



Updated Mar 13, 2014 - 4:46 pm

Suit challenges Arizona same-sex marriage ban

AP By **Associated Press**

Originally published: Mar 13, 2014 - 12:41 pm

5

37

g+1 0

0

111 Comments (http://ktar.com/22/1713202/Suit-challenges-Arizona-samesex-marriage-ban#disqus_thread) | [Print \(?\)](#) | [nid=123&sid=1713202](#)



<http://media.bonnint.net/az/33/3383/338371.jpg>

PHOENIX -- A national gay-rights organization announced Thursday the filing of a federal lawsuit on behalf of seven couples and two surviving spouses challenging Arizona's ban on same-sex marriage.

The lawsuit, filed by Lambda Legal, claims banning gay marriage violates the couples' rights to equal protection and due process under the U.S. Constitution.

"It's wrong that I can't marry the one person I cherish most in this world, even after 56 years of love and commitment," said Nelda Majors, who is a lead plaintiff with her partner, Karen Bailey.

Arizona Attorney General Tom Horne, state Department of Health Services director Will Humble and Maricopa County Superior Court clerk Michael Jeanes are named as defendants in the complaint.

"Our clients deserve to be treated equally by the government for which they pay taxes. They deserve the same basic freedoms that everyone in this state enjoys, including the freedom to marry," said Jennifer Pizer, senior counsel for Lambda Legal.

In a statement released by his office, Horne said "as Attorney General it is my duty to defend Arizona laws."

Lawmakers approved a state law barring same-sex marriages in 1996. Seven years later, an Arizona appeals court upheld the constitutionality of the law. Voters in 2008 amended the Arizona Constitution to include the ban.

The lawsuit, which court records show was filed Wednesday in Phoenix, is also requesting that Arizona legally recognize the marriages of couples who wed in other states, Pizer said.

"Without legal recognition of their marriages, they are left vulnerable- scrambling to cobble together often at considerable expense a big pile of documents. And even with all those documents, it still doesn't give them the legal protection and security their families need, especially in times of crisis," Pizer said.

Barb Morrissey said she had to carry a packet of legal documents every time she visited her wife, Mish Teichner, in the hospital. Teichner underwent a kidney transplant in January. Morrissey said she has had hospital employees bar her from seeing Teichner. Morrissey said another employee told her, "I'll try to sneak you in."

"I felt disrespected and stressed that I was treated this way," Morrissey said.

Patrick Ralph, a plaintiff whose husband died in Phoenix in August, said he cannot get a state death certificate listing him as a spouse. He and Gary Hurst married in Palm Springs, Calif., in 2008, before Proposition 8 took effect. Besides wanting an official acknowledgement of his marriage on the death certificate, Ralph said the document could help in figuring out if he is entitled to any survivor's benefits. That desire led him to reach out to Lambda five months ago.

"Marriage is the one thing that can fix all those problems," Ralph said. "(Gary) would wish I didn't have to go through this to get what is rightfully ours in the first place."

The lawsuit is separate from a class-action lawsuit filed by four same-sex couples in January. Phoenix attorney Shawn Aiken, who filed the lawsuit, initially filed it against Horne and Gov. Jan Brewer as well as three Arizona county clerks. He has since dropped Horne and Brewer at the request of Assistant Attorney General Kathleen Sweeney and to avoid a prolonged series of legal motions. He plans to file a motion next month, asking the judge in the case to make a decision about the lawsuit without waiting for a trial.

Aiken and his team have expressed support for Lambda Legal's suit, but both said there are no plans to join the two filings.

"My attitude is to the extent that if we both succeed, great. If they succeed where we fail, that's good too," Aiken said.

According to Pizer, the couples requested Lambda Legal's help several months ago. The lawsuit is part of an overall, coordinated effort to get the ban struck down, she added.

She anticipates the U.S. Supreme Court will be asked again in the next couple of years to recognize same-sex marriage.

"None of us can predict which case will be before the court," Pizer said.

Latest Arizona Stories

[Man jumps from I-10 overpass in Phoenix](/22/1713860/Man-jumps-from-I-10-overpass-in-Phoenix) (</22/1713860/Man-jumps-from-I-10-overpass-in-Phoenix>)

[Flagstaff man killed retrieving item on I-40](/22/1713851/Flagstaff-man-killed-retrieving-item-on-I-40) (</22/1713851/Flagstaff-man-killed-retrieving-item-on-I-40>)

[Navajo lawmaker's bill opposes name of NFL team](/22/1713850/Navajo-lawmakers-bill-opposes-name-of-NFL-team) (</22/1713850/Navajo-lawmakers-bill-opposes-name-of-NFL-team>)

