

COMMONWEALTH OF MASSACHUSETTS

Suffolk, ss  
County of Suffolk

Superior Court  
No.

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Hillary Goodridge and Julie Goodridge,

David Wilson and Robert Compton,

Michael Horgan and Edward Balmelli,

Maureen Brodoff and Ellen Wade,

Gary Chalmers and Richard Linnell,

Heidi Norton and Gina Smith,

and

Gloria Bailey and Linda Davies,

Plaintiffs

v.

DEPARTMENT OF PUBLIC HEALTH,

and

DR. HOWARD KOH, in his official  
capacity as Commissioner of the  
Department of Public Health,

Defendants

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VERIFIED COMPLAINT

## **Introduction**

1. This civil rights action alleges that seven gay and lesbian couples have been deprived of the freedom to join in civil marriage with the person they love in violation of the law of the Commonwealth.
2. The plaintiffs seek declaratory relief pursuant to G.L. c. 231A and M.R.Civ.P. 57.

## **Parties**

3. The plaintiffs Hillary Goodridge and Julie Goodridge are residents of Boston, Suffolk County, in the Commonwealth of Massachusetts.
4. The plaintiffs David Wilson and Robert Compton are residents of Boston, Suffolk County, in the Commonwealth of Massachusetts.
5. The plaintiffs Michael Horgan and Edward Balmelli are residents of Boston, Suffolk County, in the Commonwealth of Massachusetts.
6. The plaintiffs Maureen Brodoff and Ellen Wade are residents of Newton, Middlesex County, in the Commonwealth of Massachusetts.
7. The plaintiffs Gary Chalmers and Richard Linnell are residents of Northbridge, County of Worcester, Commonwealth of Massachusetts.
8. The plaintiffs Heidi Norton and Gina Smith are residents of Northampton, County of Hampshire, Commonwealth of Massachusetts.
9. The plaintiffs Gloria Bailey and Linda Davies are residents of Orleans, County of Barnstable, Commonwealth of Massachusetts.

10. Defendant Department of Public Health is a department of the executive branch of the Commonwealth of Massachusetts established and governed by G.L. chapter 17.
11. Defendant Dr. Howard Koh is the Commissioner of the Department of Public Health.

### **Jurisdiction**

12. This Court has jurisdiction pursuant to G.L. c. 231A, § 1.
13. The Attorney General is charged to appear for the Commonwealth, its departments and officers in cases in which the Commonwealth is interested or in which the acts and doings of the departments and officers are called into question pursuant to G.L. c. 12, §3, and to be notified of cases seeking a declaration where a question of unconstitutionality is involved. G.L. c. 231A, § 8. The Attorney General has been or shortly will be served with a copy of this action.

### Hillary Goodridge and Julie Goodridge

14. Plaintiffs Hillary Goodridge, 44, and Julie Goodridge, 43, (“Hillary and Julie”) have known each other since 1985. They have been living together in a committed partnership for thirteen years and intend to do so for life.
15. The Goodridges first lived together in 1988 in a residence owned by Julie, and then jointly purchased a home in Boston in 1993.
16. Hillary has worked in the development department of several educational and non-profit institutions over the years, and is currently responsible for grant funding for the Unitarian Universalist Association. For the past several years,

Julie has run her own investment advisory company and employs several people in the Boston area.

17. After careful consideration, Hillary and Julie decided to have a child. They tried for many years to bring a child into their lives and in December, 1994, after successful donor insemination, Julie Goodridge became pregnant.
18. Anticipating their growing family, the parties had a private commitment ceremony and exchanged rings in 1995.
19. Friends and co-workers held two different baby showers for the family to show their support and love.
20. The Plaintiffs changed both of their surnames to the same surname in 1995 to signify that they and their coming child were all a family. After considering names on both sides of their families to maintain continuity with past generations, they selected the name of "Goodridge" which is the maiden name of one of Hillary's grandmothers.
21. In September, 1995, Julie gave birth to their daughter who is now five years old.
22. Hillary and Julie completed a joint adoption of their daughter in 1997 so they are both her legal parents.
23. Both parents volunteer on committees at their daughter's school, and both work reduced schedules in order to spend as much time with her as possible.
24. Their daughter is happy and well-adjusted. She has numerous friends at school and in her neighborhood. She also studies ballet and piano.

