

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

CAMPAIGN FOR SOUTHERN §
EQUALITY; REBECCA BICKETT; §
ANDREA SANDERS; JOCELYN §
PRITCHETT; and CARLA WEBB, §

Plaintiffs, §

vs. §

PHIL BRYANT, in his official capacity as §
Governor of the State of Mississippi; JIM §
HOOD, in his official capacity as §
Mississippi Attorney General; and §
BARBARA DUNN, in her official capacity §
as Hinds County Circuit Clerk, §

Defendants. §

CIVIL ACTION
NO. 3:14-cv-00818-CWR-LRA

MOTION FOR PRELIMINARY INJUNCTION

Pursuant to Fed. R. Civ. P. 65, Plaintiffs hereby move for a preliminary injunction to enjoin the enforcement of Section 263A of Article 14 of the Mississippi Constitution and Section 91-1-1(2) of the Mississippi Code. The grounds for this motion are set forth in the memorandum of law that has been filed in support of this motion. The following declarations are also filed in support of this motion: Declaration of Rebecca Bickett; Declaration of Jocelyn Pritchett.

Respectfully submitted,

Dated: October 20, 2014

**PAUL, WEISS, RIFKIND,
WHARTON & GARRISON LLP**

Roberta A. Kaplan*

Lead Counsel

Andrew J. Ehrlich*

Jaren Janghorbani*

Joshua D. Kaye*

Warren Stramiello*

Jacob H. Hupart*

1285 Avenue of the Americas

New York, NY 10019-6064

Tel: (212) 373-3000

Fax: (212) 757-3990

rkaplan@paulweiss.com

aehrich@paulweiss.com

jjanghorbani@paulweiss.com

wstramiello@paulweiss.com

jkaye@paulweiss.com

jhupart@paulweiss.com

WALTON LAW OFFICE

Diane E. Walton*

168 S. Liberty Street

Asheville, NC 28801

Tel: (828) 255-1963

Fax: (828) 255-1968

diane@waltonlawoffice.com

**Pro hac vice application
forthcoming*

*Attorneys for Plaintiffs Campaign
for Southern Equality, Rebecca
Bickett, Andrea Sanders, Jocelyn
Pritchett and Carla Webb*

MCDUFF & BYRD

By: /s/ Robert B. McDuff

Robert B. McDuff

Bar No. 2532

Sibyl C. Byrd

Bar No. 100601

Jacob W. Howard

Bar No. 103256

767 North Congress Street

Jackson, Mississippi 39202

Tel: (601) 969-0802

Fax: (601) 969-0804

rbm@mcdufflaw.com

scb@mcdufflaw.com

SILIN & ELLIS

Rita Nahlik Silin

Bar No. 102662

Dianne Herman Ellis

Bar No. 102893

1161 Robinson Avenue

Ocean Springs, Mississippi 39564

Tel: (228) 215-0037

Fax: (228) 284-1889

diannernjd@aol.com

rsilin@gmail.com

CERTIFICATE OF SERVICE

I hereby certify that, on October 20, 2014, I electronically transmitted the above and foregoing document to the Clerk of the Court using the ECF system for filing and I hereby certify that I have sent via electronic mail and hand delivered this document to the following individuals who are not yet receiving documents via the ECF system in this matter:

Governor Phil Bryant
Office of the Attorney General of Mississippi
Harold Pizzetta, Special Assistant Attorney General
Walter Sillers Building
Suite 1200
550 High Street
Jackson, MS 39201

Attorney General Jim Hood
Office of the Attorney General of Mississippi
Harold Pizzetta, Special Assistant Attorney General
Walter Sillers Building
Suite 1200
550 High Street
Jackson, MS 39201

Barbara Dunn
Hinds County Circuit Court Clerk
407 E. Pascagoula Street
Jackson, MS 39201

By: /s/ Robert B. McDuff
Robert B. McDuff
Bar No. 2532
767 North Congress Street
Jackson, Mississippi 39202
Tel: (601) 969-0802
Fax: (601) 969-0804
rbm@mcdufflaw.com

My Relationship With Andrea Sanders

3. My partner, Andrea Sanders, and I have been in a relationship for about ten years. We live together, share our finances, and have a loving, stable relationship.

