

Chronology of Same-Sex Marriage Developments after U.S. v. Windsor

[From Sexuality Law, 2015 Update, Appendix, by Arthur S. Leonard and Patricia A. Cain]

As of July 15, 2014 – 19 marriage equality states + D.C. = almost 44% of the US population living in marriage equality jurisdictions.

As of January 6, 2015 – 36 marriage equality jurisdictions + D.C. = more than 70% of U.S. population living in marriage equality jurisdictions.

On June 26, 2015 – U.S. Supreme Court ruling extends marriage equality all U.S. states and territories.

Chronology:

2013:

June 26, 2013 – U.S. v. Windsor, 133 S. Ct. 2675 – DOMA Section 3 invalidated, ending statutory ban on federal government recognizing same-sex marriages; Hollingsworth v. Perry, 133 S. Ct. 2652 – Prop 8 appeal dismissed because Intervenors lacked Article III standing to appeal (vacating 9th Circuit decision and leaving District Court decision holding Prop 8 same-sex marriage ban unconstitutional in place).

June 28, 2013 – 9th Circuit lifted stay of Prop 8 ruling; same-sex marriages resumed in California – attempts by Proponents of Prop 8 to cabin district court’s decision are rejected by state

July 1 – Michigan - DeBoer v. Snyder, 2013 WL 3466719, 2013 U.S. Dist. LEXIS 98382 (E.D. Mich.) – Judge Friedman – refuses to dismiss marriage equality lawsuit – first federal court decision to cite Windsor

June-July - Obama Administration announces that “place of celebration” rule will be used to determine federal recognition of same-sex marriages except where existing statutes and regulations require otherwise (including for Internal Revenue Code, federal employee benefits, military benefits, diplomatic corps). Major exception for social security, where statutory definition requires amending that hasn’t been done yet, although bill has been introduced.

July 17 - Matter of Oleg B. Zeleniak, Beneficiary of a visa petition filed by Serge V. Polajenko, 26 I&N Dec. 158, 2013 WL 3777692 (BIA) – same-sex marriages will be recognized under place of celebration rule for purposes of immigration and naturalization law, citing Windsor

Summer 2013 – New Mexico Marriage Clerks began to issue marriage licenses as trial judges issued marriage equality orders. Eventually clerks asked New Mexico Supreme Court to take direct review in pending marriage equality cases. Clerks in several counties continue to issue licenses as cases rose to the state supreme court.

July 22 - Obergefell v. Kasich, 2013 WL 3814262, 2013 U.S. Dist. LEXIS 102077 (S.D. Ohio, W. Div.) – US District Judge Timothy Black – TRO requiring Ohio to recognize out-of-state same-sex marriage for purposes of death certificate

July 29 - Cozen O'Connor v. Tobits, 2013 U.S. Dist. LEXIS 105507, 2013 WL 3878688 (E.D. Pa.) – District Judge Jones held ERISA must be construed to include same-sex spouses for purposes of inheritance rights to retirement accounts

August 1 – Rhode Island marriage equality statute went into effect (enacted prior to Windsor)

September 27 - Garden State Equality v. Dow, 2013 WL 5397372 (N.J. Superior Ct., Mercer County) – Judge Jacobson, grants summary judgment for plaintiffs in marriage equality case, to go into effect Oct. 21.

September 27 - Darby v. Orr; Lazaro v. Orr, Case No. 12 CH 19718 (IL Circuit Ct., Cook County) – Judge Hall, rejects motions to dismiss marriage equality claims.

September – By December all state National Guard units acceded to Defense Department's requirement for recognition of same-sex spouses using place-of-celebration rules – some states with strong anti-recognition laws allowed work-arounds where sign-up for benefits was conducted by federal officials – process was gradual, with most states falling in line in September after DOJ announcement.

October 16 – Oregon Attorney General announces that state will recognize same-sex marriages from other jurisdictions, despite state constitution Marriage Amendment, in light of Windsor ruling

October 18 – N.J. Supreme Court unanimously affirmed Judge Jacobson's ruling denying a stay, Garden State Equality v. Dow, 2013 WL 5687193, 2013 N.J. LEXIS 1091, and Governor Chris Christie withdraws appeal – marriage equality goes into effect on October 21, as originally ordered by the trial judge.

October 22 – Illinois "Veto Session" of legislature convenes to consider marriage equality bill pending from spring session

October 28 – Hawaii Gov. Neil Abercrombie convenes special session of legislature to consider marriage equality bill he introduced. Abercrombie took the position that after Windsor, the state could not win a pending marriage equality lawsuit, so the legislature should act.

November 1 - Obergefell v. Wymyslo, 2013 U.S. Dist. LEXIS 156934, 2013 WL 5934007 (D. Ohio, Nov. 1, 2013) – Judge Black held that marriage recognition case survived the death of original plaintiffs, adding a gay funeral director as a co-plaintiff representing the interests of his potential customers

November 5 – Illinois legislature enacts marriage equality law, to take effect June 1, 2014. Critical vote followed a refusal by a state trial judge to dismiss pending marriage equality lawsuits.

November 12 – Hawaii legislature enacts marriage equality law, to take effect December 2, 2013.

November 14 – Missouri Governor Jay Nixon orders state tax authorities to accept joint returns filed by same-sex couples who married out of state, construing state’s tax law to incorporate federal marriage definition post-Windsor

November 25 – Citing Windsor, 9th Circuit administrative panel rules that Oregon must provide benefits to same-sex domestic partner of state employee. In the Matter of Margaret Fonberg, 2013 WL 6153265, 2013 U.S. App. LEXIS 23826, EDR No. 13-002.

November 25 - Gray v. Orr, Case No. 1:13-cv-8449 (U.S. Dist. Ct., N.D. Ill., Nov. 25, 2013) – Judge Durkin – federal court orders clerk to issue license to same-sex couple due to medical emergency, presaging partial breakdown of delayed implementation of Illinois marriage equality law.

December 10 - Edwards v. Orr, 2013 U.S. Dist. LEXIS 173801, 2013 WL 6490577 (N.D. Ill.) – District Judge Coleman adopts general directive that Illinois issue marriage licenses to same-sex couples in the event of medical emergencies – adopts a methodology for determining who qualifies, to avoid constitutional issues

December 19 - Greigo v. Oliver, 2013 WL 6670704, 2013 N.M. LEXIS 414 (New Mexico Supreme Court) – unanimous pro-marriage equality ruling that goes into effect immediately

December 20 - Kitchen v. Herbert, 2013 WL 6697874, 2013 U.S. Dist. LEXIS 179331 (D. Utah) – District Judge Shelby – pro-marriage equality ruling, stay denied by Judge Shelby & by the 10th Circuit – couples start marrying – first district court marriage equality ruling on the merits post-Windsor

December 23 - Obergefell v. Wymyslo, 2013 WL 6726688, 2013 U.S. Dist. LEXIS 179550 (S.D. Ohio) – Judge Black issues permanent injunction requiring Ohio recognition of same-sex marriages for purposes of death certificates

2014

January 6 – Utah - U.S. Supreme Court stays Utah district court marriage ruling, Kitchen v. Herbert, 961 F. Supp. 2d 1181 (D. Utah Dec. 20, 2013), without explanation, pending appeal to the 10th Circuit. See 134 S. Ct. 893. During 2014, the U.S. Supreme Court will grant every stay motion in a pending marriage equality case until October 6, when it denies petitions for certiorari in marriage equality cases from three circuits, after which it will deny every stay motion in a

pending marriage equality case, even after granting certiorari to review the 6th Circuit's November 2014 decision.