25. Hillary's parents each consider Julie to be their daughter-in-law. Hillary's parents consider Hillary and Julie's daughter to be their granddaughter and her brother considers Hillary and Julie's daughter to be his niece. They gather together at holidays and for other special events. Most of Julie's immediate family is deceased, but their daughter has some contact with other relatives.
26. Hillary and Julie have merged their finances and intend to continue doing so in the future. Concerned for the well-being of Hillary's mother, Hillary and Julie jointly purchased an apartment for her in 1999. They own the bulk of their personal property jointly, and share a joint checking account. They are each the named beneficiary on the other's retirement accounts. Both own insurance policies to protect the family income in case of disability and each have policies of life insurance on which the other is the named beneficiary.
27. The Goodridges have taken all of the steps available to them to protect their family, including executing health care proxies so they can make medical decisions for the other upon disability, wills to transfer property to each other and to name a guardian for their daughter in the event they both die, and a power of attorney so they can make financial decisions for each other in the event of the other's disability.
28. When their daughter was born, she breathed in fluid and was sent to neonatal intensive care. Julie had a difficult caesarian and was in recovery for several hours. Even with a health care proxy, Hillary had difficulty gaining access to Julie and their newborn daughter at the hospital.

29. When the Goodridges travel outside of Massachusetts, they are uncertain whether the health care proxies will be respected, or whether Hillary will be treated as their daughter's legal mother if Julie becomes disabled.
30. Because there is no legal recognition for their committed relationship, Hillary and Julie are not considered to have any legal relationship to each other. These Plaintiffs and their minor child are denied on a daily basis the social and legal status of a marital relationship, as well as the protections, benefits and obligations -- financial, legal, emotional and others—afforded to married couples.
31. They seek to marry not only to obtain the same protections and responsibilities under law as other couples, but because they don't want their daughter to be deprived of the social recognition and security which comes from having married parents.

David Wilson and Robert Compton

32. David Wilson, 57, and Robert Compton, 51, (“David and Rob”) have known each other since January, 1997, and have considered themselves to be a committed and loving couple for life since 1997. They hope to grow old together in the company of their children, grandchildren, extended families and friends.
33. After living together for a year in David's home in Reading, they jointly purchased a home in Boston in August, 1998.
34. Both men are executives in local businesses and attend the Arlington Street Church (Unitarian Universalist) in Boston.

35. David and Rob had a commitment ceremony at their church in October, 2000. Over 100 people attended, including their adult children from their former marriages and many of their work colleagues.
36. During their marriages, David became the father of three children and Robert of two children. David now has four grandchildren and the grandchildren (and their parents) often visit with David and Rob at their home. Rob's children also visit him in Boston and his son lived with them for a time while the son was in college. In August, 1999, David and Rob were present when David's son's wife gave birth to their first child.
37. Both David and Rob have shared vacations with their blended families as well as visiting with each of their children independently. They spend holidays with both families, first in Boston, and then with Rob's family out-of-state. Rob and David are both included in all significant family-oriented events (*e.g.* birthday parties, family reunions) from their earlier marriages. They are on good terms with their former wives, both of whom support them as a couple and want them to be happy.
38. David and Rob both cared for David's parents when the parents were ill. This included David's mother staying in their home after a heart attack until her death in 1998 and sharing care for David's father who suffered a stroke at about the same time.
39. David and Rob have combined their finances and intend to continue doing so in the future. They consider their personal property to be each other's, even though in some cases it was purchased separately, and they share checking and savings

accounts. They have designated beneficiaries on their life insurance policies and retirement plans in a way that accommodates the needs of each other as well as their children.

40. David and Rob have taken all of the steps available to them to protect their family, including executing health care proxies so they can make medical decisions for the other upon disability, wills to transfer property to each other, and a power of attorney so they can make financial decisions for each other in the event of the other's disability.
41. Rob has ongoing medical issues concerning his heart and they are both concerned about whether or not David will be provided with information or given access to Rob in the event of a medical emergency.
42. Rob has also developed other medical problems – something they anticipate will happen to both of them as they age – and they both worry about gaining access to each other during emergencies and health care crises. Since neither is the spouse of the other, insurance companies will generally not talk with one about the other's bills or condition.
43. After David's divorce but before he met Rob, he had a partner of thirteen years who died suddenly one day while raking leaves. From the time the emergency medical technician arrived on the scene through the trip to the hospital to the time his partner was laid to rest, David had to rely on intermediaries and (in some instances) the kindness of others to attempt to effectuate his partner's wishes.



This experience has augmented David's concern about gaining access to the protections and security afforded the status of being married.

