Inc., Ann Arbor News, Applied Image Technology Inc., ArvinMeritor Inc., Blue Cross Blue Shied of Michigan, Compuware Corp., Dow Chemical, DTE Energy Co., and Dykema Gossett PLLC.¹⁰ Therefore, in order to remain attractive to employees who have or might someday have domestic partners, public employers will need to offer comparable benefits.

¹⁰ Human Rights Campaign Employer Database, accessed 12/31/11.

29. Opinion polls and academic research also link employers' ability to recruit and retain workers to offers of domestic partner benefits. A 2005 study showed that 71% of employers offering domestic partner coverage give this reason for offering the coverage.¹¹ One study shows that domestic partner benefits reduce gay, lesbian, and bisexual workers' turnover and increase their commitment to firms.¹² A 2007 survey of corporate employees who had left their jobs showed that 41% of gay and lesbian job leavers "would have been very likely to have stayed if their employer offered to pay them more fairly.... [B]etter benefits was the top concern of gay and lesbian professionals and managers."¹³

30. The attraction of such benefits may extend beyond people with same-sex partners. In national 2007 and 2008 Harris Interactive/Witeck-Combs Communication polls, more than one-third of heterosexual respondents believed that a law preventing employers from offering domestic partner benefits would have "quite a bit" or "a great deal" of an impact on employers' ability to recruit, retain, and compete for the most qualified employees.¹⁴

31. Indeed, other evidence suggests that employees make decisions about job offers at least in part based on domestic partner benefits. A March 2003 poll by Harris Interactive/Witeck-

¹¹ Study cited in Employee Benefit Research Institute, "Domestic Partner Benefits: Facts and Background," Feb. 2009, <http://www.ebri.org/pdf/publications/facts/0209fact.pdf>. See also Brad Sears and Christy Mallory, "Economic Motives for Adopting LGBT-Related Workplace Policies," Williams Institute, UCLA School of Law, 2011. <http://williamsinstitute.law.ucla.edu/wp-content/uploads/Mallory-Sears-Corp-Statements-Oct2011.pdf>.

¹² Belle Rose Ragins and John M. Cornwell. (2007). "We are family: The influence of gay family-friendly policies on gay, lesbian and bisexual employees," in *Sexual Orientation Discrimination: An International Perspective*, co-edited by M. V. Lee Badgett and Jeff Frank, Routledge.

¹³ Level Playing Field Institute, "The Corporate Leavers Survey: The Cost of Employee Turnover Due Solely to Unfairness in the Workplace,"

<http://www.lpfi.org/sites/default/files/corporate-leavers-survey.pdf>, last accessed 2/14/12.

¹⁴ Out & Equal, "Out & Equal Workplace Culture Report: Survey of Workplace Attitudes, 2002-2008," 2008, <http://www.witeckcombs.com/pdf/out-equal-workplace-culture-report-2008.pdf>, last accessed 2/14/12.

Combs found that 6% of heterosexual workers reported that domestic partner benefits would be the most important factor in deciding to accept a new job—more than those who would look for on-site child care. In that survey, almost half (48%) of lesbian, gay, and bisexual employees said that partner benefits would be their most important consideration if offered another job. Furthermore, 7% of heterosexual workers who actually changed jobs reported that partner benefits were the most important factor in that decision—a factor almost as common as changing jobs for better retirement benefits (12%).¹⁵

32. Offering domestic partner benefits also sends an important positive signal to a much larger group of employees. A recent study by Richard Florida found that heterosexual employees, even those without unmarried partners, often look for domestic partner benefits as a signal of an employer that values diversity and creativity.¹⁶ In a follow-up study, Florida argued that regions that do not embrace the benefits of diversity-friendly policies risk alienating the creative workforce that is the key to gaining a competitive edge in the global market.¹⁷ Public recognition of these benefits sends a strong signal to the private sector.

¹⁵ Personal communication, Witeck-Combs Communication.

¹⁶ Richard Florida. (2002) *The Rise of the Creative Class*. Basic Books, New York.

¹⁷ Richard Florida. (2005) *Flight of the Creative Class*, HarperCollins, New York.

33. This evidence suggests that partner benefits will become increasingly important in competing for talented and committed employees of all sexual orientations. Recruitment and turnover are costly for public employers, therefore being required to eliminate OQA benefits might increase those costs.

In accordance with 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct. Executed this 16 day of February 2012.

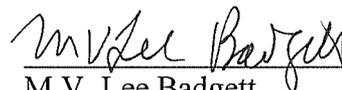

M.V. Lee Badgett

Exhibit T-1

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

THERESA BASSETT and CAROL
KENNEDY, PETER WAYS and JOE
BREAKEY, JOLINDA JACH and
BARBARA RAMBER, DOAK BLOSS and
GERARDO ASCHERI, DENISE MILLER,
and MICHELLE JOHNSON,

Plaintiffs,

vs.

RICHARD SNYDER, in his official capacity
as Governor of the state of Michigan,

Defendant.

