

bayareajohn 72p

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» 20 minutes ago

The last comments for

Federal government will recognize same-sex marriages that were performed in Utah



Chuck in PA

We need to celebrate every incremental victory as we wait for the big win some day, hopefully soon.

» 43 minutes ago

The last comments for

Indiana marriage equality ban legislation could be introduced today



StraightDave 67p

Wait a minute. I don't think you realize how bizarrely insane this actually is. Windsor...

» 1 hour ago

Comments by IntenseDebate

## Class-action lawsuit challenges Arizona marriage equality ban

January 7, 2014



## LGBT Legal CasesMarriage equalityMarriage Equality Trials

Four Arizona same-sex couples filed a lawsuit yesterday in federal district court seeking to invalidate the state's ban on marriage equality, KTAR reports:

> The suit, which names Arizona Gov. Jan Brewer, Attorney General Tom Horne and County Clerk Michael Jeanes as defendants, was filed by attorneys Shawn and Ellen Aiken. It claimed that a voter-approved ban on gay marriage is unconstitutional.

"The plaintiffs are asking that the court strike or reverse Arizona's ban on same-sex marriage," said Shawn Aiken. "Right now, the state constitution prohibits same-sex marriage."

The suit would allow same-sex couples to be married and would recognize same-sex marriages conducted in other states.



"I think it is a game-changer in Arizona," said Aiken. "I think most people expect that this issue will eventually be decided by the U.S. Supreme Court."

Two of the couples named as plaintiffs in the suit were married in California. One of the other couples –Suzanne Cummins and Holly Mitchell–adopted two children, but "given the statutory and policy obstacles same-sex couples face in Arizona," as the brief puts it, Mitchell has no legal rights in regard to her adopted children.

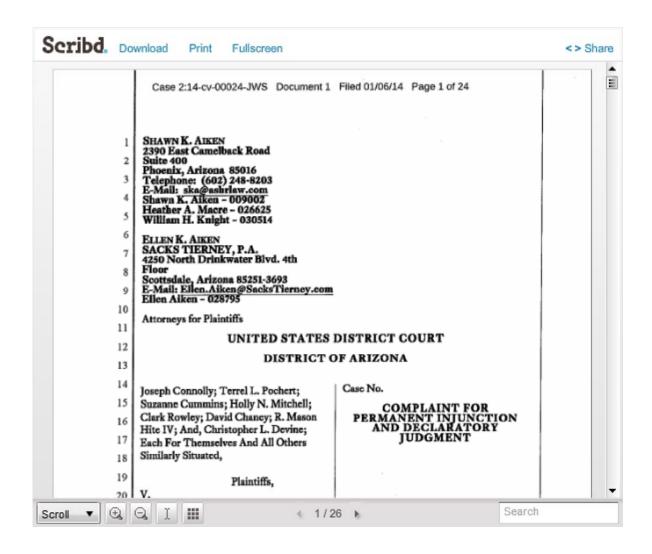
In addition to the four named couples, the suit also proposes a plaintiff class consisting of "all those who ... wish to marry someone of the same sex, and who are for that reason alone denied the right to marry by Arizona law" and "all those who ... reside in the State of Arizona and have legally married one another under the laws and procedures of another state, but to someone of the same sex, and whose marriage for that reason alone is not recognized as valid under Arizona law."

The plaintiffs' complaint makes constitutional claims under the U.S. Constitution's Full Faith and Credit Clause and the Fourteenth Amendment's Equal Protection Clause and Due Process Clause, asking for a permanent injunction barring the enforcement of Arizona's marriage equality ban.

Intriguingly, the complaint notes that the Supreme Court is likely to decide the marriage equality question nationwide at some point, but still asks for relief in the interim: "It is widely expected that the Supreme Court will eventually resolve this issue. Until that decision, Plaintiffs seek this Court's declaration that the U.S. Constitution bars Arizona from the same discriminatory conduct that the *Windsor* court declared unconstitutional."

Arizona falls under the jurisdiction of the Ninth Circuit Court of Appeals, which currently has two other marriage equality cases—one from Nevada and one from Hawaii—pending before it. It is possible that a decision in the Nevada case (the Hawaii one is likely to be dismissed) could make the Arizona litigation moot.

The Arizona challenge is called *Connolly v. Brewer*. You can read the full complaint below, via <u>Scribd</u> (h/t to Kathleen).



Help us travel to Denver this spring to cover oral arguments in the Utah marriage equality case. You won't regret it, and you can help EqualityOnTrial be a part of history in the making. Please consider making a tax-deductible donation to EqualityOnTrial in the new year to help us continue this mission—any amount helps!



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Equality news round-up: New federal court... Uncertainty ahead for Utah's newly married...



This reminds me of all the lower court rulings that declared DOMA unconstitutional, and we see what happened with that. Just didn't think it would move so fast, at least on the legal time scale. 2014 could be quite momentous.

Report

peterplumber · 2 days ago +3 Kathleen, Great job in jeeping up with all these cases & providing the ack up documentationas well. Thanks for yur conribution! Reply Report Dr. Z · 2 days ago 0 http://fox13now.com/2014/01/07/will-utah-recogniz... Utah AG Reyes will issue his opinion today on whether the State believes the SSM licenses are valid during the appeal to the 10th Circuit. Reply Report Post a new comment Embed video Enter text right here! Comment as a Guest, or login: Name Email Website (optional) Displayed next to your comments. Not displayed publicly. If you have a website, link to it here. Subscribe to None **Submit Comment** Having technical problems? E-mail equalityontrial AT couragecampaign DOT org for assistance!

## **Equality Case Timeline**



Reply

Equality on Trial's Case Timeline is the <u>go-to place</u> to find thorough, up-to-date information on the myriad of marriage equality lawsuits taking place across the US.