44. Because there is no legal recognition for their committed relationship, David and Rob are not considered to have any legal relationship to each other. These Plaintiffs are denied on a daily basis the legal and social status of a marital relationship, as well as the protections, benefits and obligations -- financial, legal, emotional and others—afforded to married couples.
45. David and Rob seek to marry as a public expression of their commitment to one another --an expression that is understood by their families, colleagues and the world at large -- as well as to provide greater legal security to each other.

Michael Horgan and Edward Balmelli

46. Plaintiffs Michael Horgan, 41, and Edward Balmelli, 41, (“Mike and Ed”) met in 1994, fell in love, and have been a loving and committed couple ever since. They hope to be so fortunate for all of their days.
47. After living together in various places in Massachusetts, they jointly purchased a home in Boston in 1998.
48. Ed works as a computer engineer at the Merrimack Valley manufacturing plant of Lucent Technologies, and has worked at Lucent (and its predecessor companies) for twenty years. Mike works as a web developer for KPMG, LLP.
49. Both men joined the Old South Church in Boston (United Church of Christ) and attend services as a family.

50. Both men come from large families in central Massachusetts and often see their parents, siblings and numerous nieces and nephews. They are each “godparents” to some of their nieces and nephews and take seriously that responsibility. In addition to weekends and special occasions, the two spend time together with Michael’s extended family every summer on Lake Winnepesaukee in New Hampshire, and every other year, they host the Balmelli parents for Thanksgiving. When Michael’s father had major surgery in Boston and was hospitalized for several weeks, they both saw him almost every night.
51. Both of their families are supportive of them and their relationship. Both of their parents have been married for life, and most of their siblings are married with children. Ed’s mother refers to Mike as her “son-in-law.”
52. Mike and Ed have merged their finances to the extent possible and intend to continue doing so in the future. They consider their personal property to be each other’s, even though some of it was purchased long ago. They share a joint checking account. They are each the named beneficiary on the other’s 401(k) plans. Ed has a pension at Lucent, but the plan does not allow him the same range of options in providing for his beneficiary that a married spouse has, and thus he cannot provide security to Mike if he should predecease Mike in the way that a married person could.
53. Mike and Ed were not able to obtain a policy of umbrella liability insurance for their home and cars because they both individually owned cars prior to their relationship. They were informed that they would have to transfer partial

ownership of their cars to each other, pay the appropriate gift taxes for a transfer to a non-spouse, and then they would be able to obtain coverage. In addition, even though they were able to obtain health care coverage for Mike through Ed's employer while Mike was in school, they had to pay income tax on the value of that coverage which spouses do not have to pay.

54. Mike and Ed have taken the steps available to them to protect their family, including executing health care proxies so they can make medical decisions for the other upon disability, wills to transfer property to each other, and a declaration of remains to indicate their wishes for burial.
55. Because there is no legal recognition for their committed relationship, Mike and Ed are not considered to have any legal relationship to each other. These Plaintiffs are denied on a daily basis the legal and social status of a marital relationship, as well as the protections, benefits and obligations -- financial, legal, emotional and others—afforded to married couples.
56. Mike and Ed seek to marry to provide greater security for each other legally, but also so that the wider world understands that they as important to each other as are spouses are to one another.

#### Maureen Brodoff and Ellen Wade

57. Plaintiffs Maureen Brodoff, 49, and Ellen Wade, 52, (“Maureen and Ellen”) met in law school in 1977 and have been living together in a loving and committed partnership since 1981. They intend to do so for life.

58. Maureen and Ellen began living together in 1981 in Mission Hill before jointly purchasing their home in Dorchester in 1984 where they lived for nine years. They moved and purchased a home in Newton in 1993.
59. Both Maureen and Ellen have worked in the legal profession since 1980. Ellen recently formed her own firm in Brookline and Maureen has worked for a non-profit organization for many years.
60. After wanting a child for many years, much thinking about how they could best provide for a child, and great efforts to have a child, Maureen gave birth to their daughter in 1989.
61. Family and friends alike showered them with gifts and good wishes. Ellen also received one month's paid leave from the law firm at which she was working at the time.
62. After her birth, Maureen took off six months to care for their daughter before returning to work, and Ellen took off approximately eighteen months to care for their daughter after Maureen returned to work. Both Maureen and Ellen continued to work part-time until very recently, and they try to maintain a flexible schedule to meet their daughter's needs.
63. In 1994, Maureen and Ellen completed a joint adoption of their daughter so they are now both her legal parents.
64. In 1995, their daughter began elementary school. Both parents were active volunteers at the school. In addition, Ellen has coached various teams on which

their daughter has played, including Little League Baseball, soccer, softball, and basketball.