Case No. 2:12-cv-10038

Hon. David M. Lawson

**DECLARATION OF THERESA BASSETT IN SUPPORT OF PLAINTIFFS' MOTION
FOR A PRELIMINARY INJUNCTION**

I, Theresa Bassett, hereby declare and state as follows:

1. I make this declaration of my own personal knowledge, and if called as a witness, I can and will testify competently to the matters stated herein.

2. I am a middle school teacher at Slauson Middle School in Ann Arbor, where I have taught for twenty-seven years, have earned tenure, and currently teach math to sixth- and eighth-graders. My job duties and responsibilities are very similar to the duties and responsibilities of the heterosexual teachers at Slauson Middle School.

3. I am fifty years old, and I reside in Ann Arbor, Michigan. I was born in Ann Arbor, grew up here, and attended college at the University of Michigan. I have a Master's in Educational Leadership and am currently working on a Master's in Social Work.

4. My life partner is Carol Kennedy, who is fifty years old. In November 2012, Carol and I will celebrate our twenty-sixth anniversary as a loving, committed couple. We had a commitment ceremony in Michigan in 1990 and were legally married in California in 2008. In addition, Carol and I registered as domestic partners in Ann Arbor in 1991. My relationship with Carol is founded on mutual pledges of emotional and financial support.

5. Carol and I are financially interdependent. We are the primary beneficiaries of each other's life insurance policies and wills. I have given her a durable power of attorney to make decisions for me in case I become ill. We own our home jointly, and all of our primary bank accounts are shared.

6. Carol and I are raising six children together: Maya, Olivia, Ben, Charlie, Sam, and Finnian ("Finn") Bassett-Kennedy, who range in age from six to twenty. Our two oldest daughters, Maya and Olivia, now attend Western Michigan University. Ben and Charlie attend high school and Sam and Finn attend elementary school in the Ann Arbor School District.

7. Carol is self-employed, so she does not have access to an employer-provided health care plan. Until 2000, Ann Arbor Public Schools did not offer domestic partner benefits. Carol and I advocated for the school district to offer these benefits, and it finally did. I was able to cover Carol and the children through the district's family plan. Now Carol is covered as an "Other Eligible Adult." We pay \$184 per month for the family plan, which includes Carol's coverage.

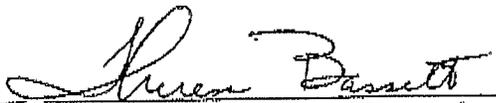
8. If P.A. 297 remains in effect, Carol will lose her health care coverage when my union contract with the district ends.

9. Carol's family has a history of breast cancer, which means that independent health care coverage will be very expensive. We have researched the alternatives by looking

online and talking with friends who have purchased individual insurance policies. To keep Carol's premiums down to \$250 per month, she would have a deductible of \$2,500, and we would have to pay many medical expenses out of pocket. We could also pay a premium of about \$800 a month for more comprehensive coverage.

10. P.A. 297 has caused our family a great deal of stress. I would not be able to find a teaching job elsewhere with the seniority that I have earned as a tenured teacher at Slauson Middle School. I would lose my tenure if we moved to another State and because of lower seniority with a new district would have to start at a much lower salary. We also rely on the fact that Carol's health insurance will be provided by my employer. Having her benefits threatened—especially when we fought so hard to get them in the first place—makes us anxious.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 6 day of March 2012, at Ann Arbor, Michigan.



Theresa Bassett

Exhibit T-2

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

THERESA BASSETT and CAROL
KENNEDY, PETER WAYS and JOE
BREAKEY, JOLINDA JACH and
BARBARA RAMBER, DOAK BLOSS and
GERARDO ASCHERI, DENISE MILLER,
and MICHELLE JOHNSON,

Plaintiffs,

vs.

RICHARD SNYDER, in his official capacity
as Governor of the state of Michigan,

Defendant.

Case No. 2:12-cv-10038

Hon. David M. Lawson

**DECLARATION OF CAROL KENNEDY IN SUPPORT OF PLAINTIFFS' MOTION
FOR A PRELIMINARY INJUNCTION**

I, Carol Kennedy, hereby declare and state as follows:

1. I make this declaration of my own personal knowledge, and if called as a witness, I can and will testify competently to the matters stated herein.

2. I am fifty-two years old, and I reside in Ann Arbor, Michigan. I am a lifelong Michigan resident, having grown up in Royal Oak and attended college at Northern Michigan University before moving to Ann Arbor.

3. My life partner is Theresa Bassett, who is fifty years old. In November 2012 we will celebrate our twenty-sixth anniversary. We had a commitment ceremony in Michigan in 1990 and were legally married in California in 2008. In addition, Theresa and I registered as domestic partners in Ann Arbor in 1990. My relationship with Theresa is founded on mutual pledges of emotional and financial support.

4. Theresa and I are financially interdependent. We have named each other as beneficiary for our wills and life insurance policies. I have given her a durable power of attorney, so she can make legal decisions for me if I get sick and cannot make them myself. We also own our home jointly, and share all of our primary bank accounts.