[Mesa man accused of holding ex-girlfriend captive](/22/1713849/Mesa-man-accused-of-holding-ex-girlfriend-captive) (</22/1713849/Mesa-man-accused-of-holding-ex-girlfriend-captive>)

[Phoenix restaurant 'worth traveling for,' according to list](/22/1713753/Phoenix-restaurant-worth-traveling-for-according-to-list) (</22/1713753/Phoenix-restaurant-worth-traveling-for-according-to-list>)

MONEY MATTERS
with KEN PROKAI
The path to your peace of mind™
Listen to KTAR-FM
Saturdays 5pm-6pm
Sundays 3pm-4pm
Retired or Retiring Soon?
You CAN'T AFFORD to miss Money Matters!
www.MoneyMatters.net

[Ask About An Advertiser](/resources/static/contact_form.php?t=ad)
(/resources/static/contact_form.php?t=ad)

Road to Recovery

[Road to Recovery: Sandwich chain coming to Phoenix](/330/1713492/Road-to-Recovery-Sandwich-chain-coming-to-Phoenix) (</330/1713492/Road-to-Recovery-Sandwich-chain-coming-to-Phoenix>)

[Road to Recovery: Hotel business picking up](/330/1712317/Road-to-Recovery-Hotel-business-picking-up) (</330/1712317/Road-to-Recovery-Hotel-business-picking-up>)

[Road to Recovery: Hospital, resort have job openings](/330/1711965/Road-to-Recovery-Hospital-resort-have-job-openings) (</330/1711965/Road-to-Recovery-Hospital-resort-have-job-openings>)

[Road to Recovery: Mesa building hotel near Gateway Airport](/330/1711118/Road-to-Recovery-Mesa-building-hotel-near-Gateway-Airport) (</330/1711118/Road-to-Recovery-Mesa-building-hotel-near-Gateway-Airport>)

[Road to Recovery: Tim Hortons stand at Coyotes arena to open to public daily](/330/1710712/Road-to-Recovery-Tim-Hortons-stand-at-Coyotes-arena-to-open-to-public-daily) (</330/1710712/Road-to-Recovery-Tim-Hortons-stand-at-Coyotes-arena-to-open-to-public-daily>)

Follow Terry Tang on Twitter at <http://twitter.com/ttangAP> ()

Associated Press.

share this story: 5 37 g+1 0 0

Attention KTAR.com Comment Users: We have recently changed our comments boards. We would like you to be part of the conversation and The Voice of Arizona by logging in with your Facebook, Twitter, Google+ or Disqus account. Existing KTAR (Arizona Sports) account members will need to create a Disqus account or use one of the aforementioned social media logins. Thank you.

111 Comments **KTAR** D Login ▾

Sort by Best ▾ Share Favorite ★



Join the discussion...



OneWondersAZ · 2 days ago
Can we just get government out of our bedrooms already!!! Gays are being used by the left for votes and they don't even know it. Wake up people.

Can't we just get our government, state and fed to recognize married couples, no matter what sex they are, give them the same tax benefits, healthcare, same rights at hospitals and so on? Lets all have the same pain and financial problems with divorce too! It would make life so much easier and it would stop gays being used as pawns.

5 ^ | ▾ · Reply · Share >



Kate → OneWondersAZ · a day ago
"Gays are being used by the left for votes and they don't even know it."

Oh, it's no secret that marriage equality is a political football (on both sides). There are a decent number of individuals who support smaller government, market-based solutions, and fewer entitlement programs. They happen to be gay.

The anti-gay stuff often seen on the right means choosing between protecting families, and protecting wallets. The sooner equality becomes a non-issue, the better.

^ | ▾ · Reply · Share >



OneWondersAZ → Kate · a day ago
And your point to my comment?
^ | ▾ · Reply · Share >



Kate → OneWondersAZ · 18 hours ago
I was agreeing with you. The marriage issue is divisive, and once it's over, the left won't be able to use it to sway as many votes.
^ | ▾ · Reply · Share >



THE ZR → OneWondersAZ · 2 days ago
Do you know why divorce is so expensive? BECAUSE IT'S WORTH IT!!!
^ | ▾ · Reply · Share >



OneWondersAZ → THE ZR · 2 days ago
Ha Ha, reminds me of an old neighbor of mine saying the same thing.
^ | ▾ · Reply · Share >



THE ZR · 2 days ago
It should be none of the government's business who gets married.
3 ^ | ▾ · Reply · Share >



quetzalcoat1987 · 2 days ago
Glad to see the gays continuing to fight the good fight. Many Americans, especially

World Class Arizona

[\(/321/1685883/World-Class-Arizona-SCFCopper-Point\)](#)
CopperPoint Mutual Insurance Company
[\(/321/1685883/World-Class-Arizona-SCFCopper-Point\)](#)
SCF Arizona has a new name. They are now CopperPoint Mutual Insurance Company.