65. Their daughter is a happy and well-adjusted middle schooler, with close friends and a wide circle of acquaintances. She is a good student, has taken karate classes since kindergarten, has played violin since the first grade, is taking a hip-hop dance class, and excels in many sports.
66. Maureen's family and Ellen's family both support their relationship and see Maureen and Ellen's daughter as their granddaughter, niece and cousin.
67. Their daughter visits Ellen's family in Texas several times each year with one or both parents, and the family also has regular contact with Maureen's parents in Connecticut and her sisters' families around the country. They also take periodic vacations with Maureen's parents and Maureen's and Ellen's sisters' families.
68. The extended families gather together at holidays and for other special events such as Thanksgiving, Passover, Chanukah and Christmas and annual Wade family reunions.
69. Their neighbors, both in Dorchester and in Newton, have been supportive of them and their family.
70. Maureen and Ellen have merged their finances to the fullest extent possible without sacrificing their tax planning and other objectives, and intend to continue doing so in the future. They own the bulk of their personal and real property jointly, and share one joint checking account. They are each the named

beneficiary on the other's retirement accounts and plans. Both own policies of life insurance on their lives and the other is the named beneficiary.

71. In addition, Maureen and Ellen have taken all of the steps available to them to protect their family, including completing a co-parent adoption, executing health care proxies so they can make medical decisions for the other upon disability, wills to transfer property to each other and to name a guardian for their daughter in the event they both die, and a power of attorney so they can make financial decisions for each other in the event of the other's disability. They both have ongoing concerns about whether they will need to argue with health care providers or other institutions in times of crisis.
72. These issues have come into sharper focus for them since the Fall of 1999 when Ellen was diagnosed with breast cancer. In addition to worrying about her own health and other matters, like whether she would live to see her daughter graduate from high school, she also worried about her family's financial security.
73. This health crisis heightened both their awareness of their importance to each other, as well as their concern about protections only available to married couples.
74. Because there is no legal recognition for their committed relationship, Maureen and Ellen are not considered to have any legal relationship to each other. These Plaintiffs are denied on a daily basis the legal and social status of a marital relationship, as well as the protections, benefits and obligations -- financial, legal, emotional and others—afforded to married couples.

75. Maureen and Ellen want to marry to secure the legal protections and obligations this bond would provide and thereby to support and shield their family in ways it is unprotected despite their enduring emotional bond and commitment.

Gary Chalmers and Richard Linnell

76. Plaintiffs Gary Chalmers, 35, and Richard Linnell, 37, (“Gary and Rich”) have known each other since the mid-1980’s and have considered themselves to be a committed couple since September 1988. They intend to remain together for all of their days.

77. They reside in Northbridge, in the home where Rich was raised, with their eight-year-old daughter.

78. Gary has been a teacher in the local elementary school for the past thirteen years, and Rich is obtaining a masters in nursing and is a part-time nursing instructor.

79. They own the bulk of their personal property together, and have commingled their finances. At times over the last few years, Gary has provided the sole income for the family because Rich has been in school.

80. In the early years of their relationship, they lived in Worcester, but then moved to the Linnell family home in Northbridge in 1991 when Rich’s mother requested that they come and live with her.

81. Shortly after their move to Northbridge, Gary adopted their infant daughter, and later, Rich completed a second parent adoption so they are both legal parents. After they had their daughter, they joined a church in Worcester and have raised her in their chosen faith (Unitarian Universalist).

82. Gary is active in the local Parent Teacher Association and participates in the membership drive. Both parents volunteer at their daughter's school by participating in school fundraisers and chaperoning field trips.
83. Gary also has deep roots in the area, having been raised in Shrewsbury. His sister and her two children live down the street from them, and each day, either Gary's parents or Rich's mother supervises all of the children when they get home from school until Rich, Gary or Gary's sister return home from work.
84. Their local community has been supportive of them, their family and their daughter. Their extended families are also supportive, including Rich's mother who lives upstairs and Gary's parents who are trying to move closer to the Chalmers-Linnell household.
85. Their daughter has many friends, does well in school, and participates in dance classes, softball and other activities. Gary and Rich take family trips together with their daughter and feel in every way that they are a family and a part of the community.
86. Fortunate as they feel they are, Gary and Rich have not been able to attain the legal security they desire for their family. Gary pays for a family health insurance policy at work which covers only him and their daughter because Massachusetts law does not consider Rich to be a "dependent." This means that their household must purchase a separate individual policy of health insurance for Rich at considerable expense. Under Gary's health plan, there would be no additional cost to adding another family member if they were married.