5. Theresa and I are raising six children together: Maya, Olivia, Ben, Charlie, Sam, and Finnian (“Finn”) Bassett-Kennedy, ranging in age from six to twenty. Our two oldest daughters, Maya and Olivia, now attend Western Michigan University. Ben and Charlie attend high school and Sam and Finn attend elementary school in the Ann Arbor School District.

6. I have run a day care from our home since 1993. The business is well-established now, and I have a steady clientele. I am self-employed, so I do not have access to an employer-provided health care plan.

7. Theresa’s health insurance currently covers me as an “Other Eligible Adult.” We pay \$184 per month for the family plan, which includes my coverage.

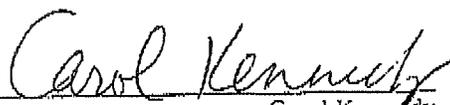
8. If P.A. 297 remains in effect, I will lose my health care coverage when Theresa’s contract with Ann Arbor schools expires.

9. My family has a history of breast cancer, which means that independent health care coverage will be very expensive. I checked online and consulted with friends who had obtained individual insurance policies to find out how much it would cost to get benefits as comprehensive as those Theresa’s job provides. To keep my premium down to \$250 per month, I will have a deductible of \$2,500 and will have to pay a number of medical expenses out of pocket. I could also pay a premium of about \$800 a month for more comprehensive coverage.

10. P.A. 297 has caused our family a great deal of anxiety. A few years ago, we campaigned to convince Ann Arbor Schools to provide benefits to domestic partners. Having

put in all of that effort to achieve something only to have it taken away again is stressful and demoralizing.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 6 day of March 2012, at Ann Arbor Michigan.



Carol Kennedy

Exhibit T-3

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

THERESA BASSETT and CAROL
KENNEDY, PETER WAYS and JOE
BREAKEY, JOLINDA JACH and
BARBARA RAMBER, DOAK BLOSS and
GERARDO ASCHERI, DENISE MILLER
and MICHELLE JOHNSON,

Plaintiffs,

vs.

RICHARD SNYDER, in his official capacity
as Governor of the state of Michigan,

Defendant.

Case No. 2:12-cv-10038

Hon. David M. Lawson

**DECLARATION OF PETER WAYS IN SUPPORT OF PLAINTIFFS' MOTION FOR A
PRELIMINARY INJUNCTION**

I, Peter Ways, hereby declare and state as follows:

1. I make this declaration of my own personal knowledge, and if called as a witness, I can and will testify competently to the matters stated herein.
2. I am fifty years old, and I reside in Ann Arbor, Michigan. I was born in Washington State but moved to Michigan as a boy when my father took a job at Michigan State University. I grew up in Michigan and attended the University of Michigan.
3. My life partner is Joe Breakey, who is forty-seven years old. We met when we were both teaching at Pioneer and Huron High Schools in Ann Arbor. We have been together for over twenty years. In 1998, we celebrated our commitment to one another in a ceremony that was attended by more than 100 friends and family members. We would marry each other if

Michigan law allowed it. My relationship with Joe is founded on mutual pledges of emotional and financial support.

4. I started working for Ann Arbor Schools in 1988 as a teacher. Joe and I moved to Seattle, Washington in 1991 where I worked for Seattle Schools as an administrator. We returned to Michigan in 2002. Our daughter, Aliza Breakey–Ways, is now nine; she has lived in Michigan since she was one week old. After we moved back to Michigan, we started a farm, and in 2004 I went back to work for the Ann Arbor school district, first as a consultant, then as an administrator, and then as the dean of Community High School (an alternative high school program). In 2009 I returned to teaching English and Social Studies to seventh and eighth graders at Ann Arbor Open School. I have worked for the district for a total of eleven years. My job duties and responsibilities are very similar to the duties and responsibilities of the heterosexual teachers at Ann Arbor Open School.

5. Joe and I are financially interdependent. I have made Joe the primary beneficiary of my will and life insurance policy. He also has durable powers of attorney for my financial decisions and medical care in case I am unable to make those decisions myself. We jointly own our home and all of our main bank accounts.

6. Joe is a licensed social worker with his own private practice. Because he is self-employed, he has the flexibility to do more child care for Aliza, such as taking her to school in the morning, which is very important to us.

7. Being self-employed means that Joe does not have his own employer-provided health care. He has been covered for medical, dental, and vision insurance under my Ann Arbor Schools benefits plan for six years. At the moment he is covered as an “Other Eligible Adult.”

His premiums cost the district \$8,545 per year, and I pay \$940 annually in taxes on the value of his benefits.

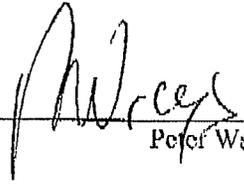
8. If P.A. 297 remains in effect, Joe will lose his health care coverage when my union contract with the district expires.

9. Finding a comparable health care plan for Joe would be very expensive. We have done research online and have spoken with other people in our same situation to find out that it would cost us between \$8,000 to \$10,000 a year to purchase a plan comparable to the district's for Joe.