4. Andrea and I were introduced to each other by our sisters. We began going on dates, including to the movies, to dinner, and to the beach to gaze at the stars. I have always been proud of who I am, and Andrea and I never hide our relationship in public.

5. Andrea and I were dating when Hurricane Katrina struck Mississippi in August 2005. At the time, I was living with my family, and Andrea was living with hers. We evacuated together when the evacuation order came. Unfortunately, our families' homes were both destroyed. After the storm, Andrea and I decided to move into a FEMA trailer together.

6. Hurricane Katrina was bittersweet, because it pushed Andrea and me to move in together as we picked up the pieces. Together, we helped rebuild our families' homes. We have lived together ever since.

7. One day shortly after the storm, we were traveling to pick up donated supplies from a supply center, and we were in a terrible car accident. Somehow, we walked away with concussions and bumps and bruises, but no other serious injuries. After getting through both Hurricane Katrina and the car accident together, Andrea and I know we can get through anything.

8. Andrea and I are not married because we are not legally able to do so in our home state. We would, however, like to get married in Mississippi.

9. Andrea and I have not traveled to another state to get married because we wish to marry in our home state where our families and friends reside. Also, the cost of such a trip out-of-state would be a great burden on our finances.

10. Andrea and I had a commitment ceremony four years ago to celebrate our relationship and affirm our commitment to each other. The ceremony took place beneath the scenic and historic Friendship Oak at the Gulf Coast campus of the University of Southern Mississippi. Although many of our friends and families joined us at the event, it was disappointing that we could not legally marry as part of the celebration.

11. Recently, on March 25, 2014, we applied for a marriage license from the Hinds County Circuit Clerk. Because Andrea and I are both women, our application was denied.

Our Family and Our Life in Mississippi

12. Fifteen months ago, Andrea and I expanded our family by adopting twin boys on the day they were born. They have brought us great joy, and are now the center of our universe. Only I was legally permitted to adopt the boys, even though Andrea is as much their mother as I am. In fact, Andrea has raised the boys as a stay-at-home mom.

13. Our boys are growing up quickly, and if the law stays as it is, we will soon need to explain to them that the State of Mississippi views our family differently than other families, and that their parents are not allowed to be married like the parents of their classmates.

14. Our family and friends always gather at our home for holidays, cook-outs, and other events. We have a large outdoor area where all of the children can play together.

15. We do a lot together as a family, including going to see Andrea's mom, who is handicapped. We help her with errands and grocery shopping. She loves to see her grandsons.

16. Andrea, the boys, and I also like to go to the beach together and to any local family events, such as car shows, parades, and street fairs.

17. Andrea and I worry that, in the case of an emergency, a doctor or hospital will not recognize Andrea as the boys' mother.

18. Andrea and I have executed reciprocal medical powers of attorney for one another, but we have not done any other estate planning, due to the significant cost.

19. Andrea and I do not file our state income taxes jointly, since we are not allowed to do so.

20. Andrea and I have lived together for nine years and own our home together, but only my name is on the deed. We worry that if something were to happen to me, our home would not pass automatically to Andrea.

My Career in Mississippi

21. I am trained as a geospatial analyst. For several years, I worked for Northrop Grumman, a defense contractor. I first sought a job at Northrop Grumman specifically because the company sponsored domestic partner benefits for Andrea, including health insurance. While I was grateful that the company sponsored domestic partner benefits, Andrea's health insurance coverage was still more expensive than it would have been had Mississippi recognized her as my legal spouse.

22. Northrop Grumman closed the facility at which I worked about ten months ago due to government spending cuts. I have found it extremely difficult to find a similar position in Mississippi that provides health insurance benefits for Andrea.

23. Before I worked at Northrop Grumman, I worked at another company in Mississippi that did not sponsor domestic partner benefits. Worse, the management of that company made it clear that Andrea was not welcome at company events, such as the holiday party, even though other families were invited to attend.