87. At the request of Rich's mother, Rich will soon assume sole ownership of the family home. They have been advised that Rich cannot place the home in joint names with Gary without incurring tax penalties, even though they both pay on a home equity loan used to improve the house. Moreover, Rich fears that if he were to die soon, then Gary might have to pay taxes on his own home which he would be inheriting from Rich.
88. Although they have a health care proxy for each other, they worry about what would happen if they encountered a medical emergency outside of the communities that know them so well. They also carry copies of their adoption decree for their daughter for fear that someone, somewhere, will not recognize that they are both parents.
89. Gary has a pension plan at work, but under state law, because he is a municipal employee, that plan does not allow him the same range of options in providing for his beneficiary that a married spouse has and thus he cannot provide the same security to his family that a married person could if he should predecease Rich.
90. Because there is no legal recognition for their committed relationship, Gary and Rich are not considered to have any legal relationship to each other. These Plaintiffs are denied on a daily basis the legal and social status of a marital relationship, as well as the protections, benefits and obligations -- financial, legal, emotional and others—afforded to married couples.
91. In addition to making a statement to the world about their relationship and gaining access to greater legal security, the plaintiffs seek to marry for the sake of their

daughter. They believe it is important that she grow up not only with the security provided both by her parents' love for her and each other, but also with the security that would come from her parents' legal and shared cultural bond to each other.

#### Heidi Norton and Gina Smith

92. Heidi Norton, 36, and Gina Smith, 36, ("Heidi and Gina") began a committed relationship in 1990 and intend to continue that relationship for life. They had a ceremony celebrating their love, commitment and relationship with 100 members of their family and friends in 1993.
93. Heidi works for a marketing research firm and Gina works in higher education administration.
94. After living together other places, they jointly purchased a home in Northampton in 1995.
95. They both desired a family with children, and after careful planning, Heidi gave birth to each of their two sons in 1996 and 2000. Gina took off several weeks from work after the birth of each child, and Gina has worked part time since 1998 in order to spend more time with the children.
96. Their families, neighbors and places of work delighted in the arrival of each child. Before their first son's birth, friends, colleagues and family members held three different baby showers for them.

97. Their family has completed adoptions for both children so both women are legal parents of the children. The children have the last name of “Nortonsmith” which combines both of their own surnames.
98. Heidi’s and Gina’s two sons are happy, well-adjusted outgoing boys who have a close fraternal relationship and also friends of all ages.
99. The Norton-Smith family is active in a local Quaker Meeting. Both women are also involved in their community, having volunteered on projects involving adult literacy in Northampton, housing discrimination in Holyoke, and mentoring a Springfield High School student. As a family, they also sing in an interracial and intergenerational gospel choir.
100. Each of Heidi’s and Gina’s living parents is supportive of their relationship and children. The family visits with Gina’s relatives in Baltimore approximately four times each year, and they see Heidi’s father and his family in the Boston area even more often. They attend family gatherings on both sides of their families, including family reunions, and are widely respected as the family they are.  
(Heidi’s mother is deceased.)
101. Over the course of their relationship to date, two different family members came to live with them for a time during a period of personal difficulty.
102. Heidi and Gina own the bulk of their personal property together and have merged their incomes and financial lives and intend to continue doing so. Heidi is the beneficiary of Gina’s pension plan and Gina is the beneficiary of Heidi’s 401(k)

plan. Both have wills and life insurance naming the other as beneficiary and the children as contingent beneficiaries.

103. They are fortunate in that Gina's employer presently allows the entire family including Heidi to be covered under one family health insurance plan. Even still, Gina must pay additional income tax on the value of Heidi's insurance because Heidi is not her spouse.
104. Even with their adoptions completed and health care proxies, both parents worry about whether their relationship will be respected during a medical crisis or whether others will recognize both of them as parents of their sons in other parts of Massachusetts or when they travel.
105. They had a medical emergency two weeks after the birth of their elder son when Heidi began to hemorrhage badly when they were visiting with Heidi's relatives in New Hampshire. On another occasion, a medical situation arose with one of their sons and they had to take him to an emergency room when they were out-of-state and visiting Gina's relatives in Baltimore. While both of those encounters were resolved, they remain uncertain about whether other institutions will respect their relationship in times of need or crisis.
106. Because there is no legal recognition for their committed relationship, Heidi and Gina are not considered to have any legal relationship to each other. These Plaintiffs are denied on a daily basis the status of a marital relationship, as well as the protections, benefits and obligations -- financial, legal, emotional and others—afforded to married couples.