January 14 – Oklahoma - Bishop v. United States, 962 F. Supp. 2d 1252 (N.D. Okla.) – District Judge Kern rules ban on same-sex marriage unconstitutional, but stays decision pending 10th Circuit appeal in light of S. Ct. stay in Kitchen v. Herbert.

January 21 – 9th Circuit - Smithkline Beecham Corp. v. Abbott Laboratories, 740 F.3d 471 (9th Cir.) – in case involving peremptory challenge to gay juror, 9th Circuit panel rules that Windsor established a heightened scrutiny standard for sexual orientation discrimination claims, requiring that any strike against a gay juror must be for cause

January 29 – West Virginia - McGee v. Cole, 993 F. Supp. 2d 639 (S.D. W.Va. 2014) – District Judge Chambers denies motion to dismiss marriage equality suit in West Virginia

February 10 – Attorney General Holder announces that Justice Department will recognize same-sex marriages using place of celebration rule for all purposes, including testimonial privileges.

February 10 – Nevada -- Governor Brian Sandoval and state attorney general announce that they will not defend the state's marriage ban on the merits in pending 9th Circuit appeal by plaintiffs in Sevcik v. Sandoval, leaving defense to Intervenors.

February 12 – Kentucky - Bourke v. Beshear, 996 F. Supp. 2d 542 (W.D. Ky.) – Judge John Heyburn rules state ban on recognition of same-sex marriages unconstitutional, decision eventually stayed pending appeal to 6th Circuit.

February 13 – Virginia - Bostic v. Rainey, 970 F. Supp. 2d 456 (E.D.Va., Feb. 13, 2014, amended Feb. 14, 2014) – Judge Allen rules Virginia same-sex marriage ban unconstitutional, decision stayed pending appeal to the 4th Circuit.

February 20 – Oregon Attorney General announces that in light of Windsor, the state will make no substantive defense in pending marriage equality lawsuit.

February 21 - Lee v. Orr, 2014 U.S. Dist. LEXIS 21620 (N.D. Ill.) – Judge Coleman rules that Cook County Clerk must immediately begin issuing marriage licenses, regardless of medical necessity, due to likely constitutional infirmity of existing marriage ban in light of Windsor and enactment of marriage equality law.

February 26 – Texas - De Leon v. Perry, 975 F.Supp.2d 632 (W.D. Tex.) – Judge Garcia rules Texas same-sex marriage ban unconstitutional, stayed pending appeal to 5th Circuit.

March 14 – Tennessee - Tanco v. Haslam, 7 F. Supp. 3d 759 (M.D. Tenn.) – Judge Trauger found Tennessee's ban on recognition of same-sex marriages unconstitutional; her denial of stay for plaintiff couples was reversed by 6th Circuit pending appeal on April 25.

March 21 – Michigan - DeBoer v. Snyder, 973 F.Supp.2d 757 (E.D. Mich.) – Judge Friedman finds Michigan same-sex marriage ban unconstitutional after full bench trial, finds state’s expert witnesses not credible, decision stayed by 6th Circuit pending appeal.

April 10 – Indiana - Baskin v. Bogan, 12 F. Supp. 3d 1137 (S.D. Indiana) – Judge Young issue temporary restraining order requiring state to recognize same-sex marriage contracted out of state of one of the plaintiff couples in pending marriage equality suit, due to medical emergency; state is seeking stay and appeal to 7th Circuit.

April 10 – 10th Circuit hears oral argument in Utah marriage equality case

April 14 – Ohio - Henry v. Himes, 14 F. Supp. 3d 1036 (S.D. Ohio) – Judge Black rules Ohio must recognize same-sex marriages for purposes of birth certificates and all other purposes; stayed in part pending 6th Circuit appeal.

May 8 – Indiana – Baskin v. Bogan, 983 F.Supp.2d 1021 (S.D. Ind.) – U.S. District Judge J Richard L. Young – Preliminary injunction for plaintiffs in marriage recognition case – state is seeking stay from 7th Circuit.

May 9 – Arkansas — Wright v. State of Arkansas (not officially published) - Pulaski County Cir. Judge Chris Piazza (elected in non-partisan election 1990) –holds same-sex couples have right to marry and to recognition of marriages - stayed by Arkansas Supreme Court after hundreds of couples had married

May 13 – Virginia - 4th Circuit argument in Bostic v. Schaefer & Harris v. Rainey – Virginia marriage appeal by county court clerks, as state was not defending the marriage ban.

May 13 – Idaho – Latta v. Otter, 19 F. Supp. 3d 1054 (D. Idaho) – US Magistrate J Candy Wagahoff Dale (appointed by District Court in 2008) – ruled for recognition & right to marry - Stayed by 9th Circuit pending appeal – Gov. Otter subsequently petitioned 9th Circuit to go directly to en banc review, which was denied.

May 14 – Arkansas -- State Supreme Court denies motion for emergency stay of Judge Piazza’s ruling in Wright v. State

May 19 – Oregon – Geiger v. Kitzhaber, 994 F. Supp. 2d 1128 (D. Ore.) – USDJ Michael McShane (Obama appointee, 2013) – rules for right to marry and marriage recognition –No appeal by state – National Organization for Marriage, denied Intervenor status, is appealing and seeking stay from S. Ct. after 9th Cir. turned them down, 2014 WL 2566885 (9th Cir.) – couples began marrying the same day.

May 19 – Utah – Evans v. State of Utah, 21 F.Supp.3d 1192 (D. Utah) - USDJ Dale Kimball (Clinton appointee 1997 – senior status) – State must recognize marriages performed before S. Ct. issued stay on Jan. 6 --temporary 21-day stay pending state’s appeal to 9th Circuit.

May 20 – Pennsylvania – *Whitewood v. Wolf*, 992 F.Supp.2d 410 (M.D. Pa.) – USDJ John E. Jones (GW Bush appointee, 2002) – right to marry and marriage recognition - No appeal by state, decision went into effect quickly.

June 1 – Illinois marriage equality law officially took effect statewide (marriages already available in Cook County under federal court order and some other clerks had been issuing licenses)

June 4 – Oregon – *National Organization for Marriage v. Geiger*, 134 S. Ct. 2722 – Supreme Court denied motion by National Organization for Marriage to stay the Oregon marriage ruling while it appealed the district court’s denial of its motion to intervene to defend the state’s marriage ban.