10. This law has caused anxiety and worry for the whole family. We feel like the legislature and the Governor are trying to undermine our family because Joe and I are same-sex partners. I understand that the state has financial problems, but I do not understand why a small number of families—only those with same-sex parents—are singled out for this treatment. Aliza was so concerned that she wrote a letter to Governor Snyder asking him to oppose the law. She also spoke at the press conference on January 5th when our lawsuit was filed.

11. Although Michigan is our home, we are considering moving back to Washington, where I would work as a teacher, since public employers in Washington provide family benefits for which Joe would be eligible. Joe and I will be able to marry there. We love Michigan and have many friends and family here, but this law makes us think about taking our family to a place where we are welcome.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 6 day of March 2012, at Ann Arbor, Michigan.



_____ Peter Ways

Exhibit T-4

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

THERESA BASSETT and CAROL
KENNEDY, PETER WAYS and JOE
BREAKEY, JOLINDA JACH and
BARBARA RAMBER, DOAK BLOSS and
GERARDO ASCHERI, DENISE MILLER
and MICHELLE JOHNSON,

Plaintiffs,

vs.

RICHARD SNYDER, in his official capacity
as Governor of the state of Michigan,

Defendant.

Case No. 2:12-cv-10038

Hon. David M. Lawson

**DECLARATION OF JOE BREAKEY IN SUPPORT OF PLAINTIFFS' MOTION FOR A
PRELIMINARY INJUNCTION**

I, Barry Joel (Joe) Breakey, hereby declare and state as follows:

1. I make this declaration of my own personal knowledge, and if called as a witness, I can and will testify competently to the matters stated herein.

2. I am a licensed social worker with a private practice. I am forty-seven years old, and I reside in Ann Arbor, Michigan. I was born in Michigan and have spent most of my life here. I attended Ann Arbor public schools and college at University of Michigan, University of Washington (for graduate studies), and Middlebury College in Vermont.

3. My life partner is Peter Ways, who is fifty years old. We met when we were both teaching high school in Ann Arbor. In March 2012, we will celebrate our twenty-first anniversary. In 1998, we celebrated our commitment to each other in a ceremony that was

attended by more than 100 friends and family members. My relationship with Peter is founded on mutual pledges of emotional and financial support

4. Peter and I are financially interdependent. Peter is the primary beneficiary of my will and life insurance policy, and he has durable powers of attorney for my financial and medical decisions. We own our home jointly, and all of our primary bank accounts are shared.

5. Peter and I together are raising our nine-year-old daughter, Aliza Breakey-Ways, who has lived in Michigan since she was one week old.

6. Because I am self-employed, I do not have access to employer-provided health care. But being self-employed gives me the flexibility to be available to Aliza during the day, including taking her to school in the mornings, which is very important to us—as it is to many families.

7. I have been covered under Peter's benefits plan for six years. My coverage costs \$8,545 in premiums for which Peter pays \$940 in taxes per year, and it includes medical, dental, and vision insurance.

8. If P.A. 297 remains in effect, I will lose my health care coverage on when Peter's contract with the district is up.

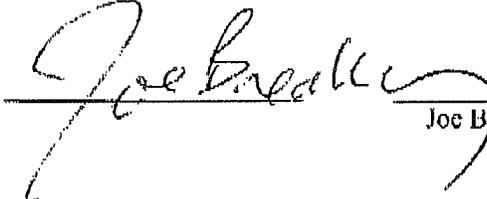
9. Finding a comparable health care plan for me would be very expensive. I researched insurance companies online and spoke with other families in our same situation and discovered that a comparable plan for me would cost us between \$8,000 and \$10,000 a year.

10. P.A. 297 has caused anxiety and worry for the whole family. I have been without health insurance before, when we first moved back to Michigan. I was working part-time and had to rely on state Medicaid for my health care until Joe was able to cover me through Ann Arbor Public Schools.

11. This law flies in the face of fairness and equality. Our daughter Aliza was so concerned that she wrote a letter to Governor Snyder asking him to oppose the law.

12. Although Michigan is our home, we are considering moving to back to Washington, where Peter could get a teaching job that would extend benefits to me, where our family would receive the same recognition as other families, and where we can be married.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 6 day of March 2012, at Ann Arbor, Michigan.



Joe Breakey

Exhibit T-5

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

THERESA BASSETT and CAROL
KENNEDY, PETER WAYS and JOE
BREAKEY, JOLINDA JACH and
BARBARA RAMBER, DOAK BLOSS and
GERARDO ASCHERI, DENISE MILLER
and MICHELLE JOHNSON,

Plaintiffs,

vs.

RICHARD SNYDER, in his official capacity
as Governor of the state of Michigan,

Defendant.

Case No. 2:12-cv-10038

Hon. David M. Lawson

**DECLARATION OF JOLINDA JACH IN SUPPORT OF PLAINTIFFS' MOTION FOR
A PRELIMINARY INJUNCTION**

I, JoLinda Jach, hereby declare and state as follows:

1. I make this declaration of my own personal knowledge, and if called as a witness, I can and will testify competently to the matters stated herein.