[\(/297/1658879/World-Class-Arizona-Taylor-Morrison\)](#)
Taylor Morrison
[\(/297/1658879/World-Class-Arizona-Taylor-Morrison\)](#)



World Class People. World Class Company. We are a national home builder committed to building homes inspired by you.

[\(/275/1637956/World-Class-Arizona-Go-Daddy\)](#)
Go Daddy
[\(/275/1637956/World-Class-Arizona-Go-Daddy\)](#)



World Class People. World Class Company. Go Daddy is a Fortune 100 "Best Companies to Work For."

[\(/274/1637954/World-Class-Arizona-Avnet\)](#)
Avnet
[\(/274/1637954/World-Class-Arizona-Avnet\)](#)



World Class People. World Class Company. Here's information on a Fortune 500 company from Arizona.

Voice For A Better Arizona

[\(/325/1692650/Working-For-Arizona--A-Voice-For-A-Better-Arizona-\)](#)
Working For Arizona
[\(/325/1692650/Working-For-Arizona--A-Voice-For-A-Better-Arizona-\)](#)



The business and economics of Arizona at the start of 2014 and looking forward.

[\(/313/1677120/Arizonans-In-Need-2013--A-Voice-For-A-Better-Arizona\)](#)
Arizonans In Need
[\(/313/1677120/Arizonans-In-Need-2013--A-Voice-For-A-Better-Arizona\)](#)



Putting a focus on charities and organizations who provide help and/or need your help to fulfill their missions.

Water Cooler

[\(/41/1713496/Universal-Orlando-reveals-Potter-details\)](#)
Universal Orlando reveals Potter details
[\(/41/1713496/Universal-Orlando-reveals-Potter-details\)](#)



[\(/45/1713528/Original-Dreamgirls-star-makes-return-to-music\)](#)
Original 'Dreamgirls' star makes return to music
[\(/45/1713528/Original-Dreamgirls-star-makes-return-to-music\)](#)



[\(/50/1713514/Review-Uneasy-first-steps-with-Google-Glass\)](#)
Review: Uneasy first steps with Google Glass
[\(/50/1713514/Review-Uneasy-first-steps-with-Google-Glass\)](#)



[\(http://www.benfranklinplumbingaz.com/\)](http://www.benfranklinplumbingaz.com/)
Need plumbing help? Click & get service fast!
[\(http://www.benfranklinplumbingaz.com/\)](http://www.benfranklinplumbingaz.com/)

Most Popular



News Arizona
Sports Videos
Photos

[US Airways flight crashes at Philly airport \(/23/1713291/US-Airways-flight-crashes-at-Philly-airport\)](#)

[Crashed US Airways passenger snaps selfie \(/23/1713307/Crashed-US-Airways-passenger-snaps-selfie\)](#)

[Disney returns lost bear after a bit of fun \(/105/1713549/Disney-returns-lost-bear-after-a-bit-of-fun\)](#)

[Masked man shoots at, misses Phoenix cops \(/22/1713469/Masked-man-shoots-at-misses-Phoenix-cops\)](#)

['Big Bang' star shares passion for science \(/22/1713378/Big-Bang-star-shares-passion-for-science\)](#)

The Lasso Posts

[\(/264/1617462/The-Lasso\)](#)

['McConnell' becomes new internet sensation \(/265/1713764/McConnell-becomes-new-internet-sensation\)](#)

[Pa. police: Car runs out of gas, man pushes it to drug deal \(/265/1713539/Pa-police-Car-runs-out-of-gas-man-pushes-it-to-drug-deal\)](#)

[With customized vending machine, you can have your Oreo...and eat it, too \(/265/1713383/With-customized-vending-machine-you-can-have-your-Oreoand-eat-it-too\)](#)

[Passenger on crashed US Airways flight snaps selfie \(/265/1713307/Passenger-on-crashed-US-Airways-flight-snaps-selfie\)](#)

[Arnold Schwarzenegger crushes things in tank for charity \(/265/1713145/Arnold-Schwarzenegger-crushes-things-in-tank-for-charity\)](#)

News Sports Shows Videos Events Rewards

[Arizona News \(/?nid=6\)](#)

[KTAR On Demand \(http://ktar.com/4/1490006/N-Talk-923-FM-Shows\)](#)

[Nation \(/?nid=7\)](#)

[Business \(/9/1490676/Business-News\)](#)

[Entertainment \(/10/1490678/Entertainment-News\)](#)

[Tech \(/14/1490688/Technology-News\)](#)

[Health \(/13/1490684/Health-News\)](#)



[\(/30/1713802/Malaysian-leader-Disappearance-deliberate\)](#)

Malaysian leader: Disappearance deliberate (/30/1713802/Malaysian-leader-Disappearance-deliberate)

Communications were deliberately disabled on the missing Malaysian jetliner, the country's prime minister said Saturday.