June 6 – Wisconsin – *Wolf v. Walker*, 9 F. Supp. 3d 889 (W.D. Wis.) – Senior USDJ Barbara B. Crabb (Jimmy Carter appointee, 1979) – right to marry and marriage recognition – fundamental right, but would not survive rational basis review – decision stayed on June 13 after hundreds of couples had married, 2014 U.S. Dist. LEXIS 82242 – State appealed to 7th Circuit

June 24 – 9th Circuit – No en banc review in *SmithKline Beecham v. Abbott Laboratories*, 759 F.3d 990 – heightened scrutiny established as circuit precedent for 9th Circuit, applicable to pending appeals from Hawaii, Nevada and Idaho, and pending lawsuits in Montana, Alaska and Arizona; Dissent bemoans significance for pending marriage cases and claims circuit has misconstrued *US v. Windsor*

June 25 – Indiana – *Baskin v. Bogan*, 12 F.Supp.3d 1144 (S.D. Ind.) – Chief USDJ Richard L. Young (Bill Clinton appointee, 1998) – right to marry and marriage recognition – fundamental right and equal protection – decision stayed pending appeal – State appealed to 7th Circuit

June 25 – 10th Circuit – Utah – *Kitchen v. Herbert*, 755 F.3d 1193 – right to marry and marriage recognition – 14th Amendment fundamental rights case – staying pending S. Ct. appeal – Attorney General Reyes announced he would file a cert petition

July 1 – Kentucky – *Love v. Beshear*, 989 F.Supp.2d 536 (W.D. Ky.) – USDJ John G. Heyburn II – expands prior recognition ruling to full right to marry – equal protection case, class-based discrimination – sexual orientation is suspect classification, but court find no rational basis for ban – decision stayed pending appeal - State to appeal to 6th Circuit

July 9 – Colorado – *Brinkman v. Long*, 2014 WL 3408024 (D. Colo., not officially published) – Colorado Adams Co. District Ct., Judge C. Scott Crabtree – fundamental right to marry found, no compelling state interest advanced – no rational basis so there is also equal protection violation – no injunction issued, but declaratory judgment stayed pending appeal.

July 9 – Colorado – Boulder Clerk Hillary Hall started issuing licenses upon 10th Circuit ruling – *People ex rel Suthers v. Hall* – Colorado Boulder Co. District Ct. – Judge Andrew Hartman

refuses to enjoin issuance of licenses – state to appeal to Colorado S. Ct. – following ruling, clerks in Denver and Pueblo Counties also started issuing licenses

July 11 – Utah - 10th Circuit – Evans v. State of Utah – 10th Circuit refuses to grant stay pending appeal of district court order requiring Utah to recognize marriages contracted prior to Supreme Court stay in Kitchen v. Herbert, gives state until July 21 to petition Supreme Court for stay. State petitioned Supreme Court on July 16.

July 17 – Florida – Monroe County Circuit Court – Huntsman v. Heavilin, 21 Fla. L. Weekly Supp. 916a - Judge Luis M. Garcia found Florida marriage ban unconstitutional in suit for marriage license by same-sex couple.

July 18 – Utah – Herbert v. Evans, 135 S. Ct. 16 – Supreme Court stays 10th Circuit’s decision requiring Utah to recognize same-sex marriages performed prior to Jan. 6 stay, pending state’s cert petition seeking review in the Supreme Court.

July 18 – Oklahoma - 10th Circuit – Bishop v. Smith, 760 F.3d 1070 – 10th Circuit rules that Oklahoma marriage ban violates fundamental right in violation of 14th Amendment, but stayed effect pending appeal to Supreme Court.

July 23 – Colorado – U.S. District Court – Burns v. Hickenlooper, 2014 WL 3634834 (D. Colo., not published in F. Supp.) – U.S. District Judge Raymond P. Moore found that Colorado’s marriage ban violates the 14th Amendment and temporarily stayed ruling to give state an opportunity to apply to 10th Circuit for a stay.

July 23 – Colorado – Boulder County District Court – State of Colorado v. Hall, No. 2014CV30833 - Judge Andrew Hartman denied state’s motion to order county clerk to stop issuing marriage licenses, affirmed July 24 by Colorado Court of Appeals.

July 25 – Florida – Miami-Dade Circuit Court – Pareto v. Ruvin, 21 Fla. L. Weekly Supp. 899a - Judge Sarah Zabel found Florida marriage ban unconstitutional in suit for marriage licenses by same-sex couples

July 28 – 4th Circuit – Bostic v. Schaefer, 760 F.3d 352 – 4th Circuit rules that Virginia marriage ban violates fundamental right in violation of 14th Amendment, but stayed effect pending motion for stay.

July 29 – Colorado Supreme Court – State of Colorado v. Hall – Ordered county clerk to stop issuing marriage licenses pending state Supreme Court’s review of trial court marriage equality rulings.

August 4 – Florida – Broward County Circuit Court – Brassner v. Lade, 21 Fla. L. Weekly Supp. 920a - Judge Dale Cohen found Florida ban on recognizing out-of-state same-sex marriages

unconstitutional in case seeking dissolution of Vermont civil union. (Opinion subsequently vacated for reconsideration after state moved to intervene.)

August 5 – Supreme Court – Herbert v. Kitchen – Utah files petition for certiorari to review 10th Circuit ruling.

August 5 – Florida – Palm Beach County – Estate of Frank C. Bangor, Case No. 50214CP001857XXXMB – Judge Diana Lewis – Recognition ban was unconstitutional as applied to appointment of Estate Representative based on out-of-state same-sex marriage

August 5 – Tennessee – Roane County Circuit Court – Borman v. Pyles-Borman, No. 2014CV36 (not officially published) – Circuit Judge Russell E. Simmons, Jr., held Baker v. Nelson controls and court may not assert jurisdiction in divorce action due to state’s ban on marriage recognition; no equal protection violation because Tennessee statute denies recognition to all marriages that could not have been performed within state, not just same-sex marriages, so there is no disparate treatment and disparate impact is not a recognized cause of action under the EP clause

August 6 – 6th Circuit Court of Appeals heard oral argument in marriage equality cases from Ohio, Michigan, Kentucky and Tennessee

August 8 – Supreme Court – Petition for certiorari filed by State of Virginia in Bostic v. Schaefer (4th Circuit Virginia case).

August 13 – 4th Circuit – 2-1 vote to deny motion for stay pending further appellate review in Bostic v. Schaefer (Virginia).

August 19 – Indiana – U.S. District Court – Bowling v. Pence, 2014 WL 4104814 (S.D. Ind.) – District J. Richard L. Young ruled state refusal to recognize out-of-state marriage was unconstitutional and restored Governor Pence as a defendant, characterizing as “troubling” the governor’s representation that he had nothing to do with enforcing marriage laws in order to get dismissed in this and other cases

August 19 – Idaho - 9th Circuit Court of Appeals – Latta v. Otter – Denied motion by Idaho Governor Butch Otter to bypass panel and hold en banc hearing in marriage equality case.

August 20 – Supreme Court – Supreme Court issues stay of mandate in Bostic v. Schaefer, sub nom McQuigg v. Bostic, 135 S. Ct. 32 (Virginia).

August 21 – Florida -- Brenner v. Scott, 999 F.Supp.2d 1278 (N.D. Fla.) - Judge Robert L. Hinkle ruled that Florida marriage ban violates 14th Amendment, but stayed ruling for state’s anticipated appeal to the 11th Circuit

August 21 – 10th Circuit Court of Appeals – Stayed Colorado District Court’s ruling in Burns v. Hickenlooper to be consistent with stays issued in Utah and Oklahoma cases.

August 22 – Supreme Court – Petition for certiorari filed by Norfolk Clerk George Schaefer in *Bostic v. Schaefer* (4th Circuit Virginia case).

August 26 – 7th Circuit Court of Appeals heard marriage equality arguments in cases from Indiana and Wisconsin.

August 27 – Florida – 2nd District Court of Appeal – *Shaw v. Shaw*, 2014 WL 4212771 (not officially published) – Certifying to Florida Supreme Court question whether Florida Marriage Amendment deprives trial court of jurisdiction to hear divorce action for same-sex couple married out-of-state.

