


 [bayareajohn](#) 72p

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» 20 minutes ago

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[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

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[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

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## [Class-action lawsuit challenges Arizona marriage equality ban](#)

January 7, 2014

By [Jacob Combs](#) 

[LGBT Legal Cases](#)[Marriage equality](#)[Marriage 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."



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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 [Scribd](#) (h/t to Kathleen).

**Scribd** Download Print Fullscreen <> Share

Case 2:14-cv-00024-JWS Document 1 Filed 01/06/14 Page 1 of 24

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10 Attorneys for Plaintiffs

11 **UNITED STATES DISTRICT COURT**  
 12 **DISTRICT OF ARIZONA**

14 Joseph Connolly; Terrel L. Pochert;  
 15 Suzanne Cummins; Holly N. Mitchell;  
 16 Clark Rowley; David Chaney; R. Mason  
 17 Hite IV; And, Christopher L. Devine;  
 18 Each For Themselves And All Others  
 19 Similarly Situated,  
 20 **Plaintiffs,**

V.

Case No. **COMPLAINT FOR  
 PERMANENT INJUNCTION  
 AND DECLARATORY  
 JUDGMENT**

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Straight Ally #3008 · 2 days ago

+4

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.

Reply

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peterplumber · 2 days ago

+3

Kathleen,  
Great job in jeeping up with all these cases & providing the ack up documentations well. Thanks for yur contribution!

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.

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## Equality Case Timeline

[Equality Case Timeline](#)

Equality on Trial's Case Timeline is the [go-to place](#) to find thorough, up-to-date information on the myriad of marriage equality lawsuits taking place across the US.