2. I am a senior systems analyst for software applications and project management with the City of Kalamazoo. I have a Bachelor's Degree in Computer Science from Western Michigan University. I started working for the City twenty-four years ago as a systems analyst, and since then I have held several positions in information technology. My job duties and responsibilities are very similar to the duties and responsibilities of the heterosexual senior systems analysts who work for the City.

3. I am forty-seven years old, and I live in Kalamazoo, Michigan. I am a Michigan native, having grown up in Paw Paw, Michigan, which is west of Kalamazoo.

4. My life partner is Barbara Ramber, who is fifty-three years old. We have been together for seventeen years. In 1997, we held a commitment ceremony in Santa Monica, California, attended by Barbara's father and sister, and two of our close friends. We would marry each other if Michigan law allowed it. My relationship with Barbara is founded on mutual pledges of emotional and financial support.

5. Barbara and I are financially interdependent. I have named Barbara as the executor and primary beneficiary of my will. We have also given each other durable powers of attorney to make medical decisions in case one of us becomes incapacitated. We own our home together and share our finances.

6. Barbara and I together are raising two children: our son Dylan Ramber-Jach is 10 and our daughter Jordan Ramber-Jach is 8.

7. Barbara works part-time in the food service division of Kalamazoo Public Schools. As a part-time position, Barbara's job does not include health insurance benefits.

8. Barbara has been covered under my City benefits plan for eight years. We pay a \$28.18 premium every month for Barbara's health insurance. I am also taxed on the City's contribution to her health and dental insurance, which is about \$478 per month.

9. In 2010 Barbara was hit in the left eye with a baseball. This injury has caused permanent damage to her eyesight and she has developed glaucoma as a result. She has to take medication for this condition daily to prevent blindness. She underwent cataract surgery in September 2011 and her condition must be monitored monthly to ensure that her lens does not become dislodged. This injury has also affected her peripheral vision. She also has been diagnosed with rheumatoid arthritis, which limits the mobility and dexterity of her hands and wrists. She recently was diagnosed with Barrett's Esophagus, which affects her ability to

swallow and digest food, and she may have to undergo a series of endoscopy procedures. She takes Pantoprazole for this condition.

10. If P.A. 297 remains in effect, Barbara will lose her health care coverage on December 31, 2012.

11. We explored alternative health care coverage for Barbara should she lose coverage from Kalamazoo, but the severity of Barbara's eye injury, arthritis, esophageal condition, and age limit her options. We found that a comparable health care plan would cost us at least \$5,000 out of pocket. Barbara could purchase insurance coverage from the school district at \$540 per month—more than half of her monthly take-home pay and more than our family can afford. Barbara's current monthly medication expenses are \$135 a month, which we would have to pay ourselves if the City stopped providing her coverage.

12. This law has caused anxiety and worry for the whole family. In addition to worrying about Barbara's health issues, we have the added concern that we will not be able to afford her care. Barbara's health conditions are chronic and will have to continue to be monitored on regular basis, so that her condition does not worsen.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 5 day of March 2012, at Kalamazoo Michigan.

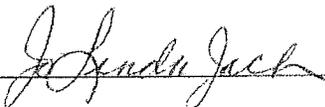

JoLinda Jach

Exhibit T-6

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

THERESA BASSETT and CAROL
KENNEDY, PETER WAYS and JOE
BREAKEY, JOLINDA JACH and
BARBARA RAMBER, DOAK BLOSS and
GERARDO ASCHERI, DENISE MILLER
and MICHELLE JOHNSON,

Plaintiffs,

vs.

RICHARD SNYDER, in his official capacity
as Governor of the state of Michigan,

Defendant.

Case No. 2:12-cv-10038

Hon. David M. Lawson

**DECLARATION OF BARBARA RAMBER IN SUPPORT OF PLAINTIFFS' MOTION
FOR A PRELIMINARY INJUNCTION**

I, Barbara Ramber, hereby declare and state as follows:

1. I make this declaration of my own personal knowledge, and if called as a witness, I can and will testify competently to the matters stated herein.

2. I work part-time in the food-service division of Kalamazoo Public Schools. I am fifty-three years old, and I reside in Kalamazoo, Michigan. I was born in Santa Monica, California and have lived in Michigan for the past twenty-six years.

3. My life partner is JoLinda Jach, who is forty-seven years old. We have been together for seventeen years. In 1997, we had a formal commitment ceremony in California, attended by my father and sister and two close friends. JoLinda and I would marry each other if Michigan law allowed it. My relationship with JoLinda is founded on mutual pledges of emotional and financial support.

4. JoLinda and I are financially interdependent. I have given JoLinda powers of attorney to make medical decisions for me in case I become ill. We also own our home jointly and share all of our finances, and we are raising two children together, our ten-year-old son Dylan Ramber-Jach and our eight-year-old daughter Jordan Ramber-Jach.

5. Because I work part time, my employer does not cover my health care.

6. I have been covered under JoLinda's City benefits plan for eight years. My coverage costs a total of \$6,100 a year in premiums. We pay around \$28 per month of those premiums, and JoLinda is taxed on the City's contribution.

