

S168047

Case No.:

IN THE SUPREME COURT OF THE STATE OF CALIFORNIA

Karen L. Strauss, Ruth Borenstein, Brad Jacklin, Dustin Hergert, Eileen Ma,  
Suyapa Portillo, Gerardo Marin, Jay Thomas, Sierra North, Celia Carter,  
Desmund Wu, James Tolen and Equality California,

Petitioners,

v.

Mark D. Horton, in his official capacity as State Registrar of Vital Statistics of the State  
of California and Director of the California Department of Public Health; Linette Scott, in  
her official capacity as Deputy Director of Health Information & Strategic Planning for  
the California Department of Public Health, and Edmund G. Brown, Jr., in his official  
capacity as Attorney General for the State of California,

Respondents;

SUPREME COURT  
LODGED EXHIBITS

PETITIONERS' APPENDIX OF EXHIBITS IN  
SUPPORT OF PETITION FOR WRIT OF MANDATE

NOV - 5 2008

VOLUME 1 OF 1  
(PAGE NOS. 1-56)

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**Petitioners' Appendix in Support of Writ of Mandate  
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## **DECLARATION OF BLANCHE BORENSTEIN**

I, BLANCHE BORENSTEIN, declare as follows:

1. I am the mother of Ruth Borenstein, a petitioner in this action, and make this declaration in support of her petition. I have personal knowledge of the facts stated below and, if called as a witness, I could and would testify competently to these facts under oath. I seek to participate in this action to affirm the right to marry for all loving couples in the future, without regard to their sexual orientation.

2. My daughter Ruth and her life partner, Karen Strauss, have been in a loving, committed relationship for 17 years. I have watched them over the years and believe that their relationship is as strong as any marriage. When Ruth was diagnosed with breast cancer and underwent surgery and other treatments in 1993 and again in 1998, Karen was always at her side. Knowing that Karen was helping Ruth through those difficult times was a huge relief for my husband Ben and me, given that we lived on the East Coast and could not be with Ruth during her treatments.

3. Throughout Ruth and Karen's relationship, I have considered Karen to be like another daughter to me. My late husband Ben adored her and also considered her to be an important part of our family.

4. When the California Supreme Court announced its ruling in the marriage cases, Ruth called me to tell me the news. I could hear the

excitement in her voice and I was excited too, as I knew this meant that they could finally be legally married.

5. Since the Court issued its ruling, I have been looking forward to Ruth and Karen's wedding. I know that they felt pressured to set a date before the November election because of the initiative on the California ballot that might take away their right to be married. But they have always made it clear to me that they would not want to have a wedding ceremony without Karen's parents and me in attendance and it has been extremely difficult to arrange the logistics for all of us to be in San Francisco at the same time this summer and fall.

6. In early October, Karen's parents were able to arrange a trip from Florida to San Francisco on short notice. It would have been very difficult for me to travel during that same time because I was preparing to put my long-time home in Delray Beach, Florida up for sale and move to an independent living community, which required my doing a lot of work on a tight schedule. While nothing could have kept me away from Ruth and Karen's wedding, they understood that this was a difficult time for me and did not want to add to my stress and fatigue by having me make a long trip in the midst of getting ready to move, particularly since Ruth's sister had work commitments and was not available to travel with me at that time (and thus would have to miss the wedding). They also appreciated that I would not have been able to focus on the joy of their wedding when I was

in the midst of closing out the home I had shared with my late husband for so many years. Ruth spent several days in Florida in October to help me get ready to move and Karen also helped me when she flew back to Florida with her parents after their visit to San Francisco.

7. I would be overjoyed to be able to attend Ruth and Karen's wedding, representing my husband and myself, in the near future when Karen's parents and I are all able to attend.

I declare, under penalty of perjury under the laws of the State of Florida that the foregoing is true and correct. Executed in Boca Raton, Florida on November 2, 2008.

  
Blanche Borenstein



## DECLARATION OF MURIEL N. STRAUSS

I, MURIEL N. STRAUSS, declare as follows:

1. I am the mother of Karen Strauss, a petitioner in this action, and make this declaration in support of her petition. I have personal knowledge of the facts stated below and, if called as a witness, I could and would testify competently to these facts under oath. I seek to participate in this action to protect the right to marry for all loving couples in the future, including gay and lesbian couples like my daughter Karen and her beloved, Ruth Borenstein.

2. My husband, Sheldon, and I have lived in Boca Raton, Florida, since 2005. We celebrated our 60<sup>th</sup> wedding anniversary this past June. Along with our three cherished children – Michael, Amy and Karen – we couldn't be more pleased to have in our family our son-in-law, Bob, and our almost-daughter-in-law, Ruth.

3. It is impossible for me to express how much I love my daughter Karen. She is a wonderful, kind person, who deserves nothing but happiness in life. It gives me great joy to know that she is in a loving, mutually devoted relationship with her life partner, Ruth.

4. During the 17 years of their relationship, I have witnessed Karen and Ruth's commitment to and close ties with both the Strauss and Borenstein families. In addition to trips to Florida to visit my husband, me, Ruth's mother Blanche and my sister Eleanor, they travel to Los Angeles and

Minneapolis to visit with their sisters Amy Strauss Josefek and Eve Borenstein, respectively, who also travel with their families to San Francisco to visit with Ruth and Karen. When Karen has had occasion to visit us in Florida on her own, she always also visits Blanche Borenstein; likewise, when Ruth is in Florida, she comes to see us.

5. Karen and Ruth are a source of important emotional and practical support to my husband and me, and to my disabled sister Eleanor. They have helped all of us relocate within the past 15 years. They provide unconditional love, encouragement and assistance by visiting us as often as they can and aiding us with information and resources as we cope with serious health challenges.

6. Over this past year, as my husband and I have had decisions to make about my medical care, Karen and Ruth together have provided invaluable help and loving support. While I am unable to travel now due to the chemotherapy treatments I am undergoing, I look forward eagerly to completing this regime and again being able to travel to California.

7. Our family is spread across the country. All too often, we gather only for milestone moments, ones happy and sad. Before it's too late, I would like our family to gather for one of the happiest imaginable of such moments and one that I have longed to see, the marriage of my precious Karen to her beloved Ruth.

I declare, under penalty of perjury under the laws of the State of Florida that the foregoing is true and correct. Executed in Boca Raton, Florida on November 2, 2008

Muriel N. Strauss  
Muriel N. Strauss

## **DECLARATION OF SHELDON D. STRAUSS**

I, SHELDON D. STRAUSS, declare as follows:

1. I am the father of Karen Strauss, a petitioner in this action, and make this declaration in support of her petition. I have personal knowledge of the facts stated below and, if called as a witness, I could and would testify competently to these facts under oath. I seek to participate in this action to protect the right to marry for all loving couples in the future, regardless of their sexual orientation.