107. They seek to marry for their own sake, to make a statement about their love and commitment, and because they want their two sons to grow up in a world where their parents' relationship is legally and communally respected.

Gloria Bailey and Linda Davies

108. Gloria Bailey, 60, and Linda Davies, 55, ("Gloria and Linda") met in 1970 and have been together in a loving, thriving and sustaining relationship since 1971.
109. They met while working for a children's mental health agency in Connecticut. Both women have masters degrees in social work. At that time, recognizing that being open about their sexual orientation would be a hindrance to their employment, they together founded a private practice of psychotherapy twenty-five years ago and have worked together ever since.
110. While they have spent time on Cape Cod since 1971, they jointly purchased a vacation home in Brewster in 1976. As they began to work part-time in their therapy practice, they jointly purchased a year-round residence in Orleans in 1985. Orleans is their legal residence and the place where they spend most of their time.
111. They are both active members of the First Parish Brewster Unitarian Universalist congregation and have been so for about nine years. They both assume leadership roles there and have served on many committees and participate in community activities. Their church, friends and neighbors in Orleans are supportive of them and their family.

112. The living members of their families are supportive of them, and they take great joy in spending time with their siblings, nieces and nephews, and grand-nieces and nephews. Their grandnieces come to visit them on Cape Cod for parts of most school vacations and during the summer. Linda's mother, who is now deceased, included Gloria equally along with her other children's spouses in gift giving as part of her estate planning.
113. Even though they are separated by many miles, members of the families make a commitment to visiting each other regularly and arrange gatherings on Cape Cod, or in Florida, Wisconsin, or Maine at least two or three times each year. They also gather together when they can to celebrate christenings, marriages, birthdays, and other special holidays and events.
114. Gloria and Linda have had many joint financial endeavors over the years, including home purchases, investment purchases and the development of their therapy practice.
115. Since buying their first home together in 1975, Gloria and Linda have co-mingled all their finances, and assumed joint responsibility for all of each other's debts. They have merged their finances to the fullest extent possible consistent with sensible financial planning and intend to continue doing so in the future. They own all of their personal property jointly, and their checking and savings accounts are jointly held. They are each the named beneficiary on each other's individual retirement accounts and also own mutual funds and stocks jointly. Both own policies of life insurance on their lives and the other is the named beneficiary.

116. In addition, Gloria and Linda have taken all of the steps available to them to protect each other. They have executed health care proxies so they can make medical decisions for the other upon disability, wills to transfer property to each other, and a durable power of attorney so they can make financial and business decisions for each other in the event of the other's incapacity. They both believe these protections are not adequate and feel a great deal of anxiety and uncertainty about whether their wishes and directives would be acted upon without additional stress and effort on their part during times of medical crisis.
117. These issues have come into play for them over the years in various ways. They were unable to obtain financing for their first home from many banks because they were not "related." They have also been unable to purchase a joint policy of health insurance.
118. Other issues have emerged as they age. For example, Linda has had chronic hip problems, and over a four-year period her condition deteriorated to the point where she was nearly immobile and could only walk with crutches for over ten months. Gloria assumed primary caretaking responsibilities for Linda at their home. Finally, in February 2000, Linda had a bi-lateral total hip replacement, with both hips being done on the same day. In addition to dealing with their anxiety about her operation, they also went out of their way to meet with all of the health care professionals involved to make sure everyone knew that Gloria is Linda's partner and should be included in decision-making.

119. They have relied upon each other totally to deal with life's problems and difficulties for thirty years. During this time, they have been there for each other through the illness and deaths of three of their four parents, Gloria's brother's mental illness and subsequent premature death at age thirty-three, and the illnesses and deaths of other important people in their lives.
120. Because there is no legal recognition for their committed relationship, Gloria and Linda are not considered to have any legal relationship to each other. The Plaintiffs are denied on a daily basis the legal and social status of a marital relationship, as well as the protections, benefits and obligations -- financial, legal, emotional and others—afforded to married couples.
121. After three decades of being emotionally, socially, financially and spiritually intertwined, Gloria and Linda seek the freedom to marry as a way to acknowledged and celebrate the deep and abiding commitment they share with one another. They want the world to see them as they see themselves – a deeply loyal and devoted couple who are each other's spouses in all ways. They also seek the legal security and emotional peace of mind that comes from being a married couple.