August 29 – 9th Circuit Court of Appeals – *Geiger v. Kitzhaber* – Rejected motion by National Organization for Marriage to intervene as defendant-appellant in Oregon marriage equality case.

August 29 – Supreme Court – Petition for certiorari filed by Prince William Clerk McQuigg in *Bostic v. Schaefer* (4th Circuit Virginia case)

September 3 – Louisiana – *Robicheaux v. Caldwell*, 2 F.Supp.3d 910 (E.D. La.) – Judge Martin Feldman – rejected marriage equality challenge applying rational basis review, finding rational the state’s interest in connecting children with their biological parents but mainly emphasizing federalism concerns and respect for democracy

September 4 – 7th Circuit (Indiana & Wisconsin) – *Baskin v. Bogan*, 766 F.3d 648 – Opinion by Judge Richard Posner – marriage and recognition bans violate Equal Protection Clause; heightened scrutiny applies, but states have provided no rational basis for refusing to let same-sex couples marry or to recognize their marriages from elsewhere.

September 5 – Florida Supreme Court refuses to take a direct appeal certified by the 2nd District Court of Appeal in a marriage equality case. Several appeals from state court marriage equality rulings are pending before the 3rd District Court of Appeal, and Attorney General Pam Bondi wants them to remain “on hold” until the Supreme Court decides on pending cert petitions from the 4th and 10th Circuits.

September 8 – 9th Circuit hears oral argument in marriage equality cases from Idaho (appeal by state), Nevada (appeal by plaintiffs) and Hawaii (appeal by plaintiffs); Hawaii issue is whether case is moot and district court opinion should be vacated due to enactment of Hawaii marriage equality law that went into effect in December 2013).

September 9 – U.S. Supreme Court – Petitions for certiorari filed by Indiana and Wisconsin in *Baskin v. Bogan*

September 12 – Arizona – U.S. District Court – *Majors v. Jeanes*, 2014 WL 4541173 (D. Ariz., not officially published) – District Judge John Sedwick – Temporary restraining order issued requiring Arizona officials to issue a death certificate recording George Martinez as married to

Fred McQuire at the time of his death. Same-sex couple married in California in July 2014 and Martinez died August 28.

September 22 – Louisiana - Costanza v. Caldwell, No. 2013-0052 D2 (15th Judicial Dist.) – State District Court Judge Edward B. Rubin rules that Louisiana must recognize a California same-sex marriage in order to approve a same-sex co-parent adoption of a child conceived through donor insemination, state to appeal.

Oct. 3 – Missouri (8th Cir.) – Barrier v. Vasterling, 2014 WL 4966467 -- State Circuit Judge J. Dale Youngs (Jackson County) rules state must recognize out of state same-sex marriages, and state says it won't appeal. Several right-to-marry cases are still pending in Missouri at the end of the month.

Oct. 6 – U.S. Supreme Court denies certiorari in marriage equality cases from Utah & Oklahoma (10th Circuit), Virginia (4th Circuit), Wisconsin & Indiana (7th Circuit). All stays lifted in those states, increasing marriage equality states from 19 to 24. No publicly registered dissents from denials of cert.

Oct. 7 – Colorado Supreme Court (in 10th Circuit) lifts stay of state court's marriage equality decision at request of Attorney General John Suthers, ruling goes into effect, State #25.

Oct. 7 – 9th Circuit -- Latta v. Otter, 771 F.3d 456 -- strikes marriage bans in Nevada and Idaho – stays denied by end of the week, including by U.S. Supreme Court, States #26 & #27. Coalition to Protect Marriage in Nevada and state of Idaho subsequently filed petitions for en banc review, but the 9th Circuit panel ruling was not stayed. Judge Stephen Reinhardt for the panel: sexual orientation discrimination applying heightened scrutiny; Concur by Reinhardt on due process grounds; Concur by Marsha Berzon on sex discrimination grounds.

Oct. 7 – Kansas – Chief Judge Kevin P. Moriarty in the Kansas Tenth Judicial District state court issued Administrative Order 14-11 directing that District Court Clerk Sandra McCurdy issue marriage licenses to same-sex couples. Attorney General Derek Schmidt rushes to state Supreme Court for an order halting licenses.

Oct. 7 – W. Va. (4th Circuit) -- District Judge Robert Chambers lifts stay of proceedings in pending case, McGee v. Cole, leading Attorney General and Governor to concede that ban is unconstitutional on Oct. 9 and licenses started issuing on Oct. 10. State #28

Oct. 8 – South Carolina – District Judge J. Michelle Childs lifts stay on proceedings in Bradacs v. Hailey and sets things in motion for consideration of s.j. motions.

Oct. 9 – South Carolina Supreme Court– orders a local magistrate to stop issuing licenses while pending federal marriage cases in South Carolina are being decided

Oct. 10 – Kansas -- State ex rel. Schmidt v. Moriarity, No. 112,590 – Kansas Supreme Court halts issuance of licenses temporarily upon application of attorney general, while indicating likelihood of ruling for respondent clerk, who wants to issue licenses.

Oct. 10 – North Carolina – General Synod of the United Church of Christ v. Resinger, 12 F.Supp.3d 790 -- District Judge Max O. Cogburn, Jr., on his own motion, grants s.j. to plaintiffs. Attorney General Roy Cooper, who had previously announced that after the 4th Circuit’s ruling he would not defend the state ban, announced statewide effect of Cogburn’s decision, making N.C. State #29.

Oct. 10 – 9th Circuit (Hawaii) – Jackson v. Abercrombie, 585 Fed. Appx. 413 -- Hawaii’s enactment of a marriage equality law in 2013 mooted the pending appeal of a 2012 adverse district court decision, ordering the decision vacated and the appeal dismissed.

Oct. 12 – Alaska -- Hamby v. Parnell, 2014 U.S. Dist. LEXIS 145876, 2014 WL 5089399 -- District Judge Timothy M. Burgess granted a surprise Sunday summary judgment to plaintiffs, temporarily stayed by 9th Circuit while the state unsuccessfully sought a stay from the Supreme Court.

Oct. 14 – North Carolina – Fisher-Borne v. Smith, 14 F.Supp.3d 695 (M.D. N.C.) -- District Judge William L. Osteen, Jr. grants summary judgment to plaintiffs and allows state legislative leaders to intervene if they want to appeal in separate opinion, 14 F.Supp.3d 699. Legislative leaders would presumably seek en banc review in the 4th Circuit, since any 3-judge panel would be bound by prior ruling.

Oct. 16 – Arizona – Connolly v. Jeanes, 2014 WL 5320642 (D. Ariz.); Majors v. Horne, 14 F.Supp.3d 1313 (D. Ariz.) -- District Judge John W. Sedwick grants summary judgment to plaintiffs in two pending marriage cases; Attorney General Tom Horne announces that appeal to 9th Circuit would be futile and so state complies; State #30.

Oct. 17 – Alaska – U.S. Supreme Court denies stay in Hamby v. Parnell, 135 S. Ct. 399; ruling goes into effect, but state files an appeal without a stay in the 9th Circuit; State #31.

Oct. 17 – Colorado – Burns v. Hickenlooper, 2014 WL 5312541(D. Colo.), made preliminary injunction requiring marriage equality permanent in light of Supreme Court’s denial of certiorari in Herbert v. Kitchen.