2. I reside in Boca Raton, Florida with my wife Muriel. We have been married for 60 years. I have three children. My eldest child is my son Michael, who lives in New York City. My second is my daughter Amy, who lives in Los Angeles, with her husband of five years, Bob Josefek. My youngest child is my daughter Karen, who lives in San Francisco with her partner of 17 years, Ruth Borenstein.

3. Like any parent, one of my greatest desires in life is that my children be happy. When Karen first told my wife and me that she is a lesbian, we had concerns that she might be the victim of discrimination and that, as a result, she would have a harder time finding happiness than our other children.

4. When Karen introduced us to Ruth early in their relationship, Muriel and I could see that Karen and Ruth loved each other and thoroughly enjoyed each other's company. We could see that they seemed very well

matched and happy, and we were delighted to welcome Ruth into our family.

5. Over the years that Karen and Ruth have been together, we have seen that their relationship has all the attributes of a strong marriage and have treated them as if they were married, even though they have not had the ability to enter into a legal marriage.

6. When Karen called Muriel and me in May to tell us that the California Supreme Court had just ruled that same-sex couples like her and Ruth could be legally married, we were just thrilled. It struck us that, for the first time ever, Karen's relationship would have the same dignity as other wonderful, loving couples' relationships. Muriel and I would burst with pride if we had the chance to walk Karen down the aisle at her wedding, just as we walked Amy down the aisle when she married Bob.

7. At the same time that we were excited at the prospect of Karen and Ruth finally having a wedding, Muriel and I came to understand that California voters were going to vote in November on an initiative that could take away their right to marry. Karen and Ruth explained to us that many couples were rushing to get married before the election and that they were considering getting married before the election as well but only if Muriel and I, and Ruth's mom Blanche, could make arrangements to come to San Francisco to share the long-awaited occasion with them.

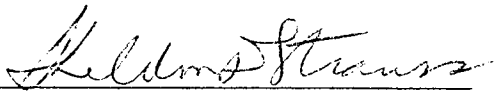
8. Unfortunately, Muriel and I have not had very much flexibility to travel to San Francisco in the short time between June 16 and the November 4 election, as Muriel has faced significant health issues. We were able to reschedule some of Muriel's medical appointments to travel to San Francisco on short notice for a brief period in October, and had the great pleasure and excitement of going with Karen and Ruth to City Hall to get their marriage license. But Ruth's mother was not able to travel to California right then, and of course they would not get married without her; they would not think of depriving her of the joy of being part of their wedding just because there was only a limited moment in which they could have married.

9. Muriel and I are very much looking forward to a day when Karen and Ruth can get married with their families – including the two of us, Ruth's mother, and Muriel's sister Eleanor who also lives in Florida, and their siblings – in attendance. Since Muriel recently started chemotherapy treatments, she is unable to travel at this time, and it would be inconceivable to me to go to California without Muriel while she is still recovering from her treatments and not yet able to travel.

10. It would break our hearts if the health issues and other logistics that prevented us and Ruth's mother from being in San Francisco together before the November election deprived any of us of the opportunity to

witness Karen and Ruth's marriage, an event we have hoped for and looked forward to for many years.

I declare, under penalty of perjury under the laws of the State of Florida that the foregoing is true and correct. Executed in Boca Raton, Florida on November 2, 2008

  
\_\_\_\_\_  
Sheldon D. Strauss

## DECLARATION OF THOMAS VAN ETTEN

I, THOMAS VAN ETTEN, declare as follows:

1. I have personal and first-hand knowledge of the facts set forth in this Declaration and, if called as a witness, I could and would testify competently to these facts under oath.

2. I live in Palm Springs, California with my husband Robert Van Etten. I was born in 1944 and worked in the human resources department for IBM until my retirement in 2000. My husband Robert was born in 1939 and worked as a systems engineer for IBM. He is also retired now. Because we were unable to get married until this summer, in 1976 I legally changed my last name to Robert's to show our commitment to each other.

3. I met Robert 40 years ago in Minneapolis, Minnesota. The following year, Robert was transferred to Milwaukee, and I moved with him. That year I was also hired by IBM. During our 30 years of employment with the company we were open about our relationship and lobbied for equal treatment for IBM's lesbian, gay, bisexual and transgender employees. We were transferred to Atlanta, Georgia in 1976, and again to San Francisco, California in 1978. As a result of our activism at IBM, we were the first gay couple to be accorded the same financial benefits of a corporate move that were given to IBM's straight married employees.

4. We registered as domestic partners in California in 2000 and we were finally married in Indio, California, on June 17, 2008. On the day of



our wedding we wore matching t-shirts that read “Our Love waited 40+ years for this day! 4/13/1968 6/17/2008,” and we exchanged rings engraved with our names and the date that we met.

5. In 2004, before Robert and I were married, but while we were domestic partners, Robert had a heart attack and was rushed to Desert Regional Hospital in Palm Springs. The cardiac surgeon who examined him said that Robert’s situation was critical, and the surgeon managed to reschedule one of his appointments so that Robert could have triple-bypass surgery the following day.

6. Before he went into the surgery, I registered with the hospital as Robert's next of kin and I waited in the hospital while he underwent surgery. After the surgery the surgeon came out and told me that Robert was fine but still unconscious and that I should come back the next day to visit him.

7. The next morning, when I tried to get buzzed into the ICU area I was told by the person who monitored the door that because she mistakenly thought that I wasn't Robert's immediate family, I would not be allowed in. Although I was ultimately allowed to visit Robert, it was only after an emotionally charged encounter with the door monitor where I had to repeatedly assert my rights as his domestic partner for several minutes. This encounter was especially hurtful as I was deeply worried about Robert’s health at the time.

8. I found out later that, during the surgery, Robert's heart had stopped and they had needed to put him on a heart-lung bypass in order to continue the procedure. Knowing that this had happened, in retrospect I felt even more upset that hospital personnel had questioned my right to be with him.

9. Later, as a complication from the surgery, Robert's lungs started to fill with fluid. When I asked the nurse on duty what was going on, she refused to tell me because she thought I was not his immediate family. When I said we were domestic partners, the nurse said that I would have to go home and get the domestic partner certificate. In response, I walked past the nurse into Robert's room, where the doctor told me what was going on.

10. If Robert were to need surgery again, or if I were to need surgery, I want the comfort of knowing our relationship will be recognized and respected by the hospital personnel in exactly the way any other married couple's relationship would be.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed in Palm Springs, California on November 2, 2008.