24. Although not being allowed to marry in our home state has been hard on Andrea and me, we look forward to continuing our lives together as proud Mississippians, and hopefully as spouses someday soon.

In accordance with 28 U.S.C. § 1746, I hereby declare under penalty of perjury that the foregoing is true and correct.

Executed on October 19, 2014.

A handwritten signature in black ink, appearing to read 'Rebecca Bickett', is written over a solid horizontal line. The signature is fluid and cursive.

Rebecca Bickett

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Mississippi Attorney General; and	§	
BARBARA DUNN, in her official capacity	§	
as Hinds County Circuit Clerk,	§	
	§	
Defendants.	§	

**DECLARATION OF JOCELYN PRITCHETT IN SUPPORT OF PLAINTIFFS’
MOTION FOR PRELIMINARY INJUNCTION**

JOCELYN PRITCHETT, declares under penalty of perjury, pursuant to 28 U.S.C. § 1746, as follows:

1. I have personal knowledge of the facts stated herein. I am submitting this declaration in support of the Plaintiffs’ Motion for Preliminary Injunction.

Background

2. I was born and raised in Mississippi. I received my undergraduate degree in civil engineering from Mississippi State University. After receiving my master’s degrees out-of-state, I returned to Mississippi. Mississippi is my home.

My Relationship with Carla Webb and Our Family

3. My spouse, Carla Webb, and I have been together for about eleven years. We live together, share our finances, and have a loving, stable relationship. We are soul mates.

4. Carla also is a Mississippi native. She received her undergraduate degree from Millsaps College and her degree in dentistry from the University of Mississippi.

5. Carla and I are the proud parents of two children, ages six and two. Our children mean the world to us.

6. Because I carried our children, and because Carla is not a man, I am viewed by the State of Mississippi as their only parent. Carla does not have any parental rights. Securing parental rights for Carla is very important to us.

My Marriage to Carla

7. In September of 2013, Carla and I married in Maine. We decided to travel to another state to get married because we wanted our children to grow up with married parents, whether or not the State of Mississippi recognized that marriage. In fact, our daughter encouraged us to get married. She really wanted us to get married so that we were like other families.

8. We were married near the Portland Head Light, a lighthouse in Cape Elizabeth, Maine. We have enjoyed taking trips together to Maine, particularly to its rural areas that have many of the simple things we enjoy. Maine reminds us of home; however, unlike in Mississippi, we feel fully accepted in Maine.

9. Upon our return to Mississippi, we had about 100 friends and family members over to our home for a re-enactment of the Maine wedding. As part of the re-

enactment, and as a form of symbolism, we mixed together sand from our children's favorite beach in Florida with sand from the beach in Maine where we were married.

10. Although Carla and I are now lawfully married, our own home state refuses to recognize our marriage.

Our Life Together in Mississippi

11. Carla and I try to spend as much time as we can with our children, like any other family. We go to the park as much as possible, and take our daughter to ride horses. We also go on a lot of family trips, including to England to see family and to Florida to go to the beach.

12. In addition to all of the fun activities, much of our daily life involves shuttling our children to school, keeping our home in order, and running errands.

13. Living as a lesbian couple with children in Mississippi can be frustrating. I often have to explain to strangers why my children have two mothers. And because Mississippi does not recognize our marriage, I often have to explain the complicated marital situation to people.

14. Carla and I both have professional degrees and manage our own practices in Mississippi. I run a boutique civil engineering firm and Carla runs an endodontics practice. We are both active in our professional fields.

15. Because we are each small-business owners, preparing and filing our income taxes is incredibly complicated. And because we cannot file state taxes jointly, the task becomes even more daunting and expensive.

16. We also have paid significant legal fees to set up various trusts and other safeguards so that we and our children are protected should something bad happen.

17. We remain hopeful that someday Mississippi will honor our marriage just like marriages of other couples.

In accordance with 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 19, 2014.



Jocelyn Pritchett