

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

JAMES OBERGEFELL and	:	Case No. 1:13-cv-501
JOHN ARTHUR,	:	
	:	Judge Timothy S. Black
Plaintiffs,	:	
	:	<u>TEMPORARY RESTRAINING</u>
vs.	:	<u>ORDER</u>
	:	<u>(PROPOSED BY PLAINTIFFS)</u>
JOHN KASICH, et al,	:	
	:	
Defendants.	:	

Upon consideration of the motion of plaintiffs for injunctive relief, the response of the defendants, the exhibits, the testimony, the declarations submitted by the parties, and the arguments made, this Court has found and concluded, for the specific reasons required under Federal Rule of Civil Procedure 65(d) that plaintiffs have shown (1) a likelihood of success on the merits on at least some of their claims, (2) that they will suffer irreparable harm if an injunction is not issued, and (3) that the balance of harms and the public interest weigh in favor of granting a temporary restraining order. Specifically, the Court finds, that as applied to the plaintiffs, Ohio Rev. Code §3101.01(C)(3) and (4) and Art. XV, §11, Ohio Constitution, violate rights secured by the First and Fourteenth Amendments to the United States Constitution in that plaintiffs, who were married in a jurisdiction where same sex marriage is valid, seek to have their out-of-state marriage accepted as legal in Ohio, are treated differently than opposite sex couples who have been married in states where their circumstances allow marriage in that state but not in Ohio (e.g., consanguinity or age). There is insufficient state interest to justify this singling out of same sex married couples given the severe harm it imposes on the plaintiffs.

THEREFORE, it is hereby ORDERED that the motion is GRANTED and defendants John Kasich, Mike DeWine, Camille Jones, and their officers, agents, servants, employees, and attorneys, and those persons in active concert or participation with defendants who receive actual notice of this Order, are TEMPORARILY ENJOINED from enforcing ORC §3101.01(C)(3) and (4) and Art. XV, §11, Ohio Constitution as applied to plaintiffs who are a same-sex couple married in a jurisdiction where same-sex marriage is legal who seek to have their out-of-state marriage accepted as legal in Ohio. This includes but is not limited to such officials completing death certificates as the need arises for the plaintiffs in a manner consistent with this order. This Order expires on August 5, 2013 at 6:00 p.m.

Plaintiff's shall post Bond of \$1.00.

IT IS SO ORDERED on July 22, 2013 at 6:00 p.m.

UNITED STATES DISTRICT JUDGE
TIMOTHY S. BLACK