  
Thomas Van Etten

## DECLARATION OF BRADLEY JACKLIN

I, BRADLEY JACKLIN, declare as follows:

1. I have personal and first-hand knowledge of the facts set forth in this Declaration and, if called as a witness, I could and would testify competently to these facts under oath.
2. I am 28 years old, and my partner, Dustin Hergert, is 29 years old. We live together in San Jose, California. I am a third-year law student at the Santa Clara University School of Law. Dustin is a store manager at a retail outlet. We are both registered to vote in California and voted in the November 2008 general election.
3. Dustin and I first met in 2004 when I was in Portland, Oregon for work. We stayed in touch even after I returned home to Washington, D.C. We started dating after I moved back to Portland for work in early 2006.
4. When it came time for me to move to California to start law school in August 2006, I was delighted when Dustin asked what I thought about him moving to California with me. Dustin had a job he loved in Portland. Moving to California meant giving up a career that he had just started in order to stay with me.
5. Dustin and I were both very excited when California started to recognize marriages for same-sex couples in June 2008. For various shared and personal reasons, the possibility of having that formal relationship recognition meant something special to both of us.

6. I feel that my family, although they have come to accept my sexual orientation, will not see my relationship as “real” unless I get married. My heterosexual siblings married their respective partners. It is important to me to be able to marry Dustin, in order for our relationship to get the same respect and recognition from society and my family. I know we would not get the same respect and recognition by merely registering as domestic partners.

7. Dustin and I are committed to each other and have plans to expand our family in the future. We plan on adopting children together when we are financially able. However, marriage for us is a prerequisite to having children. Dustin has a brother, three sisters, and two stepsisters. Marriage and stability are fundamental values in both of our families. Two of his sisters are married and have three children each. His mother and stepfather have been married for almost 20 years. My parents have been married for 40 years. My sister is married with two children. My brother married his wife in 2006. While our respective families accept us, the permanence and societal recognition of marriage is important for our relationship to be fully supported by our families.

8. At the same time, we both agree that we need to get married in our own time, rather than being rushed into it out of legal or political necessity. While we are happy for the same-sex couples that could and did get married in California before November 5th, 2008, for us, it is important that our

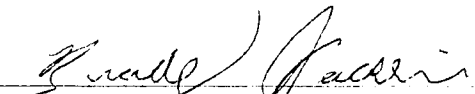
families and close friends be able to attend our wedding ceremony. This involves inviting our families and considering their availability before setting a date. My family and friends, in particular, are not able to travel on short notice right now. Most of them live in Indiana. My sister has two small children. My best childhood friend and his wife, who would play an important role in our wedding and in the lives of our children, had their first child during the first week of November 2008. As a result, their ability to travel in the past several months was limited.

9. Dustin and I are not registered as domestic partners. We believe that, although the legal protections of a registered domestic partnership are important and valuable, it is a separate and unequal status, and not nearly as meaningful to us as marriage.

10. Dustin and I are very much in love. For us, publicly acknowledging our relationship in a marriage ceremony is an important next step to strengthening our relationship. Marriage is a step we very much hope will continue to be available for us, and for all couples, in the future.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed in

San Jose, California on November 3, 2008.

  
Bradley Jacklin

## DECLARATION OF DAVID N. LAWSON

I, David N. Lawson, declare as follows:

1. I have personal knowledge of the facts set forth in this Declaration and, if called as a witness, I could and would testify competently to these facts under oath.
2. I am 45 years old and live in Woodside, California. I work as an attorney for Roche Palo Alto. I am making this declaration because I know from personal experience that if Proposition 8 is allowed to take effect, it would deny the most compassionate and humane protections to the people most in need of them. My experience shows that registered domestic partnership is not an adequate substitute for marriage.
3. Beginning in 2000, I was in a committed relationship with my partner Jim Nickoff, who passed away in 2007, a few months before the California Supreme Court determined that same-sex couples have a right to marry under the California Constitution.
4. Jim and I shared a home starting in 2000. In 2001, we registered with the State of California as domestic partners, and we continued to be domestic partners after the California Legislature added additional legal rights and obligations to registered domestic partners in 2005.

5. In 2006, we moved to Woodside, where we owned a home together. We moved to Woodside in part to live in a smaller town where we could take better care of our animals, including our dogs and horses.

6. Jim died suddenly at our home on December 16, 2007. The sheriff's deputies who came to the house, though kind and compassionate and professional in every other way, did not understand what a registered domestic partnership was. They would not let me call Jim's parents, because they did not know I was his next of kin. I later realized they were prepared to remove me from the house that night, even though Jim and I owned the home as joint tenants, because they did not understand my legal rights as the surviving domestic partner. The only thing that prevented this was the coroner's arrival and explanation of the legal situation. If the coroner hadn't known about the rights of domestic partners, I could have been thrown out of my own home at a time when I was distraught with grief.

7. I have learned through this extremely difficult experience that domestic partnership is not the same as marriage, and it does not protect same-sex couples adequately. If marriage is no longer available, loving and committed couples will be put in jeopardy at times of crisis even if they have registered as domestic partners. Because domestic partnership is not recognized or treated the same as marriage, couples may not be able to

make emergency medical decisions for their partners or make arrangements for their loved ones – obstacles that married couples do not face.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed in

Palo Alto, California on November 3, 2008.



David N. Lawson



## **DECLARATION OF ROBERT C. LLEWELLYN**

I, ROBERT C. LLEWELLYN, declare as follows:

1. I have personal and first-hand knowledge of the facts set forth in this Declaration and, if called as a witness, I could and would testify competently to these facts under oath.

2. I am 18 years old, and am the son of Richard H. Llewellyn, Jr. (whom I call "Daddy," but will refer to here as "Rich") and Christopher G. Caldwell (whom I call "Papi," but will refer to here as "Chris"). My twin sister, Rosemary, and I were born on July 19, 1990 in Callao, Peru. I have been told that my biological parents were very poor, and that they did not have enough money to raise Rosemary and me. When we were five weeks old, we were adopted by Rich in the Peruvian courts and we came to Los Angeles. When we were two years old, Chris did a second parent adoption in Los Angeles County Superior Court. When I was adopted in Peru, Rich and Chris had already been together for ten years. They are the only parents I have ever known, and they recently celebrated their 28th anniversary. I am now a senior in high school.

3. My parents are both lawyers, and I was very excited when I learned that the California Supreme Court was going to be deciding whether they would be allowed to marry. I learned that the decision was going to be announced on May 16, 2008, which was a school day for me. With my teachers' permission, I was allowed to go to a computer and learn what the

decision was as soon as it was posted on the Internet. It is hard for me to describe how happy I was when I learned that the California Supreme Court had ruled that my parents would be allowed to get married. As soon as the decision was announced, I immediately called each of my parents to ask them when they would be getting married. I know that my parents love each other very much, and I wanted them to be able to get married just like the parents of my friends.