Oct. 17 – Wyoming – Guzzo v. Mead, 2014 U.S. Dist. LEXIS 148481, 2014 WL 5317797 -- District Court Scott Skavdahl grants summary judgment to plaintiffs, stayed until Oct. 23 or until state certifies it won’t appeal to the 10th Circuit (which appeal would be futile).

Oct. 17 – Attorney General Holder announces federal government will recognize same sex marriages in Utah, Oklahoma, Colorado, Virginia, Indiana, Wisconsin, and Nevada.

Oct. 21 – Wyoming certifies it will not appeal decision in *Guzzo v. Mead*, and stay is lifted, State #32

Oct. 21 – Puerto Rico -- *Conde-Vidal v. Garcia-Padilla*, 2014 U.S. Dist. LEXIS 150487, 2014 WL 5361987 (D. P.R.), – District Judge Juan M. Perez-Gimenez dismisses marriage equality case, claiming to be bound by *Baker v. Nelson*, whose continuing viability as precedent had been asserted by 1st Circuit in its 2012 DOMA opinion. Lambda Legal announced appeal to 1st Circuit.

Oct. 22 – Lambda Legal sues Social Security Administration, *Murphy v. Colvin* (D.D.C.), for refusing to recognize legal same-sex marriages in non-equality states for purposes of spousal death and survivor benefits.

Oct. 25 – Attorney General Holder announces federal government will recognize same-sex marriages in Alaska, Arizona, Idaho, North Carolina, West Virginia, and Wyoming.

Nov. 4 – Kansas -- *Marie v. Moser*, 2014 U.S. Dist. LEXIS 157093, 2014 WL 5598128 (D. Kansas) -- U.S. District Judge Daniel Crabtree held that Kansas' ban on same-sex marriage violates the 14th Amendment, staying his decision until November 11 to give the state a chance to seek a stay from the 10th Circuit or the Supreme Court pending appeal. The Kansas Supreme Court put off its hearing in *State ex rel. Schmidt v. Moriarty*, leaving a stay in place while the federal case was appealed to the 10th Circuit and/or the Supreme Court.

Nov. 5 – Missouri - *State of Missouri v. Florida*, 2014 WL 5654040 (November 5, 2014) -- City of St. Louis, Missouri, Circuit Judge Rex M. Burlison ruled that Missouri's ban on same-sex marriage violates the 14th Amendment and refused to stay his decision. Attorney General Chris Koster announced that the state would appeal, but that he would not seek a stay. The decision directly affected only St. Louis, whose recorder of deeds was the defendant in a separate case brought by the state to stop her from issuing licenses.

Nov. 5 – U.S. District Judge Robert Hinkle ruled that the stay of his ruling on the Florida marriage ban, *Brenner v. Scott*, would remain in effect until January 5 to give the state a chance to appeal to the 11th Circuit and seek a stay pending decision from that court.

Nov. 6 – 6th Circuit -- *DeBoer v. Snyder*, 772 F.3d 388 -- Ruled 2-1 that the same-sex marriage bans and/or denials of recognition of same-sex marriages in Ohio, Michigan, Tennessee and Kentucky were constitutional, reversing rulings by six federal district courts. Majority opinion by Judge Jeffrey Sutton said that *Baker v. Nelson* remains controlling, but then in dicta stated that the states had a rational basis for not extending the right to marry to same-sex couples. A dissent by Judge Martha Daughtrey argued that the court should follow the rulings by the 4th, 7th and 10th Circuits that had been denied review by the Supreme Court on Oct. 6. Counsel for all plaintiffs conferred on Nov. 7 and agree not to file motions for rehearing en banc, instead seeking direct Supreme Court review.

Nov. 7 – West Virginia – *McGee v. Cole*, 2014 WL 5802665 -- U.S. District Judge Robert C. Chambers ruled that West Virginia’s ban on same-sex marriage violates the 14th Amendment, finding the decision dictated by the 4th Circuit’s ruling in *Bostic*. Because the state had already begun issuing marriage licenses shortly after the Supreme Court denied review of the Virginia case on Oct. 6, this ruling was mainly a formality.

Nov. 7 – Kansas -- 10th Circuit denied state’s petition for a stay in *Marie v. Moser*, Kansas marriage equality case, but Kansas refused to issue marriage licenses or recognize same-sex marriages until there was a ruling from the U.S. Supreme Court.

Nov. 7 – Missouri – *Lawson v. Kelly*, 2014 U.S. Dist. LEXIS 157802, 2014 WL 5810215 -- U.S. District Judge Ortrie Smith ruled that Missouri’s ban on same-sex marriage violated the Due Process and Equal Protection clauses, and that the 8th Circuit’s 2006 ruling rejecting a challenge to the Nebraska marriage amendment, *Citizens for Equal Protection v. Bruning*, was not precedential on the 14th Amendment questions presented, because the plaintiffs in that case brought their challenge on a different theory and were not asking the court in that case to declare a right of same-sex couples to marry. Judge Smith’s order was directed only to the Jackson County Recorder. Thus, Missouri became only a partial marriage equality state, as licenses were available in two counties and one city as a result of state and federal decisions as to which the state did not request a stay.

Nov. 12 – Kansas -- Supreme Court denied motion for a stay in *Marie v. Moser*, 135 S.Ct. 511. Controversy ensued about the scope of the district court’s order as the state noticed a frivolous appeal on the merits to the 10th Circuit (which had already issued two marriage equality rulings that were denied review by the Supreme Court).

Nov. 12 – South Carolina – *Condon v. Haley*, 2014 WL 5897175 (D. S. Car.) -- U.S. District Judge Richard Mark Gergel ruled that South Carolina’s ban on same-sex marriage violates the 14th Amendment, but stayed his decision until Nov. 20 to give the state an opportunity to seek a stay from the 4th Circuit or the Supreme Court. Neither the 4th Circuit nor the Supreme Court would grant the state’s request for a stay, so the decision went into effect a few days later, although the state filed an appeal with the 4th Circuit on November 13. This completed the sweep of the 4th Circuit for marriage equality.

Nov. 14 – South Dakota - *Rosenbrahn v. Daugaard*, 2014 U.S. Dist. LEXIS 160340, 2014 WL 6386903 (D.S.D.) -- denied the state’s motion to dismiss marriage equality case, finding that plaintiffs’ challenge to South Dakota’s ban of same-sex marriage was not precluded by *Baker v. Nelson* or *Citizens for Equal Protection v. Bruning*, and otherwise stated a valid claim under the 14th Amendment.

Nov. 14 – Petition for Certiorari filed in Supreme Court by plaintiffs in *Henry v. Hodges & Obergefell v. Hodges*, Ohio marriage equality cases, seeking review of 6th Circuit’s decision in *DeBoer v. Snyder*.

Nov. 14 – Petition for Certiorari filed in Supreme Court by plaintiffs in *Tanco v. Haslam*, Tennessee marriage equality case, seeking review of 6th Circuit’s decision in *DeBoer v. Snyder*.

Nov. 17 – Petition for Certiorari filed in Supreme Court by plaintiffs in *DeBoer v. Snyder*, seeking review of 6th Circuit’s decision.

Nov. 17 – Petition for Certiorari filed in Supreme Court by plaintiffs in *Love v. Beshear*, seeking review of 6th Circuit’s decision in *DeBoer v. Snyder*.