7. In 2010, I was hit in my left eye with a baseball. My eyesight has been permanently damaged, and I now have glaucoma in that eye as a result of the injury. I have to take medication daily to prevent blindness. I underwent cataract surgery in September 2011 and have to have my eyes checked monthly to make sure that the pressure on the lens of my left eye does not dislodge. My peripheral vision is limited and I have to be very careful in terms of physical activity, including playing with my kids. In addition, my doctor recently diagnosed me with rheumatoid arthritis, which affects my wrist and tendons. My hands have become deformed, and this has affected by dexterity and ability to lift things. My job responsibilities include lifting large pans of hot food out of the convection ovens and placing them in steam tables. I have had to rely on the assistance of my co-workers to perform this task. I also have been diagnosed with Barrett's Esophagus, a condition which affects my ability to swallow and digest food, and I may have to undergo endoscopy procedures to determine the extent of damage. I currently am prescribed Pantoprazole for this condition.

8. If P.A. 297 remains in effect, I will lose my health care coverage on December 31, 2012.

9. I have looked into what other insurance would cost should I lose coverage from Kalamazoo. I could purchase it from the school district for \$540 a month—which is more than half of my monthly take-home pay. I have also researched online private insurance options and have found that a comparable policy would cost me about \$500 a month.

10. JoLinda and our children already worry about my health. Now they also have to worry that our family will not be able to afford my health care. P.A. 297 has added more stress and anxiety to our lives.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 5 day of March 2012, at Kalamazoo Michigan.

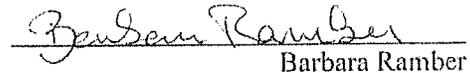

Barbara Ramber

Exhibit T-7

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

THERESA BASSETT and CAROL
KENNEDY, PETER WAYS and JOE
BREAKEY, JOLINDA JACH and
BARBARA RAMBER, DOAK BLOSS and
GERARDO ASCHERI, DENISE MILLER,
and MICHELLE JOHNSON,

Plaintiffs,

vs.

RICHARD SNYDER, in his official capacity
as Governor of the state of Michigan,

Defendant.

Case No. 2:12-cv-10038

Hon. David M. Lawson

**DECLARATION OF DOAK BLOSS IN SUPPORT OF PLAINTIFFS' MOTION FOR A
PRELIMINARY INJUNCTION**

I, Doak Bloss, hereby declare and state as follows:

1. I make this declaration of my own personal knowledge, and if called as a witness, I can and will testify competently to the matters stated herein.
2. I have worked for Ingham County for more than thirteen years. I was originally hired as an Access to Health Care Coordinator, and I am now a Health Equity and Social Justice Coordinator. In addition to ensuring that uninsured people in Ingham County have access to health care, I participate in a national initiative, funded by the Kellogg Foundation, that seeks to transform public health programs within a social justice framework. My job duties and responsibilities are very similar to the duties and responsibilities of my heterosexual colleague, who serves as Environmental Justice Coordinator for the County.

3. I am fifty-eight years old, and I live in Lansing, Michigan. I have been a Lansing resident since 1975. I have lived in Michigan all of my life, have my family here, and attended college at Michigan State University.

4. My life partner is Gerardo Ascheri, who is fifty-four years old. We met when we were both working on a musical production for a community theater—I was the director and Gerardo was the audition accompanist. We have been together for eighteen years. We would marry each other if Michigan law allowed it. My relationship with Gerardo is founded on mutual pledges of emotional and financial support.

5. Gerardo and I are financially interdependent. I have given Gerardo durable powers of attorney to make medical and financial decisions for me in case I become incapacitated and cannot make those decisions for myself. We also share all of our finances and own a home together.

6. Gerardo taught piano part-time through Michigan State University's community outreach program for seventeen years. Now he runs an at-home piano studio where he teaches students. Because he is self-employed, Gerardo does not have his own employer-provided health care coverage.

7. Gerardo has been covered under my County benefits plan for medical, dental, and vision since around 2004. The monthly premiums for his coverage cost us \$110.50. I am taxed on the value of his benefits.

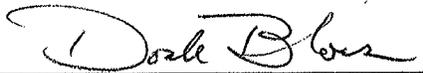
8. Gerardo has high blood pressure and high cholesterol and takes medication for these conditions. Without the County's insurance coverage, these medications would cost us more than \$130 per month out of pocket.

9. If P.A. 297 remains in effect, Gerardo will lose his health care coverage on December 31, 2012.

10. We explored the possibility of purchasing individual coverage for Gerardo by calling various insurers and looking online. The best plan we were able to locate would cost \$500 per month in premiums—almost \$400 per month more than we pay now. This plan would also have a \$1,500 deductible and a 50% co-payment on prescriptions. Unlike the County's plan, this coverage would not include dental or vision.

11. When the commissioners for the County started offering benefits that covered Gerardo, I told them that for the first time in my life I did not feel like a second-class citizen. That changed when the legislature passed P.A. 297. Although the financial impact of this law matters to our family, we are even more affected by the message that this law sends: This is a place where we are not welcome. If this law stays in effect, we may have to leave the state, both for financial and emotional reasons.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 6th day of MARCH 2012, at LANSING, Michigan.