4. This past summer, I worked as a ticket taker and usher at Mann Theatres. Before the job started, I told Rich that I wanted to use some of my earnings from my summer job to help pay for part of their wedding. I was very excited to be part of the planning of the wedding, such as helping them with their invitations, deciding what clothes we would wear, and choosing the food that would be served at the wedding reception (which was the most fun part of the wedding planning).


5. My parents' wedding was on October 4, 2008, at All Saints Church in Pasadena, California. This is the church where I was baptized as an infant, and my family has attended that church my entire life. The wedding was attended by about 200 people, including our best friends here in Los Angeles and many friends and relatives who came from out of town. People traveled to the wedding from 11 states, including all of my cousins, who came from Missouri, Texas, and Utah to attend the wedding.

6. My parents' wedding was one of the most important and happiest days of my life. My twin sister and I were our parents' attendants, and we stood with them at the altar and witnessed their vows. It was a very emotional experience for me, and I was crying because I was so happy during the service.

7. It also was important to me that my sister and I got to sign as the two witnesses on our parents' wedding certificate. After the wedding ceremony at the church, there was a big, joyous party, with lots of good food and lots of people dancing. I know that I will always remember the day.

Before the California Supreme Court's decision permitting same-sex couples to marry, it was hurtful to me that my parents were not allowed to get married in California. I know that they love one another very much, and I was able to see how happy they were on their wedding day. Their marriage is also important to me because it helps me know that our state recognizes that we are a "real" family just like every other family, and that we are not inferior to families where the parents are a mother and a father, instead of two parents of the same sex. I would be very sad and upset if couples like my parents are no longer allowed to marry. Even though my parents are now married, a law keeping other couples like my parents from marrying would still make it seem like families like mine are second-class.

I declare, under penalty of perjury under the laws of the State of California, that the foregoing is true and correct. Executed in Los Angeles, California on November 3, 2008.



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Robert C. Llewellyn

## DECLARATION OF PHYLLIS LYON

I, PHYLLIS LYON, declare as follows:

1. I make this declaration of my own personal and first-hand knowledge. If called as a witness, I would be competent to testify to the contents hereof.
2. My beloved spouse, Del Martin, and I were married on June 16, 2008. Our marriage took place just minutes after this Court's decision in In re Marriage Cases became final. We remained married until Del passed away on August 27, 2008, just a little more than two months later. Del and I were in a loving, committed relationship of mutual support for more than 55 years, but we only had 72 days to enjoy the dignity and respect that heterosexual married couples have long enjoyed. We came so close to never experiencing what it is like to be fully respected under the law, and I am profoundly grateful for the two months that we did have.
3. It meant a great deal to Del and me to be legally married after waiting so long for the opportunity. The ceremony was extremely moving and emotional for both of us. Del and I had pledged our love and dedication to each other for life 55 years before, but we had never before been able to have that personal commitment fully recognized by the law and by society. When we came to the part of the ceremony where we were advised that marriage was not to be entered into "lightly," Del and I had to laugh because we could not have been -- after 55 years together -- more

serious about making that commitment to each other. When we exchanged rings as tokens of our “constant faith and abiding love,” in front of our friends and family, we felt that we had finally achieved the respect and recognition that we had fought for our whole lives together.

4. In our wedding, Del and I vowed to “love and comfort, honor and keep in sickness and in health, for richer for poorer, for better or for worse and be faithful as long as we both shall live.” In the beginning of our relationship, we could not have anticipated that we would have the chance to be married in our lifetimes, but all the same we had lived these vows for all our time together. We were so grateful that the state of California finally affirmed that and allowed us to join in the legally recognized relationship that all other loving couples are able to share.

5. Hundreds of people filled City Hall for a reception after our ceremony, showering us with rose petals as we left the room. Their love and support on that incredible day touched us deeply. Even after our many years of being fortunate to be part of a caring community of family and friends, nothing like our wedding day had ever happened to us before. It was truly amazing.

6. We also received an outpouring of support from family, friends, and people around the world after our marriage. Some sent us flowers; a great many sent cards or letters. We even received calls from all over the world, from people who wanted to speak with us, to congratulate us and to thank

us for helping others understand that lesbian and gay couples love each other just like heterosexual couples do.

7. Although the amount of warmth and support was almost overwhelming, we appreciated and shared the upwelling of joy at seeing such a positive change taking place. We had seen incredible changes in public awareness and attitudes towards lesbians and gay men over the years we had been together. It gave us both deep satisfaction to know that our happiness helped move human understanding forward in such an affirmative way. That was a goal Del and I shared during all our time together. Del and I saw how our commitment to each other showed people that gay and lesbian couples share the same love as everyone else, and that our relationships should be cherished, too. People saw that we were not any different from them – our dreams to have our families recognized and respected were the same as theirs.

8. After Del passed away, less than two and a half months after our wedding, I received hundreds of notes from people all over the world telling me how Del had touched their lives, and how she had made the world a better place for them through her courage and dedication. Many people told me that they were so glad that we were able to legally marry before Del passed. They talked about how it was inspiring for them to see the state of California recognize our love and commitment and treat us as

equal citizens after 55 years. Their support and acknowledgment of our lives together offered me some comfort after my devastating loss.

9. I am almost 84, and Del was 87 when she passed away this year. Del and I met in 1950, when we were working for the same company in Seattle. After having moved to San Francisco, we purchased a home together in 1955, and settled there permanently. Del had been previously married and her daughter is now in her sixties.

10. I am retired now. I previously worked as a journalist and a sexologist. Del worked as a bookkeeper. In addition to our paid jobs, we both spent decades doing political and community work – as community leaders, authors, and activists – striving to increase visibility and understanding, and always working toward full equality for lesbian, gay, bisexual, and transgender people and their families.

11. We saw enormous change for lesbian and gay people over these years. In the mid-fifties, lesbian and gay people could be imprisoned for life, simply for being gay, or committed indefinitely to a state hospital to “cure” them of their “perversion.” The law allowed all kinds of discrimination against gay and lesbian people: employers could fire people just because of their sexual orientation; gay and lesbian people could be denied housing; businesses could refuse to serve us; and gay and lesbian parents could be found unfit to care for their own children. Back when Del and I started doing educational work about sexual orientation, most lesbians



and gay men were afraid to identify themselves, even to other lesbian and gay people, let alone to their heterosexual coworkers, neighbors and relatives. When we helped start Daughters of Bilitis, a lesbian social club, we had to get legal counsel to find out what our rights were just so we could meet socially with some measure of safety. It was risky in those days for lesbians even just to get together in groups, and there were frequent police raids at the bars. Thankfully, Del and I were never caught up in a raid, but we helped many other women who were to find lawyers. It was a culture of fear and secrecy – being out as a lesbian was literally putting your life on the line.