Nov. 18 – South Carolina – *Bradacs v. Haley*, 2014 WL 5840153 - U.S. District Judge Michelle Childs ruled that South Carolina’s refusal to recognize the plaintiffs’ out-of-state same-sex marriage violated the 14th Amendment.

Nov. 18 – Alaska - 9th Circuit denied Alaska’s request to take its appeal of *Hamby v. Parnell* directly to an en banc panel and set a briefing schedule that would put off oral argument until February 2015 at the earliest.

Nov. 19 – Montana – *Rolando v. Fox*, 2014 WL 6476196, 2014 U.S. Dist. LEXIS 164112 (D. Mont.) -- U.S. District Judge Brian Morris ruled that Montana’s ban on same-sex marriage was unconstitutional, providing that his injunction would take effect immediately. The state did not seek a stay from the 9th Circuit, but noticed its appeal on the same date. Montana completed the sweep of the 9th Circuit for marriage equality.

Nov. 20 – Louisiana - Lambda Legal files certiorari petition in Supreme Court in *Robicheaux v. George*, asking the Court to bypass the 5th Circuit and reverse the district court’s adverse marriage equality decision in Louisiana.

Nov. 24 – Utah – *Evans v. State of Utah* - U.S. District Judge Dale Kimball made permanent his injunction requiring the state to recognize marriages contracted prior to the U.S. Supreme Court’s January 6, 2014, stay in *Kitchen v. Herbert*, which was lifted by the denial of certiorari in that state.

Nov. 25 – Arkansas - U.S. District Judge Kristine G. Baker ruled in *Jernigan v. Crane*, 2014 WL 6685391 (E.D. Ark.), that Arkansas’s ban on same-sex marriage was unconstitutional, but stayed her ruling pending the state’s anticipated appeal to the 8th Circuit.

Nov. 25 – Mississippi – *Campaign for Southern Equality v. Bryant*, 2014 WL 6680570 (S.D. Miss.) -- U.S. District Judge Carlton W. Reeves ruled that Mississippi’s ban on same-sex marriage was unconstitutional, granting the state a two-week temporary stay to appeal to and obtain a stay from the 5th Circuit Court of Appeals.

Nov. 26 – Kansas - ACLU of Kansas filed an amended complaint in *Marie v. Moser*, adding several state-wide department heads seeking to broaden district court’s order to make marriage equality available throughout the state. Although Kansas is in the 10th Circuit and thus its

federal courts bound by that circuit's affirmative marriage equality rulings in cases from Utah and Oklahoma, the district court had limited its affirmative relief to the county clerks sued by the plaintiffs, and the state resisted applying the ruling statewide while it sought to appeal to the 10th Circuit.

Nov. 26 – Missouri - District Judge Smith in Missouri refused to lift the stay of his decision in *Lawson v. Kelly*, noting the pendency of the state's appeal to the 8th Circuit, which had not yet ruled in a marriage equality case.

Dec. 2 – Louisiana – State officials respond to petition for certiorari before judgment in *Robicheaux v. George* by telling the Supreme Court that they believe the district court's ruling against marriage equality was correct but that the petitioners “are right that the extraordinary mechanism of cert-before-judgment is appropriate here,” contending that the Louisiana ruling would provide the best vehicle for the Supreme Court to consider the marriage equality issue.

Dec. 2 – Kansas - 10th Circuit denies a motion by Kansas defendants for direct en banc review of the district court's marriage equality ruling in *Marie v. Moser*. The state had argued that because a three-judge panel would be bound by the Circuit's prior rulings on marriage equality, it made no sense to have their appeal heard by the usual three-judge panel.

Dec. 3 – Florida - 11th Circuit denies a motion by Florida to stay the district court's injunction in *Brenner v. Armstrong* pending a decision of Florida's appeal, announcing that the injunction would go into effect at the end of the day on January 5, 2015.

Dec. 4 – Mississippi – *Campaign for Southern Equality v. Bryant*, 773 F.3d 55 (5th Circuit) - grants Mississippi's motion for a stay of the district court's order pending appeal, and also grants appellee's motion to expedite appeal by assigning the case to the same panel that would hear the Texas and Louisiana appeals on January 9, 2015.

Dec. 8 - Florida – Broward County Circuit Court – *Brassner v. Lade* - Judge Dale Cohen ruled for the second time that Florida must recognize a same-sex marriage performed out-of-state for purposes of a divorce proceeding. Cohen had rescinded his earlier ruling when the Attorney General argued that it had not been properly notified that the state's marriage ban was being challenged in the case and afforded an opportunity to intervene. Cohen subsequently granted the requested divorce.

Dec. 8 – Kentucky -- Governor Steve Beshear files a brief supporting plaintiff's petition for certiorari in *DeBoer v. Snyder*, arguing that the case presents a question of “exceptional importance” and pointing out that trial courts in 44 states have now ruled that bans on same-sex marriage are unconstitutional.

Dec. 9 – Missouri -- Jackson County Circuit Judge J. Dale Youngs rejected a motion by state legislative rulers seeking a stay of his earlier ruling requiring the state to recognize same-sex marriage performed in other jurisdictions.

Dec. 10 – Missouri - Plaintiffs’ counsel in marriage equality cases pending before the 8th Circuit from Missouri, *Lawson v. State of Missouri* and *Lawson v. Kelly*, ask the 8th Circuit to lift the federal district court’s stay, noting that same-sex couples are obtaining marriage licenses in some counties due to state court rulings and that the U.S. Supreme Court has not stayed any marriage equality rulings since Oct. 6, when it denied cert petitions in marriage equality cases from three other circuits.

Dec. 12 – Supreme Court - Arguing that “the present status quo is unsustainable,” Ohio responds to petitions for certiorari by plaintiffs in the Ohio marriage recognition case by notifying the Supreme Court that it agrees that the petition for certiorari should be granted in *DeBoer v. Snyder*.

Dec. 15 – Florida -- Attorney General Pam Bondi applies to the Supreme Court for an extension of the district court’s temporary stay in *Brenner v. Scott*, which expires at 5 pm on January 5.

Dec. 15 – Tennessee – State files an opposition to the petition for certiorari in *Tanco v. Haslam*, one of the cases consolidated with *DeBoer v. Snyder* in the 6th Circuit, arguing that the Supreme Court need not review the 6th Circuit’s ruling despite the split with other circuits.

Dec. 15 – Idaho -- Governor Butch Otter filed an “amicus brief” in response to the pending petitions for certiorari that seek review of *DeBoer v. Snyder*, asking the Court to refrain from making a decision on certiorari until Idaho has filed its petition for review of the 9th Circuit’s ruling in *Latta v. Otter*, which it will do if the 9th Circuit denies his petition for en banc reconsideration of that case. By the end of December, both Otter and Idaho’s Attorney General, also a named defendant, had filed petitions asking the Supreme Court to grant certiorari to review the 9th Circuit’s marriage equality decision, even though the 9th Circuit had not yet announced its decision to deny en banc review.

Dec. 15 – North and South Carolina - The 4th Circuit Court of Appeals consolidates appeals by the attorneys general of North and South Carolina from district court marriage equality rulings in *Bleckley v. Wilson* and *Bradacs v. Wilson*, and puts both cases “in abeyance” pending a ruling by the Supreme Court on the petitions for certiorari seeking review of the 6th Circuit’s decision in *DeBoer v. Snyder*.