Missing plane throws spotlight on passport theft (http://ktar.com/30/1713792/Missing-plane-throws-spotlight-on-passport-theft)

Top Headlines

[Key events in the Ukraine political crisis \(/23/1713828/Key-events-in-the-Ukraine-political-crisis\)](#)

[AZ man accused of imprisoning ex-girlfriend \(/22/1713849/AZ-man-accused-of-imprisoning-exgirlfriend\)](#)

[Flagstaff man killed retrieving item on I-40 \(/22/1713851/Flagstaff-man-killed-retrieving-item-on-I40\)](#)

[Not guilty plea in Casa Grande bombing \(/22/1713483/Not-guilty-plea-in-Casa-Grande-bombing\)](#)

[Navajo lawmaker opposing NFL team name \(/22/1713850/Navajo-lawmaker-opposing-NFL-team-name\)](#)

[Phoenix restaurant on 'worth traveling for' list \(/22/1713753/Phoenix-restaurant-on-worth-traveling-for-list\)](#)

[Car-bike collision in Scottsdale kills rider \(/22/1713721/Carbike-collision-in-Scottsdale-kills-rider\)](#)

[Valley man arrested for sexual indecency \(/22/1713729/Valley-man-arrested-for-sexual-indecency\)](#)

[Body of missing diver found at Arizona lake \(/22/1713614/Body-of-missing-diver-found-at-Arizona-lake\)](#)

Blogs

[Bruce St. James \(/19/1489707/Bruce-St-James\)](#)

[Rob & Karie \(/20/1490562/Rob--Karie\)](#)

[Mac & Gaydos \(/21/1490586/Mac--Gaydos\)](#)

[Pat McMahon \(/75/1535239/Pat-McMahon\)](#)

[Wallet Watchers \(/255/1613217/Wallet-Watch\)](#)

[Stacey Brooks \(/306/1668641/Stacey-Brooks\)](#)

[Arizona Woman \(/253/1613454/Arizona-Women-Busy-Smart-and-Strong\)](#)

World
(/8/1490675/World-News)

Odd
(/15/1490689/Odd-News)

Silent Witness
(/16/1530539/Silent-Witness)

Sponsored Blogs
(/215/1585655/Sponsored-Blogs)

[Man shoots at Phoenix cops in traffic stop \(/22/1713469/Man-shoots-at-Phoenix-cops-in-traffic-stop\)](#)

Photo Galleries (/54/1491681/Photo-Galleries)



[\(/58/1597674/Photos-of-the-Day-2014\)](#)
[Photos of the Day 2014 \(/58/1597674/Photos-of-the-Day-2014\)](#)



[\(/58/1689334/Mug-shot-of-the-day--2014\)](#)
[Mug shot of the day - 2014 \(/58/1689334/Mug-shot-of-the-day--2014\)](#)



[\(/58/1713549/Faith-in-Humanity-Disney-returns-lost-bear-after-a-bit-of-fun\)](#)
[Faith in Humanity: Disney returns lost bear after a bit of fun \(/58/1713549/Faith-in-Humanity-Disney-returns-lost-bear-after-a-bit-of-fun\)](#)

Monica Lindstrom
(/304/1668435/Monica-Lindstrom)

Real Estate Show
(/154/1548586/That-Real-Estate-Show)

The Think Tank
(/272/1628873/The-Think-Tank)

Rosie on the House
(/68/1563617/Rosie-on-the-House)

Bumper to Bumper
(/69/1598162/Bumper-to-Bumper)

Data Doctors
(/73/1548699/Data-Doctors)

Extra

Traffic
(/11/1490679/Traffic-Center)

Weather
(/12/1490683/Weather-Center)

KTAR.com (<http://ktar.com>)

Copyright © 2014 Bonneville International. All rights reserved.

[Contact Us \(/63/1535680/Contact-KTAR\)](#)

[Employment \(http://bonnevillephoenix.applicantpro.com/jobs/\)](http://bonnevillephoenix.applicantpro.com/jobs/)

[Contest Rules \(http://media.bonnint.net/az/28/2875/287502.pdf\)](http://media.bonnint.net/az/28/2875/287502.pdf)

[Terms of Use \(/63/1535709/Terms-Of-Use\)](#)

[Privacy Statement \(/63/1535710/PRIVACY-STATEMENT\)](#)

[EEQ Public File Report \(http://ktar.com/misc/EEQ.pdf\)](http://ktar.com/misc/EEQ.pdf)

[Copyright Infringement \(/63/1535711/Copyright-Info\)](#)