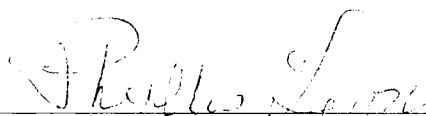
12. Today, same-sex relationships are not criminalized, and California law prohibits employers from firing someone because of his or her sexual orientation. In 1973, homosexuality was removed from the list of mental disorders included in the Diagnostic and Statistical Manual, and today the American Psychiatric Association, which publishes the DSM, officially supports the right to marry for same-sex couples. When Del and I began our relationship, we were criminalized. Now, our relationship is celebrated and valued as equal to others. Del and I were honored to be a part of these changes, and we dedicated our lives to them.

13. Ever since I met Del 55 years ago, I could never imagine a day would come when she wouldn't be by my side. I am so lucky to have known her, loved her, and been her partner in all things. I also never

imagined there would be a day that we would actually be able to get married. It would have been devastating for me if Del had passed away before we were able to legally marry.

14. To see same-sex couples once again excluded from full citizenship, forced back into being second-class citizens, would be heartbreaking to me. Although Del is gone, I have the comfort of knowing that she lived to see true equality, the dream that we had pursued together for 55 years, and to share it with me in the most profound possible way just months before she passed. If that equality is so short-lived, I will not only have lost Del, but also the joy I took from knowing that the progress we made would last beyond our own time together. I cannot bear the thought that the door to equality would slam shut in the faces of so many thousands of couples just like us, so shortly after we had gone through it.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed in San Francisco, California on November 3, 2008.

  
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Phyllis Lyon

## DECLARATION OF EILEEN MA

I, EILEEN MA, declare as follows:

1. I have personal and first-hand knowledge of the facts set forth in this Declaration and, if called as a witness, I could and would testify competently to these facts under oath.
2. I have been in a committed, loving relationship with my partner, Suyapa Portillo, for ten years.
3. Suyapa and I met when we were both employees of the Service Employees International Union, Local 399 in 1997. We had an immediate connection with each other. Shortly after meeting Suyapa I realized that I am a lesbian, and one year later we began dating and formed a committed relationship.
4. Our relationship seemed like a natural fit from the very beginning. We made a commitment to this relationship after a short time together because it was clear to us that we were planning to travel through life together.
5. Our lives are very entwined, emotionally and financially. We registered as domestic partners with the State of California in 2000. We share an apartment and make all major decisions and future plans together. We pay our living expenses jointly, and have joint bank accounts and credit cards. We also support and nurture each other in our independent interests

and professional work. With the wonderful fortune of Suyapa's love and support, I feel both complete and whole.

6. I am 37 years old and currently work as the Campaign Director for Koreatown Immigrant Workers Alliance. Suyapa is 34 years old and is a Ph.D. candidate at Cornell University. She is currently working on her dissertation through a fellowship she receives from Pomona College. We live together in South Pasadena. Suyapa hopes to teach as a professor at a college or university when she finishes her degree.

7. Though deeply committed, we consider ourselves a young couple and feel that we are still developing our careers and getting settled in our lives. We both want the opportunity to marry each other some day in the future because it would be a natural step in the course of our relationship. We have not gotten married in advance of the November 4, 2008 vote, however, because we feel that it would be premature to marry now.

8. Because the opportunity to marry is deeply important to us, however, we have felt significant stress and fear that this opportunity might be taken from us. Trying to be true to our relationship and our long-standing plans, we have resisted the pressure to marry quickly. We want our marriage to feel like it comes at just the right time for us, and not to feel like it was controlled by a political campaign. This decision has not been easy. We worry that we might lose the chance to participate in one of the most momentous events of our lives and that we may not have that chance

again. It is little comfort that we would still remain domestic partners if Proposition 8 were to pass. While we understand that domestic partnership carries most of the same state law rights and responsibilities as marriage, it simply is not a substitute for the marriage we wish to have some day.

9. There are many reasons that being able to celebrate our commitment through a marriage is extremely important to us. Both Suyapa and I, as well as my immediate family, understand the significance of marriage. Members of my immediate family have expressed a desire to see Suyapa and me marry when the time is right for us. It would mean a lot to them for us to have that ritual celebration and public validation of our relationship. My parents have sometimes struggled to explain our relationship to extended family or friends who have called us “weird” and “not right.” Our marriage would give my parents something concrete, universally understood and state-sanctioned to explain to others who do not understand. Suyapa’s parents have treated me warmly, but other family members do not openly acknowledge our relationship even though we play an active role in her nephews’ lives. We believe that getting married would help them to see that our family is equally loving, committed and as deserving of respect as any different-sex couple.

10. Additionally, when we do have children we would like to bring them into a family with married parents because we know that family stability and clear parental rights that come with marriage can be very helpful for

children. Being married would also provide us with an extra measure of security if we were to move. We are both aware that young professors often have to move to accept jobs, and we can foresee ourselves moving to New York if Suyapa were to find work there. We have both previously lived in New York and know our marriage would be recognized by that state, while our domestic partnership might not.

11. These are just a few of the reasons that we continue to dream of the marriage we hope to have some day. I hope Suyapa and I will not lose the opportunity to marry, which we recognize as an irreplaceably precious way to celebrate and secure our family relationship, because of Proposition 8. Over the last couple of months, I have witnessed firsthand how powerful the ritual of marriage has been for so many of my friends. Furthermore, I believe the opportunity to marry the person I love to be a civil and human right.

12. The issue of marriage fairness has particular resonance for me because of my experience as a Chinese American woman. I have experienced race and sex discrimination personally, and take pride in working to reduce these social problems through my profession and my volunteer work. Being a lesbian is an equally important part of my identity and I have come to believe that eliminating prejudice against gay people is just as important to a fair society as eliminating other forms of hurtful discrimination. For that reason, Suyapa and I, who are both registered to

vote in California, took pride in voting against Proposition 8 in our absentee ballots for the November 4, 2008 general election. We hope that Californians will reject marriage discrimination against gay people, the same way California has rejected marriage discrimination against prior generations of Asian Americans and others targeted by unfair marriage laws.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed in Los Angeles, California on November 3, 2008.



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Eileen Ma

## DECLARATION OF GERARDO MARIN

I, GERARDO MARIN, declare as follows:

1. I have personal and first-hand knowledge of the facts set forth in this Declaration and, if called as a witness, I could and would testify competently to these facts under oath.

2. My partner, Jay Thomas, and I are a gay couple who have been in a committed relationship for nine years. We have lived in San Francisco since April 2001. I work for Bridge Housing, a nonprofit organization dedicated to providing affordable housing to people with low incomes. A first generation Mexican American, I also spend a lot of time volunteering for Aguilas, an organization which provides mentoring and other support for gay Latinos in the Bay Area. Jay works in analytics for LinkedIn, a social networking website for professionals. We are both registered to vote and voted in the November 2008 general election.

