

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CHANCERY DIVISION

TANYA LAZARO and ELIZABETH "LIZ"
MATOS, LYNN SPROUT and KATHERINE
"KATHIE" SPEGAL, ROSS "RANDY" WALDEN
and ROBERT "BOB" CAREY, MICHELLE
MASCARO and CORYNNE ROMINE, RICK
WADE and TIM KEE, CARLOS BRIONES and
RICHARD RYKHUS, SUZANNA "SUZIE"
HUTTON and DANIELLE COOK, TANYA
LYONSFORD and KIRSTEN LYONSFORD, and
EDWIN "ED" HAMILTON and GARY
MAGRUDER,

Plaintiffs,

v.

DAVID ORR, in his official capacity as Cook
County Clerk,

Defendant.

Case No. 12 CH 19719

The Hon. Judge Peter Flynn

FILED - CH
CLERK OF THE CIRCUIT COURT
2012 JUN - 1 PM 4: 26
DOROTHY BROWN

THE STATE'S PETITION TO INTERVENE

Pursuant to Section 2-408(c) of the Illinois Code of Civil Procedure, 735 ILCS § 5/2-408(c), the State of Illinois, *ex rel.* Lisa Madigan, Attorney General of the State of Illinois ("Petitioner"), petitions for leave to intervene as a third party in this case and to file a brief discussing the constitutional validity of those provisions of the Illinois Marriage and Dissolution of Marriage Act ("the Act"), 750 ILCS § 5/101, *et seq.*, that prohibit marriage between same-sex couples. In support of this petition, Petitioner states as follows:

1. On May 30, 2012, Plaintiffs filed a four-count complaint against Defendant seeking declaratory and permanent injunctive relief. Specifically, Plaintiffs seek to overturn the prohibition on same-sex marriage by having certain provisions of the Illinois Marriage and

Dissolution of Marriage Act ("the Act"), 750 ILCS § 5/101 *et seq.*, declared unconstitutional and/or unenforceable by Defendant. Further, Plaintiffs request that the Court require Defendant to authorize and issue marriage licenses to all couples, whether in a same-sex or different-sex partnership, if they are otherwise qualified for marriage.

2. Plaintiffs seek declaratory and injunctive relief for violations of the following provisions of the Illinois Constitution: Article I, § 2 (right to due process and equal protection); Article I, § 18 (right to be free from discrimination on basis of gender); Article I, §§ 6, 12 (right to privacy).

3. The Attorney General is the legal officer of the State of Illinois, Ill. Const. 1970, Art. V, § 15, and pursuant to 735 ILCS § 5/2-408(c), the Court may permit the State to intervene in any case "involving the validity of a constitutional provision, statute or regulation of this State and affecting the public interest."

4. This suit focuses entirely on "the validity of a...statute...of this State," and there can be no question that it involves an issue that "affect[s] the public interest." Accordingly, Petitioner respectfully requests the right to intervene in this case to present the Court with arguments that explain why the challenged statutory provisions do not satisfy the guarantee of equality under the Illinois Constitution.

5. Petitioner has attached a proposed Agreed Order as an exhibit hereto that would grant it permission to intervene in this matter to speak to the constitutional validity of the challenged provisions of the Act. In the event that this Petition to Intervene is denied, Petitioner respectfully seeks to participate as an amicus so that Petitioner's arguments may be heard.

WHEREFORE, for the foregoing reasons, the State of Illinois, *ex rel.* Lisa Madigan, Attorney General of the State of Illinois, respectfully requests this Court to grant it leave to intervene as a third party in this case and to file a brief analyzing the constitutional validity of the challenged provisions of the Act.

Dated: June 1, 2012

Respectfully Submitted,

THE STATE OF ILLINOIS,
by and through its attorney,
LISA MADIGAN,
Attorney General of the State of Illinois

By: 

Carl Bergetz, Chief, Special Litigation Bureau
Jonathan Rosenblatt
Malini Rao
Christopher Kim
Office of the Illinois Attorney General
100 West Randolph Street
Chicago, Illinois 60601
(312) 814-3000
Attorney No. 99000

Exhibit

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MATOS, *et al.*,

Plaintiffs,

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DAVID ORR, in his official capacity as Cook
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State of Illinois, *ex rel.* Lisa Madigan, Attorney
General of the State of Illinois,

Intervenor.

Case No. 12 CH 19719

The Honorable Judge Peter Flynn

AGREED ORDER

This cause coming to be heard on the Petition to Intervene of the State of Illinois, *ex rel.* Lisa Madigan, Attorney General of the State of Illinois ("Petitioner"), the parties being in agreement, and the Court being fully advised in the premises,

IT IS HEREBY ORDERED:

- 1) The Petition to Intervene is granted. Petitioner may intervene pursuant to 735 ILCS § 5/2-408(c) as a third party in this matter, and the case caption is altered to reflect such status *instanter*.

Order prepared by:
Office of the Illinois Attorney General
100 West Randolph Street
Chicago, Illinois 60601
(312) 814-3000
Atty. No. 99000

ENTERED:

ENTERED:

Name

Date