### **The Plaintiffs' Attempts to Secure Marriage Licenses**

Hillary Goodridge and Julie Goodridge, David Wilson and Robert Compton,  
Michael Horgan and Edward Balmelli

122. On March 28, 2001, the three Plaintiff couples David Wilson and Robert Compton, Hillary Goodridge and Julie Goodridge, and Michael Horgan and Edward Balmelli appeared separately at the offices of the City of Boston Clerk at



Boston City Hall and requested an application for a marriage license (*i.e.*, the notice of intention to marry).

123. The clerk first met with David and Rob, and she told them politely that “the bride and groom must be present.” David then explained there would be two grooms, and she said they would have to talk to the City Clerk.
124. They proffered their Premarital Medical Certificates and the required fee, but the clerk stated “the application was for a woman and a man.” The clerk offered to have them speak to her supervisor, and a short while later another woman came forward.
125. This individual then politely told David and Rob that they could only give an application for a marriage license to a couple who are a man and a woman. She also said they would have to “call [the Registrar of] Vital Statistics because the rules come from there.” She provided the phone number of the Registrar to them.
126. A short while later, Hillary Goodridge and Julie Goodridge also approached the clerk’s window and asked for an application for a marriage license. The clerk said, “I need both of you here.” When they replied they were both present, the clerk sought out the same person who had spoken with David and Rob.
127. They proffered their Premarital Medical Certificate and the required fee to the supervisor, but she did not take them and explained politely “the law states it has to be a man and a woman.” She referred them to the Director of Vital Statistics.
128. A short while later, Michael Horgan and Edward Balmelli sought a license from the same clerk. When she saw it was two men, she summoned another woman

(the same who had spoken with Hillary and Julie and David and Rob) and stated that applicants for a marriage license “must be a man and a woman.”

129. Mike and Ed proffered their Premarital Medical Certificate and the required fee but the clerk refused to give them an application and referred them to the Registrar [of Vital Statistics].

Maureen Brodoff and Ellen Wade

130. On March 30, 2001, Plaintiff couple Maureen Brodoff and Ellen Wade appeared at the offices of the Town Clerk of Newton.
131. Ellen requested a marriage license from the clerk, who said she would be with them in a moment. The clerk stepped into another room and then returned a short while later. The clerk then politely explained that they were “in the wrong state” for getting married and that they would have to go to another state and suggested Vermont.
132. Maureen and Ellen stated they wanted to get married in Massachusetts and showed the clerk that they had everything they needed to get married including the Premarital Medical Certificate demonstrating they had complied with the blood test requirements. They also offered to pay the required fees. The Clerk told them they could not get married in Massachusetts or even fill out the paperwork because marriage between two women is “not permitted” in Massachusetts.

Gary Chalmers and Richard Linnell

133. On April 2, 2001, Plaintiffs Gary Chalmers and Richard Linnell appeared at the Town Clerk's office in Northbridge, Massachusetts. They spoke with a clerk and explained they wished to apply for a marriage license.
134. The clerk then sought out her supervisor, and both clerks returned to talk to Gary and Rich. The clerks politely explained, "I cannot issue a license under Massachusetts law to the two of you. I feel very badly about it but it's not our law, it's the state's law."
135. They proffered their Premarital Medical Certificate as well as the required fee, but one of the clerks stated they could not give them the forms to complete and suggested they try Vermont.

Heidi Norton and Gina Smith

136. On March 26, 2001, Plaintiff couple Heidi Norton and Gina Smith went to the City Clerk's office in Northampton. They met with the City Clerk and asked for a marriage license.
137. The City Clerk reached for the paperwork to hand them until Heidi made clear the license was for the two of them. At that point, she stopped what she was doing and explained politely that it is "not allowed in Massachusetts."
138. The couple proffered their Premarital Medical Certificate as well as the fee for obtaining a marriage license, but they were not allowed to complete the paperwork.