Doak Bloss

Exhibit T-8

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

Theresa Bassett and Carol
Kennedy, Peter Ways and Joe
Breakey, Jolinda Jach and
Barbara Ramber, Doak Bloss and
Gerardo Ascheri, Denise Miller,
and Michelle Johnson,

Plaintiffs,

vs.

Richard Snyder, in his official capacity
as Governor of the state of Michigan,

Defendant.

Case No. 2:12-cv-10038

Hon. David M. Lawson

**DECLARATION OF GERARDO ASCHERI IN SUPPORT OF PLAINTIFFS' MOTION
FOR A PRELIMINARY INJUNCTION**

I, Gerardo Ascheri, hereby declare and state as follows:

1. I make this declaration of my own personal knowledge, and if called as a witness, I can and will testify competently to the matters stated herein.
2. I live in Lansing, Michigan. I have lived in Michigan for twenty-three years. I grew up in Argentina, and I became an American citizen on June 15, 2010.
3. I met my life partner, Doak Bloss, when we were working in a community theater production of the musical "Godspell" at Lansing Community College in Lansing. Doak was directing the show, and I was the audition accompanist. We have been in a committed, loving relationship for eighteen years and would marry each other if Michigan law allowed it. My relationship with Doak is founded on mutual pledges of emotional and financial support.

4. For seventeen years, I taught piano part-time through Michigan State University's community outreach program. Now I am self-employed as a piano teacher. I run a studio from our home.

5. Doak and I are financially interdependent. We share all of our finances and own a home together. I have given him power of attorney to make medical and financial decisions in case I am not able to make them myself. He has done the same for me.

6. Because I am self-employed, I do not have access to employer-provided health care coverage. I have been covered under Doak's County plan since around 2004. These benefits cost us \$110.50 per month, and Doak is taxed on the \$3,000 to \$4,000 the County contributes to my benefits.

7. I have high blood pressure and cholesterol issues. I have to take regular medicine for these conditions. Without the County's insurance coverage, this medication would cost us more than \$130 per month.

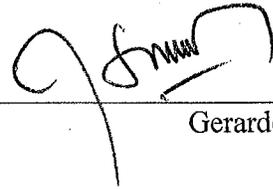
8. If P.A. 297 remains in effect, I will lose my health care coverage on December 31, 2012 when Doak's contract expires.

9. We recently called Blue Cross to find out how much it would cost if I lost Doak's County benefits. It would be \$500 per month in premiums plus a \$1,500 deductible and a 50% co-pay for prescriptions. Unlike our current plan, this coverage would not include dental or vision. This coverage would be very expensive for us, especially if I were to become ill.

10. This law came as a shock to us and has caused a great deal of worry and anxiety. I left Argentina to come to the United States because I wanted to live in a country that treated people fairly and with dignity. This law goes against all the principals and ideals that this

country is founded on. How far down do you have to go towards intolerance to realize that this is not the right way to go?

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 6 day of MARCH 2012, at LANSING, Michigan.



Gerardo Ascheri

Exhibit T-9

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

THERESA BASSETT and CAROL
KENNEDY, PETER WAYS and JOE
BREAKEY, JOLINDA JACH and
BARBARA RAMBER, DOAK BLOSS and
GERARDO ASCHERI, DENISE MILLER
and MICHELLE JOHNSON,

Plaintiffs,

vs.

RICHARD SNYDER, in his official capacity
as Governor of the state of Michigan,

Defendant.

Case No. 2:12-cv-10038

Hon. David M. Lawson

DECLARATION OF DENISE MILLER IN SUPPORT OF PLAINTIFFS' MOTION FOR A
PRELIMINARY INJUNCTION

I, Denise Miller, hereby declare and state as follows:

1. I make this declaration of my own personal knowledge, and if called as a witness, I can and will testify competently to the matters stated herein.

2. I am an English teacher at Kalamazoo Valley Community College, where I have taught for seventeen years. I received tenure there in 1997. My job duties and responsibilities are very similar to the duties and responsibilities of the heterosexual teachers at Kalamazoo Valley Community College. I have a B.F.A. in creative writing and an M.A. in English literature.

3. I live in Kalamazoo, Michigan. I received my M.A. from Central Michigan University and taught there for a few years. As well, I taught at Mid Michigan Community College and Southwest Michigan College before coming to KVCC. My partner and I founded a

non-profits arts and social justice organization called Fire 6 ½ years ago. I am also in the process of opening a small business.

4. My life partner is Michelle Johnson; we have been together for eight years. Although mutual friends had been trying to introduce us for years, we finally met when I presented a paper on the ability for poetry and expression to change the lives of elementary, middle and high school kids at an Imagining Michigan conference. We held a commitment ceremony on December 31, 2004. More than 100 people came—including my boss, the President of Kalamazoo Valley Community College. My relationship with Michelle is founded on mutual pledges of emotional and financial support.

5. Michelle and I are financially interdependent. Michelle is the primary beneficiary of my life insurance policy. A few years ago, I had to have surgery, so I gave her a durable power of attorney to make medical decisions for me if something happened and I could not make them myself. We share all expenses, including rent, groceries, car payments, and auto insurance.