Dec. 18 – Kansas - U.S. District Judge Daniel Crabtree denies a renewed motion to intervene in the pending marriage equality case, *Marie v. Moser*, by the Westboro Baptist Church. Judge Crabtree reiterated his conclusion that the defendants and the prospective Intervenor “share an ultimate objective” and thus intervention is not necessary to defend Westboro’s interest in preventing same-sex couples from marrying in Kansas.

Dec. 19 – Florida – Armstrong v. Brenner, 2014 WL 7210190 -- U.S. Supreme Court denied motion by Florida Attorney General Pam Bondi to extend the stay issued by U.S. District Judge Robert Hinkle in Brenner v. Scott past 5 pm on January 5. This is the first time that the Supreme Court has refused to stay a marriage equality ruling by a district court within a circuit that has not yet ruled on marriage equality.

Dec. 19 – Idaho - U.S. Magistrate Judge Candy W. Dale awards plaintiffs \$397,300.00 in attorney fees and \$4,363.08 in expenses against defendants in the Idaho marriage equality case, Latta v. Otter. Otter filed a motion for en banc review by the 9th Circuit of the magistrate's order, and asked the Supreme Court to wait for Idaho's petition for certiorari before deciding whether to grant cert in DeBoer v. Snyder.

Dec. 20 – Missouri - Advising the 8th Circuit of the Supreme Court's denial of a stay in the Florida marriage equality case, counsel for plaintiffs in pending Missouri marriage appeal argues in letter to the court that "a stay of final judgment in this case, where no stay has been requested [by the state], is inappropriate." The federal district court had stayed its ruling on its own motion pending appeal.

Dec. 30 – Idaho – State defendants petition Supreme Court for review of 9th Circuit's decision in Latta v. Otter.

2015:

January 1 – Florida - U.S. District Judge Robert Hinkle issued an Order in Brenner v. Scott, clarifying that all county clerks in the state are bound by the Constitution to issue marriage licenses to same-sex couples when the District Court's stay expires.

January 5 - Florida – Miami-Dade Circuit Court – Pareto v. Ruvin - Judge Sarah Zabel ended the stay she had issued of her decision holding the Florida same-sex marriage ban unconstitutional, and the Miami-Dade County Clerk began issuing licenses to same-sex couples.

January 5/6 – Florida – County clerks throughout Florida began issuing marriage licenses to same-sex couples, although some counties ceased holding any marriage ceremonies at courthouses to avoid requiring objecting employees from performing same-sex marriages, making Florida the 36th marriage equality state.

January 8 – Georgia – U.S. District Judge William S. Duffey, Jr., denied the state's motion to dismiss the Equal Protection claim in Inness v. Aderhold, 2015 WL 300593 (N.D. Ga., Atlanta Div.), but granted the motion to dismiss the Due Process claim, finding that Supreme Court precedents did not recognize a fundamental right of "same-sex marriage;" ruled that state's motion to dismiss Equal Protection claim did not allege facts that would necessarily meet rational basis test.

January 9 – 5th Circuit Court of Appeals -- Held oral arguments in *Robicheaux v. Caldwell* (Louisiana), *Campaign for Southern Equality v. Bryant* (Mississippi), and *DeLeon v. Perry* (Texas).

January 9 – Idaho – 9th Circuit denied Idaho’s motion for en banc review of *Latta v. Otter*, 2015 WL 128117, with extensive dissenting opinion by Judge O’Scannlain joined by two other circuit judges.

January 12 – Louisiana - Supreme Court denied petition for certiorari before judgment in *Robicheaux v. George*, 2015 WL 133500, which was argued before the 5th Circuit on January 9.

January 12 – South Dakota – *Rosenbrahn v. Daugaard*, 2015 WL 144567, 2015 U.S. Dist. LEXIS 4018 (D. S.D.) – U.S. District Judge Karen E. Schreier held that the state’s ban on same-sex marriage is unconstitutional for depriving same-sex couples of access to a fundamental right. Decision stayed pending appeal to the 8th Circuit.

January 15 – Michigan – *Caspar v. Snyder*, 2015 U.S. Dist. LEXIS 4644, 2015 WL 224741 (E.D. Mich.) – U.S. District Judge Mark Goldsmith holds that plaintiffs are entitled to injunction ordering the state to recognize same-sex marriages contracted during the brief time that the state government and courts were in turmoil about the issue of marriage equality. Order stayed 21 days to allow state to appeal. State subsequently announced it would not appeal.

January 16 – Supreme Court – Granting petitions for certiorari to review the 6th Circuit’s decision in *DeBoer v. Snyder*, 772 F.3d 388 (Nov. 6, 2014). Cases granted review from Ohio, Tennessee, Kentucky, and Michigan.

January 22 – Missouri – The 8th Circuit denied a motion to lift the stay in *Lawson v. Kelly*, but granted plaintiffs’ motion to expedite decision of the state’s appeal on the merits.

January 23 – Alabama – *Searcy v. Strange*, 2015 WL 328728 (S.D. Alabama) - U.S. District Judge Callie V. S. Granade ruled Alabama’s ban on recognizing same-sex marriages was unconstitutional. Case sought recognition of an out-of-state marriage for purposes of adoption. On January 25, Judge Granade stayed the ruling until February 9 to allow the state to seek an appellate stay.

January 26 – Alabama - *Strawser v. Strange* (S.D. Alabama) – Judge Granade reiterated her ruling from *Searcy*, in a separate case seeking a right to marry in-state, and stated injunctive relief more broadly, to clarify that opinion bound all Alabama officials. Stayed until February 9. On January 27, Alabama Chief Justice Roy Moore sent a letter to Governor Robert Bentley denouncing the decision and calling on the governor to defy the court’s order.

February 3 – Alabama – 11th Circuit consolidates *Searcy v. Strange* and *Strawser v. Strange* for appeal, but denies the state’s motion to stay the district court orders in those cases.

February 8 – Alabama Chief Justice Moore issued an order to all probate judges in the state, forbidding them from issuing marriage licenses to same-sex couples.

February 9 – United States Supreme Court denied a stay to the state of Alabama in *Strange v. Strawser*, with Justices Thomas and Scalia dissenting in an opinion by Thomas, who identified the constitutional question at issue as “important” and observed that people might construe the Court’s action as signaling how it will rule on the merits in the pending marriage equality case. Some probate judges subsequently issue marriage licenses.

February 11 – Alabama Supreme Court rejected a petition by a probate judge for an advisory opinion on whether the judge was required to or could issue marriage licenses. *Ex parte Don Davis*, Judge of Mobile County Probate Court, 2015 WL 567479.

February 12 – Alabama – U.S. District Judge Granade issued an order in *Strawser v. Strange*, 2015 WL 589917, 2015 U.S. Dist. LEXIS 17200 (S.D. Ala.), ordering Judge Davis to issue marriage licenses to plaintiffs.

February 17 – Texas – Travis County Probate Judge Guy Herman found Texas bans on same-sex marriage unconstitutional in the context of a proceeding involving a claim of a surviving common law wife of a Texas woman, which inspired Travis County District Judge David Wahlberg to issue an order to the county clerk to issue a marriage license to Suzanne Bryant and Sarah Goodfriend, who quickly became the first same-sex couple to marry in Texas. Attorney General Ken Paxton quickly got the Texas Supreme Court to stay the two Travis County rulings on an emergency basis.