3. We met in Houston, Texas, where both of our mothers still live. I had just been honorably discharged as a Sergeant in the U.S. Air Force, having served from 1993 to 1997 during the Gulf War. Jay had recently completed his bachelors' degree from Northern Arizona University and moved back to Houston to be near his family. We dated for six months before deciding to make a formal commitment to each other on July 4, 1999.



4. In April 2001, we moved to San Francisco after Jay's employer at the time, Nextel, offered him a promotion. Like all couples, we have had our share of good times and bad. Jay's love and support was especially comforting to me when I became unemployed after the company I was working for went out of business following the World Trade Center attacks of 9/11/2001.

5. We are committed to supporting each other's extended family members. We recently assisted my mother in finding and paying for housing after she was evicted from her apartment on short notice. We are now preparing to help Jay's mother who is employed at American Insurance Group and fearful that she will lose her job as a result of the company's recent decline during the current economic downturn.

6. Although we have many activities that we enjoy doing together, especially seeing movies together, we also nurture each other's individual interests. I am frequently in the audience when Jay gives a poetry reading and he attends my flamenco dance performances.

7. Jay and I are in a committed, faithful relationship. However, we have chosen not to register as domestic partners, because it would make us feel like second-class citizens.

8. We would like to marry, although we have not yet set a date for the wedding. Jay and I follow Native American spiritual practices, and before marrying we would like to get the blessing of our spiritual elders. This

requires a series of meetings that we have not been able to complete in the short time since marriage became available for same-sex couples in California. We sincerely hope that we will still be able to marry one another in California when we have done what we feel we need to take that step.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed in San Francisco, California on November 3, 2008.

  
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Gerardo Marin

## **DECLARATION OF SIERRA NORTH**

I, SIERRA NORTH, declare as follows:

1. I have personal and first-hand knowledge of the facts set forth in this Declaration and, if called as a witness, I could and would testify competently to these facts under oath.
2. I am 28 years old, and my partner Celia Carter is 27 years old. We live together in a rented home in Oakland, California, and will be moving soon to a house we recently purchased together, also in Oakland, California. I am a homemaker and take care of our son, Macairo. Celia works as the Associate Director of Operations at a software company. We are both registered to vote in California and voted in the November 2008 general election.
3. I was born in California and went to elementary school here.
4. Celia was born in Monterey County and grew up in that area as well. Celia's mother still lives in that area, in Pacific Grove, California.
5. Celia and I have been in a committed relationship for almost six years. We first met when we were undergraduates at the University of California at Berkeley. We began dating shortly after I graduated, in January 2003.
6. Celia and I started living together in late 2003. I knew, and even my parents knew, that this was different and more serious than any relationship I had before, because I had never moved in with anyone else

before.

7. In 2004, when I learned that the city of San Francisco was going to issue marriage licenses to same-sex couples, I asked Celia whether she wanted to get married. “We don’t even have any rings!” she protested. I remembered that we had recently bought some simple silver rings at the wharf. “Yes we do,” I said, and ran to get them. She accepted my proposal, and we got married on February 14th, 2004, Valentine’s Day.

8. On the morning of February 14th, 2004, while we were standing in line at City Hall, I called my mother, who was living in Texas at the time, to tell her the good news. She said she was happy that we were getting married, but she started to cry, saying that she wished she could have been there at our wedding.

9. Although the marriage was later declared void, getting married in 2004 solidified our relationship as a couple. I never comprehended the weight of the wedding vows until I was saying them to her during what we understood at the time to be a legal ceremony in front of a few of our friends who had been able to join us. I was struck with emotion at how deeply I felt the meaning of those words, and how much I meant it when I said that I wanted to be with Celia for the rest of our lives. It was a truly overwhelming moment for me. The next time I say those vows, with the same weight, I want it to be in front of our families.

10. Celia and I registered as domestic partners with the state of

California in July 2004. In contrast to the wedding ceremony we had in February of that year, registering as domestic partners did not carry the same emotional significance and social weight for us. It felt like something we just needed to do to get certain legal protections, rather than something we were doing because we wanted to honor our relationship and have our union respected and recognized. It just felt like paperwork – completing some forms and then filing them.

11. Celia and I had a wedding reception a few months after our ceremony, in July, 2004. We handmade invitations to the reception, and sent them out to family and friends. The reception was beautiful, and it was so great to have our families in attendance. However, it was not the same as being able to have them present at the actual ceremony. In addition, there was the cloud hanging over us about the possibility that our marriage was invalid.

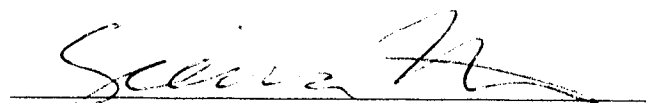
12. Celia and I jointly adopted our son, Macairo, on February 2, 2008, when he was six days old. We decided that I would stay home to take care of him and our home while Celia continued working outside the home.

13. Celia and I want to get married again partly for Macairo's sake. I want our child and any other children we may some day have to grow up in a household where their parents have the commitment to each other constituted by a marriage. I believe that marriage creates a more solid family unit, which I want to create for our children. My own parents have

been happily married for over 30 years. I aspire to have a relationship with Celia that lasts a lifetime just like my parents did, and, just like them, I want to be a role model for my children of being part of a happy marriage. It is because of my parents' example that I know marriage can work, and that it is an important institution that should be available to all loving couples.

14. The first time that Celia and I got married, we felt rushed. The next time we get married, we do not want it to be on somebody else's schedule. We want to be able to plan a ceremony to which we can invite our families and friends. My parents currently live in Beijing, China, so it is difficult for them to travel to the U.S. on short notice. However, my father is retiring next spring, and my parents are planning on moving to Lake Tahoe then. We are looking forward to getting married surrounded by our families and our friends in the wedding of our dreams. I hope that the right to marry will still be available to us.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed in San Francisco, California on November 3, 2008.

  
Sierra North

## DECLARATION OF KAREN L. STRAUSS

I, KAREN L. STRAUSS, declare as follows:

1. I have personal and first-hand knowledge of the facts set forth in this Declaration and, if called as a witness, I could and would testify competently to these facts under oath.
2. I live in San Francisco with my life partner of 17 years, Ruth Borenstein. I work as the Assistant Chief of Main for the San Francisco Public Library. Ruth is a partner at the law firm of Morrison & Foerster LLP. Ruth joins me as a petitioner in this action seeking to protect our right to marry, a right Ruth and I look forward very much to exercising in the presence of our three living parents and other close family members.
3. Ruth and I met in San Francisco in early 1991 and soon realized we have much in common. As we came to know each other better, we both recognized an enjoyment of each other's company, a degree of mutual respect, and a depth of compatibility that felt unique and to be treasured. We fell in love and bought a house and moved in together in 1992. On August 30, 1995, to celebrate our fourth anniversary, we registered as domestic partners with the City and County of San Francisco. In November of 2001, after California's domestic partnership laws expanded to provide a number of important legal rights and protections, we registered our domestic partnership with the State of California.