6. Kalamazoo Valley Community College began offering “Other Eligible Adult” coverage in May 2011, so I added Michelle to my plan for medical, dental, and vision coverage because she did not have coverage at the time. However, when P.A. 297 passed, the College cut off Michelle’s benefits. Now she has no health insurance. She works for a nonprofit that does not offer coverage.

7. During the short time that Michelle was covered under my plan, the premiums cost us \$17.34 per month and I was taxed on the College’s contribution.

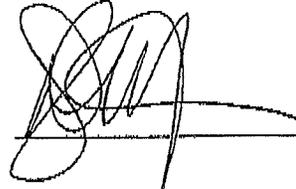
8. Michelle has non-malignant fibroid tumors in her uterus and on her breasts, a medical condition that requires continued monitoring. If her tumors grow, she will need surgery.

9. We have researched the cost of health insurance for Michelle by searching online, calling insurers, etc.. The best option we were able to locate would cost us \$288 per month in premiums. Unlike the College's plan, this coverage would not include dental, vision, or prescription costs.

10. Independent coverage for Michelle would cost more than we can afford to pay. If P.A. 297 is not reversed, Michelle will probably have to go without health insurance. Michelle's grandfather died of an aneurysm and her mother also has had one that burst and is currently living with another. As such, Michelle has been told that she will need to monitor her own health as this is a hereditary condition.

I declare under penalty of perjury under the laws of the United States of America that the

foregoing is true and correct. Executed this 6 day of March 2012, at Kalamazoo^{MI}
Michigan.



Denise Miller

Exhibit T-10

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

THERESA BASSETT and CAROL
KENNEDY, PETER WAYS and JOE
BREAKEY, JOLINDA JACH and
BARBARA RAMBER, DOAK BLOSS and
GERARDO ASCHERI, DENISE MILLER
and MICHELLE JOHNSON,

Plaintiffs,

vs.

RICHARD SNYDER, in his official capacity
as Governor of the state of Michigan,

Defendant.

Case No. 2:12-cv-10038

Hon. David M. Lawson

**DECLARATION OF MICHELLE S. JOHNSON IN SUPPORT OF PLAINTIFFS'
MOTION FOR A PRELIMINARY INJUNCTION**

I, Michelle Johnson, hereby declare and state as follows:

1. I make this declaration of my own personal knowledge, and if called as a witness, I can and will testify competently to the matters stated herein.

2. I am the Executive Director for the nonprofit Fire Historical and Cultural Arts Collaborative, a Kalamazoo-based organization dedicated to combining social justice initiatives with art and culture. Before I worked for the Collaborative, I was a historian for the state of Michigan. I have a Ph.D. in American Culture from the University of Michigan. I come from a long legacy of black and white women and men who have made their homes in Michigan since the late 1800's on one side and since the early 1920's on another. I was born into a varied family history of lumber, education, domestic work, construction and service in 1962 and integrated my elementary school in Saginaw as the only black child for 4 years. These sometimes painful

experiences and my families' response to them shored in me a deep commitment to social justice and equality and a loyalty to Michigan. I received my BA from Michigan State University and, after living in New Mexico, chose to return to Michigan for graduate school over several schools.

3. My partner is Denise Miller, with whom I have been in a committed relationship for eight years. We met when I saw Denise present a paper at a conference on Imagining Michigan and Public Scholarship. We had a commitment ceremony on December 31, 2004—more than 100 people celebrated with us. My relationship with Denise is founded on mutual pledges of emotional and financial support.

4. Denise and I are financially interdependent. Denise is the primary beneficiary of my life insurance policy, and I have power of attorney for her medical decisions. We share all of our expenses—rent, groceries, car payments, and auto insurance.

5. When Kalamazoo Valley Community College began offering “Other Eligible Adult” coverage in August 2011, Denise put me on her health insurance plan. However, after P.A. 297 passed, I lost my benefits. Now I have no health insurance. My employer does not offer health insurance benefits.

6. During the short time that I was covered under the College's plan, the premiums cost us \$17.34 per month. Denise is expected to pay a percentage of the monthly premium of providing cobra coverage in taxes for my benefits.

7. I have non-malignant uterine fibroid tumors, and if they grow I will need surgery. I also have fibrous breast tissue that requires yearly monitoring. Additionally, my grandfather died of an aneurysm and my mother has one that burst when I was a child and another that requires constant monitoring. This is hereditary. Therefore, I will be required to have regular scans to insure I have not inherited this condition.

8. After looking online and calling insurers, I have found that independent health insurance would cost \$288 per month—and, unlike under Denise’s plan, my dental, vision, and prescription costs would not be included.

9. Denise and I cannot afford to pay for individual coverage for me, so if P.A. 297 remains in effect, I will not have health insurance coverage. Additionally, I am deeply hurt by my state’s refusal to provide me basic civil rights and am challenged in my continued commitment to the state.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 6 day of March 2012, at Kalamazoo,
Michigan.



Michelle S. Johnson