February 25 – U.S. Department of Labor – Final rule published in Federal Register, 80 FR 9989-01, changing the eligibility rules for Family and Medical Leave Act family leave to recognize legally-married same-sex spouses under the place of celebration rule rather than the prior place of residence rule.

March 2 – Nebraska – U.S. District Judge Joseph F. Bataillon ruled in *Waters v. Ricketts*, 2015 WL 852603, 2015 U.S. Dist. LEXIS 25869, that the state’s ban on same-sex marriage violates the 14th Amendment. Decision stayed pending state’s appeal to the 8th Circuit, which subsequently announced that it would add this case to the argument calendar for May 12 when marriage equality appeals would be argued from other states in the circuit.

March 3 – Alabama – In *Ex parte State of Alabama ex rel. Alabama Policy Institute & Alabama Citizens Action Program*, No. 1140460, 2015 WL 892752, 2015 Ala. LEXIS 33, the Alabama Supreme Court ordered all probate judges in the state (except, provisionally, Judge Davis in Mobile County) not to issue marriage licenses to same-sex couples. Subsequently, the court extended its order to Judge Davis on March 11, finding no conflict with the federal district court’s order under which he issued licenses to the named plaintiffs in the *Strawser* case. Meanwhile, U.S. District Judge Granade accepted a third amended complaint in *Strawser* and

pondered a motion to certify a plaintiff and defendant class that would extend her Order statewide.

March 20 – Puerto Rico – 1st Circuit. The Solicitor General of Puerto Rico, filing a brief responding to plaintiff's appeal of the district court's dismissal of a marriage equality case, informed the 1st Circuit that in light of the Supreme Court's grant of certiorari to review the 6th Circuit's decision and subsequent denials of stays, the Commonwealth was changing its position and no longer defended its ban on same-sex marriage on the merits, although it would not allow same-sex couples to marry until ordered to do so by a court. Puerto Rico conceded that the cert grant in the 6th Circuit Obergefell case had rendered obsolete the Supreme Court's statement in *Baker v. Nelson* that same-sex marriage did not present a substantial federal question.

March 26 – Texas – U.S. District Judge Reed O'Connor - *State of Texas v. United States of America*, 2015 U.S. Dist. LEXIS 38264, 2015 WL 1378752 (N.D. Texas). Ordering a stay of the Labor Department's FMLA regulation on recognition of same-sex spouses, finding it potentially invalid due to Section 2 of the Defense of Marriage Act, which provides that states are not required to recognize same-sex marriages performed in other states, and this statutory policy could not be changed by regulation. The stay extended also to Arkansas, Nebraska and Louisiana, which had joined the case as co-plaintiffs. The stay was likely to last until the Supreme Court ruled on the appeal from the 6th Circuit's decision in *DeBoer v. Snyder*.

April 14 – Puerto Rico - 1st Circuit Court of Appeals – Announces that appeal in *Conde-Vidal v. Ruis-Armendariz* will be put “on hold” until Supreme Court issues its decision in *Obergefell v. Hodges*.

April 16 – Kentucky – *Hardee v. Beshear* – Franklin County Circuit Judge Thomas Wingate found Kentucky ban on same-sex marriage violates the 14th Amendment. Opinion on hold pending Supreme Court ruling in *Obergefell v. Hodges*.

April 20 – Oregon – U.S. Supreme Court denies petition for certiorari in *National Organization for Marriage v. Geiger*, 2015 WL 849786 (No. 14-1048), rejecting an attempt by NOM to appeal the district court's refusal to allow it to intervene to defend Oregon's ban on same-sex marriage. The state had declined to appeal the district court's order striking down the ban, so its decision went into effect shortly after it was issued on May 19, 2014.

April 23 – Alabama – *Strawser v. Strange*, 2015 WL 1880605 & 1880615 – District Judge Granade denies motions to dismiss proposed class action marriage equality lawsuit filed by probate judges and Attorney General Strange.

April 24 – Florida – 2nd District Court of Appeals – *Brandon-Thomas v. Brandon-Thomas*, 2015 Fla. App. LEXIS 6051, 2015 WL 1874457 – Florida courts must accord full faith and credit to out-of-state same-sex marriages for purposes of jurisdiction over divorce petitions.

April 28 –Supreme Court argument in the consolidated appeals from the 6th Circuit’s decision in *DeBoer v. Snyder*, with the expectation that a ruling would be issued by the end of June 2015, under the name *Obergefell v. Hodges*.

April 29 – 8th Circuit cancels scheduled oral argument in pending appeals from several states in the circuit, announcing that appeals will be placed on hold until after Supreme Court’s decision in *Obergefell* is announced.

May 21 – Alabama – *Strawser v. Strange* (S.D. Alabama), 2015 U.S. Dist. LEXIS 66397 & 66399. U.S. District Judge Callie Granade certifies class action and issues preliminary injunction requiring all probate judges in Alabama to issue marriage licenses to same-sex couples on the same basis as they issue licenses to different-sex couples. Order stayed pending U.S. Supreme Court ruling in *Obergefell v. Hodges*.

June 5 – Guam – *Aguero v. Calvo* (D. Guam), 2015 WL 3573989. Guam District Judge Frances M. Tydingco-Gatewood ruled from the bench on June 5, following up with a written opinion on June 8, stating that pursuant to 9th Circuit precedent (*Latta v. Otter*), the government of Guam was required to allow same-sex couples to marry, granting the plaintiffs’ motion for summary judgment and ordering that the territory begin issuing marriage licenses on June 9.

June 9 – Arkansas - *Frazier-Henson v. Walther* (Pulaski Co. Cir. Ct.). Arkansas Circuit Judge Wendell Lee Griffen ruled that the 500+ same-sex marriages performed during the period between Circuit Judge Chris Piazza’s May 9, 2014, ruling in *Wright v. State* and the subsequent stay issued by the Arkansas Supreme Court were valid and must be recognized by the state.

June 26 – *Obergefell v. Hodges*, 135 S. Ct. 1039 – U.S. Supreme Court rules, 5-4, that same-sex couples have the right to marry and to have their marriages recognized by the states under the 14th Amendment. Opinion by Kennedy, signed by Ginsburg, Breyer, Sotomayor and Kagan. Dissents by Roberts, Scalia, Thomas, and Alito. The decision was premised on a fundamental right to marry which same-sex couples were entitled to exercise. The opinion blended due process and equal protection concerns, by reference to the fundamental rights strand of equal protection theory, harking back to *Loving v. Virginia* and subsequent cases striking down state restrictions on marriage.

July 1 – 5th Circuit Court of Appeals – Ruling on appeals of marriage equality cases from Texas, Louisiana and Mississippi, the court held that under *Obergefell v. Hodges* the bans on same-sex marriage in all three state were unconstitutional, and directed the respective district courts to put appropriate orders into effect. *Robicheaux v. Caldwell*, 2015 WL 4032118, 2015 U.S. App. LEXIS 11375 (Louisiana); *De Leon v. Abbott*, 2015 WL 4032161, 2015 U.S. App. LEXIS 11505 (Texas); *Campaign for Southern Equality v. Bryant*, 2015 WL 4032186, 2015 U.S. App. LEXIS 11581 (Mississippi).

July 8 – 1st Circuit Court of Appeals – Vacated district court’s ruling in Puerto Rico and held ban on same-sex marriage unconstitutional pursuant to Obergefell.