4. My parents, Sheldon and Muriel Strauss, have been married for 60 years. Throughout my life, the happiness and stability of their marriage has been a role model for me of how to sustain a life-long relationship of caring and mutual appreciation. Their devotion to each other's well being has shaped my understanding of how to live a joyful and productive life.

Ruth's life experience has been similar. Her mother, Blanche Borenstein, was married to Ruth's father, Ben Borenstein, for nearly 54 years until his death two years ago, a loss that Ruth and I and the rest of our family still feel keenly. The Borensteins' marriage also has been a role model for me.

5. I have understood that my parents appreciate the formal commitments that couples make in marriage. I saw that in their pleasure at seeing my sister Amy find a happy marriage with her husband, Bob Josefek. Even though Ruth and I were not able to ~~be~~<sup>to</sup> participate in the same formal commitments of marriage, my parents recognized the significance of our relationship. They generously have communicated their love and support, as well as their belief that the rules excluding lesbian and gay couples from marriage are unfair and misguided.

6. From their first times with Ruth, my parents have welcomed her warmly into our family. I know they love her because of the wonderful person she is, and also because they know how happy she has made me. Their enthusiastic support of our relationship has never depended on having society's approval and a formal ceremony. Yet I know it would make them



deeply happy to see us legally marry. It would reinforce the solidity of our mutual commitment as well as the ties between the Strauss and Borenstein families. I believe it also would give them extra reassurance that we will be safe and secure because our relationship has society's formal support and validation.

7. My belief that my parents very much would like to see us marry was confirmed by their reaction when I called to tell them that the California Supreme Court had just ruled that lesbian and gay couples must be allowed to marry. They were excited about the additional respect and inclusion that Ruth's and my relationship would receive with this legal sanction and ecstatic at the idea of participating in our wedding, just as they had been when my sister Amy married Bob five years ago.

8. I have not always seen marriage as an essential event in my life's journey, even when I had become entirely clear that I hoped my life would remain happily entwined with Ruth's for the rest of our days. Because same-sex couples were prohibited from marrying in the United States, I never had an expectation that I ever could be married. But over time, as the possibility that Ruth and I could enter into a legal marriage became real, I came to believe that our parents and other people we hold dear would be as deeply disappointed as I would be if we never were able to create a special day formally to celebrate our love for each other, and to share publicly the

joy and gratitude we feel because our families have become knitted together through their love and support for us as a couple.

9. Ever since we learned that Proposition 8 would be on the ballot this fall, we have felt the same pressure many other gay and lesbian couples have felt to marry before election day in case the voters approved a change in California's Constitution. But our parents are elderly, live in Florida and have faced particular challenges during this summer and fall that made it exceedingly difficult to arrange to have them all travel to California at the same time. Because our parents are important to us, because they love and support us generously as a couple, because they (like us) have waited patiently for many years for us to have the chance to marry, because it will mean so much to each of them to see us finally get married, and because their happiness is so significant to us, we realized we could not marry with any of them absent. It would have felt incomplete and wrong and painfully disappointing. That pain and disappointment would have been magnified by the fact that we already have missed the opportunity to be married with all four of our parents present, as Ben Borenstein passed away in 2006. It is inconceivable to us that we would schedule a wedding ceremony without all three of our surviving parents able to be present.

10. A major factor contributing to the difficulty in planning to have a wedding with all of our parents present before election day was the decline in health my mother, Muriel Strauss, has suffered over the past year. Late

in 2007, my mother had a recurrence of a cancer that had been treated with surgeries on two prior occasions. This recurrence has been very serious. Although she began a course of treatment early this year, her health deteriorated this summer and she since has learned that the disease has progressed further. In the course of the summer, it became increasingly likely that her doctors would recommend that she begin a course of chemotherapy treatments, which was a frightening prospect for her and potentially debilitating to someone in her frail health. Concern for my mother's health and comfort has been a major focus of my and Ruth's attention throughout this year. In January, my sister and I traveled to Jacksonville, Florida, with my parents so that my mother could consult with doctors at the Mayo Clinic. My sister and I also have been in contact with my mother's oncologist in Boca Raton. I speak to my parents regularly about my mother's condition and her treatment options. I spent several days with my parents in October, and was able to go to some medical appointments with my mother. While my mother has been ill, it has been impossible for Ruth and me to plan for the kind of wedding we would like to have, with all of our parents in attendance.

11. Another major factor contributing to our decision to delay getting married was that Ruth's mother, Blanche, has been in the process of moving from the home she and her late husband Ben lived in since 1994. The major decision to move to an independent living community and the

preparation for the move have been taxing for her. While we would not consider getting married without her, we recognized such a trip would have taken a huge emotional and physical toll on her during this period of uprooting and relocation. We felt it would have been inconsiderate for us to add to her stress, and that we had no choice but to hope that the outcome of the November 4 election would preserve our right to marry.

12. My parents were able to rearrange some of my mother's medical care so they could come to San Francisco for a short visit in October. During that visit, Ruth and I made an appointment to get a marriage license at City Hall so they could be with us when we took that important first step toward getting married. We wanted to share with them and some close friends the excitement of some part of the wedding process before the November election, even though we were not in a position to take the further step of having a marriage ceremony at that time because Ruth's mother Blanche was not with us.

13. My mother recently started chemotherapy treatments and presently is unable to travel. We have every hope and expectation that she will, at some point, be able to return to California for our wedding.


14. In addition to having our three surviving parents with us, Ruth and I look forward to having at our wedding all of the people who are most dear to us, including many family members such as my elderly aunts (one in Florida, one in Connecticut); my father's close cousins (in New York and

Florida); Ruth's aunt and uncle (in New Jersey); Ruth's and my siblings (one in New York, one in Minnesota and one in Southern California); a niece and a nephew (in Minnesota); cousins (who live in Connecticut, Virginia, Oregon, Massachusetts and Northern California); friends (in Northern California, Southern California, New York, New Jersey and Wisconsin) and friends of my parents who have known and loved me since my childhood and now know and love Ruth and me as a couple (in New York, Oregon and Florida). We have attended many of their weddings and would feel joyful having them share ours.

15. Like many couples planning their weddings, we would like to schedule our wedding based on our own timetable to give these important people in our lives sufficient advance notice to be able to make plans to attend, as opposed to following an abbreviated, inadequate timetable imposed by others, as would have happened had we married between June 17 and November 4.

16. We are mindful of the preciousness of time. Having had to wait for the right to marry has deprived Ruth of the singular joy of having her father at our most special day. Ben, who adored and was so proud of Ruth, would have liked nothing more. And, while our surviving parents theoretically could have attended our wedding if we had held it between June 17 and November 4, the circumstances described above made that scenario impossible for us.