Gloria Bailey and Linda Davies

139. On March 26, 2001, Plaintiff couple Gloria Bailey and Linda Davies went to the Town Clerk's office in Orleans and asked to speak with the clerk. When they spoke to the clerk and asked for a marriage license, she stated, "Oh, I'm sorry. I can't let you do that."
140. Gloria then proffered the Premarital Medical Certificate and Linda offered to pay the fee for a license, but the clerk politely explained, "The state of Massachusetts does not allow same-sex marriages." She added that she would help them if she could and they could get a partnership in Provincetown.
141. When Linda then asked if they could obtain a marriage license in Provincetown, the clerk said, "No, you can't get a marriage license anywhere in Massachusetts because the state doesn't recognize marriages between same-sex couples." They were not permitted to fill out the paperwork necessary for obtaining a marriage certificate.

**Position of the Registrar of Vital Records and Statistics**

142. On April 4, 2001, Plaintiff Hillary Goodridge telephoned the Registrar of Vital Records and Statistics for the Commonwealth of Massachusetts. Ms. Goodridge explained that she and her partner had been denied the opportunity to apply for a marriage license at Boston City Hall the previous week and had been referred to the Registrar for more information.
143. When Ms. Goodridge asked if the clerk in Boston was correct in denying her and Julie a marriage license, the Registrar said, "Yes."

144. In reply to Ms. Goodridge's question about the basis for the Boston City Clerk's refusal to allow her to apply for a marriage license, the Registrar politely explained that the policy in Massachusetts and all fifty states is that no marriage license can be issued to same-sex couples. She referred to a provision of the Massachusetts gay and lesbian civil rights legislation passed in 1989 and the common law, including a case decided by the Supreme Judicial Court in 1810. She also referred to tradition and General Laws chapter 207.
145. Upon information and belief, the laws cited by the Registrar: (1) Acts and Resolves of 1989, c. 516, sec. 19; and (2) *Inhabitants of Milford v. Inhabitants of Worcester*, 7 Mass. 48 (1810).

#### **Facts As To All Plaintiff Couples**

146. Apart from the fact that they are of the same sex, each Plaintiff individually and each Plaintiff couple, is qualified to contract to marry and to marry under the laws of Massachusetts in that they are not a part of any existing marriage, are not so closely related as to bar marriage between them, have complied with the blood test requirements, and have attempted to tender the appropriate fee.
147. Each Plaintiff individually and each Plaintiff couple has been deprived of the opportunity to apply for a marriage license (*i.e.*, certificate of intention to marry) because they are of the same sex.
148. A controversy exists between and among the parties.

## **Claims for Relief**

### COUNT I

149. Plaintiffs repeat, re-allege and incorporate in this paragraph all of the allegations set forth above, as if fully set forth herein.
150. Within the Department of Public Health is a Registry of Vital Records and Statistics. Massachusetts law charges the Commissioner, Dr. Koh, with enforcing state laws relative to marriage through his supervision of the Registrar of Vital Records and Statistics.
151. The Department of Public Health, through its Registrar of Vital Records and Statistics, considers an impediment to marriage the fact that a couple is of the same-sex.
152. The Defendant Department of Public Health and its Commissioner have created, and/or allowed to continue, a regime of marriage regulation in the Commonwealth under which city and town clerks and other ministerial actors who operate under the Defendants' control and direction concerning marriage licenses, may not issue a marriage certificate to qualified same-sex couples.
153. The custom and practice of refusing same-sex couples the opportunity to apply for a marriage license is in violation of the laws of the Commonwealth of Massachusetts, including but not limited to their rights under the Declaration of Rights, articles I, VI, VII, X, XII and XVI, and Pt. II, c.1, sec. 1, art. 4, as amended, of the Massachusetts Constitution.

### **Prayers for Relief**

WHEREFORE, the plaintiff respectfully requests that this Honorable Court order the following relief:

1. Enter a declaratory judgment that the exclusion of the Plaintiff couples and other qualified same-sex couples from access to marriage licenses, and the legal and social status of civil marriage, as well as the protections, benefits and obligations of marriage, violates Massachusetts law;
2. Award reasonable costs and attorneys' fees; and
3. Grant such other relief as is just and appropriate.

THE PLAINTIFFS,  
Hillary and Julie Goodridge,  
David Wilson and Robert Compton,  
Michael Horgan and Edward Balmelli  
Maureen Brodoff and Ellen Wade  
Gary Chalmers and Richard Linnell  
Heidi Norton and Gina Smith  
Gloria Bailey and Linda Davies

By their attorneys,  
GAY & LESBIAN ADVOCATES & DEFENDERS

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[Note: Verifications Omitted from this Document]