I declare, under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed in San Francisco, California on November 3, 2008.

  
\_\_\_\_\_  
Karen L. Strauss

## **DECLARATION OF BEVERLY HICKOK**

I, BEVERLY HICKOK, declare as follows:

1. I have personal and first-hand knowledge of the facts set forth in this Declaration and, if called as a witness, I could and would testify competently to these facts under oath.
2. I am 89 years old. My spouse, Doreen Brand, is 80. Doreen and I have been in a loving, devoted relationship for 18 years. We live together in an assisted living facility in El Cerrito, California. We have been registered as domestic partners since 2003. We were married in Martinez, California on June 18, 2008.
3. The day of our wedding was one of the happiest days of our lives. We have both waited decades to have the right to be married and treated exactly the same as every other loving, committed couple. We are so thankful that we got to experience true equality during our lifetime.
4. We had a simple ceremony in Martinez at the county clerk's office, with two of our close friends as witnesses. That evening, we took ten of our friends to dinner at the Claremont Hotel in Oakland to celebrate. Our friends were happy for us and amazed that it was finally possible for us to be legally married.
5. Being married truly has made a difference in our lives. The other residents of our retirement home, and the people who work there, have been much more encouraging and supportive of our relationship since our

wedding. I think they understand what marriage is, and now they understand how serious we are about our commitment to each other. I notice people smiling at us more now. Having that kind of support from our neighbors and friends and even strangers is uplifting and encouraging.

6. I was born in 1919, in San Francisco, and I grew up in Alameda. I first began to realize that there were other women like me when I was in college at University of California, Berkeley. When I first visited a gay bar in San Francisco, around 1941, I was too frightened to talk to anyone. But I finally got up the courage to talk to the other girls, and they explained to me what the word “gay” meant.

7. During the Second World War, I worked as a riveter and then served in the Navy. Afterwards I returned to school at U.C. Berkeley and got my master’s degree in library science. After that, I got a job putting together a library for the university’s College of Engineering, and worked at U.C. Berkeley for 35 years. I retired in 1981.

8. During that time, I knew what my feelings were, and I continued to participate in the gay community a bit. I had a relationship with another woman that lasted 41 years until my partner passed away in 1988. But until recent years I never told anyone that I was gay – not my family, friends, neighbors or co-workers. My parents, who have passed away, never knew. I had to keep it a secret because I felt like I was alone, and that being gay was something to be ashamed of. I am so grateful and thrilled that times



have changed, and I don't have to feel ashamed and hide "in the closet" anymore.

9. Doreen was born in 1928 in Bronx, New York. She got married to a man at age 20, and had her first child at age 21. She worked as a teacher. After Doreen's husband died, she moved to Florida and opened a bookstore

10. Doreen and I met in 1990. I lived in California and Doreen lived in Florida at that time, so we started out writing letters to each other. The first time we met in person, in Florida, we knew that we were meant to be.

When Doreen came to visit me in California, she brought her measuring tape along, and measured every room to plan where to put her furniture.

She soon sold her house in Florida and moved to California to live with me.

11. We moved into the assisted living facility where we currently live about three and a half years ago. We made sure to tell them up front that we are a lesbian couple, because we didn't want to deal with the hassle of having to move if they found out afterwards. To our relief, it was not a problem. We chose two adjoining rooms, and asked them if they could cut a door between them, which they did. We are very domestic – we have a cat, and we share a deck with many plants. The facility brings us three meals a day and helps with housekeeping.

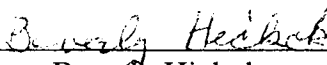
12. Doreen and I have enjoyed traveling together over the years, and we are planning a honeymoon cruise to the Bahamas over Thanksgiving, if our health permits. Doreen has had cancer that is in remission for now. We

hope we will have many more years to spend together, but we know this could be our last trip together. We are trying to appreciate every moment that we have left together.

13. It has meant everything to us to be able to marry at last, after all these years. Before we married, I was still nervous about telling people about who we are. Once we got married, I was practically stopping people on the street to say, "Guess what? We're legally married!" It feels so good to be able to be open about that, and to know that people are genuinely happy for us.

14. I have spent my whole lifetime struggling to assert my right to be considered as a human being with equal rights under the law. It would be heartbreaking to see that equality taken away from gay couples now. I would feel terrible if this right was only for us older folks who managed to get married this summer. I truly hope that younger couples will be able to experience the same joy and affirmation that we have felt from being able to have our marriage legally recognized by our state.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed in El Cerrito, California on November 21, 2008.

  
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Beverly Hickok

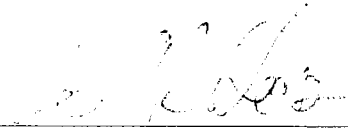
## DECLARATION OF GEOFFREY KORS

I, GEOFFREY KORS, declare as follows:

1. I have personal and first-hand knowledge of the facts set forth in this Declaration and, if called as a witness, I could and would testify competently to these facts under oath.
2. I am the Executive Director of Equality California.
3. Equality California is the leading state-wide advocacy group protecting the needs and interests of same-sex couples and their children in California. It is also California's largest lesbian, gay, bisexual, and transgender civil rights organization, with tens of thousands of members. Equality California's members include registered voters in every county in the State of California.
4. As Executive Director of Equality California I have personal knowledge of the most recent membership records of Equality California, and I am personally acquainted with hundreds of Equality California members.
5. Equality California's members wish to preserve the fundamental right to choose to marry for same-sex couples in California.
6. Many Equality California members have married their respective same-sex spouses in California during the period of June 16, 2008 through November 4, 2008.

7. Equality California has members who are in committed same-sex relationships and wish to marry, but could not make arrangements to do so during the period of June 16, 2008 through November 4, 2008.
8. Equality California has members who are in committed same-sex relationships who wish to marry in the future.
9. Equality California has members who wish to marry a person of the same sex and have chosen not to enter into a registered domestic partnership under California law because they believe that to do so would be a mark of second-class citizenship.
10. Equality California has other members who wish to marry a person of the same sex and cannot enter into a registered domestic partnership under Fam. Code § 297(b)(1) because they do not share a common residence.
11. If Proposition 8 were found to be a valid constitutional amendment, preventing same-sex couples in California from marrying in the future, it would directly and irreparably harm the many Equality California members who wish and intend to marry but have not yet been able to do so. It would also directly and irreparably harm Equality California members who do not currently intend to marry, but who wish to be able to exercise that right in the future.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed in San Francisco, California on November 5, 2008.

A handwritten signature in black ink, appearing to read 'Geoffrey Kors', written over a horizontal line.

Geoffrey Kors