

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

JAMES OBERGEFELL and	::	Case No. 1:13-cv-501
JOHN ARTHUR, et al,	:	
	:	Judge Timothy S. Black
Plaintiffs,	:	
	:	<u>DECLARATION OF FACTS</u>
vs.	:	<u>RELATED TO STANDING TO</u>
	:	<u>SUE BY ROBERT GRUNN</u>
THEODORE E. WYMYSLO, et al,	:	
	:	
Defendants.	:	

I, Robert Grunn, under 28 U.S.C. §1746, declare under the penalty of perjury under the laws of the United States of America that the following is true and correct:


1. My name is Robert Grunn and I am a plaintiff in the above action. I have read the second amended complaint filed in this action and can verify that all of the facts related to myself and my work are true. I have been informed that the State Defendant may file a motion to dismiss my claim for lack of standing. I submit this declaration to provide a statement of facts related to my standing to bring this claim.
2. I have been a licensed funeral director in the State of Ohio for over 22 years.
3. As a funeral director, one of my responsibilities is to originate death certificates. To do this, I collect personal information from the next of kin of the deceased, including whether the deceased was married, single, widowed, or divorced; and if married I collect the surviving spouse's name. Then, I enter the information into the Electronic Death Registration (EDRS) System maintained by the Ohio Department of Health. This is accomplished through special software that is made available to me and other funeral directors by the Department of

Health. I follow instructions with respect to death certificate tasks that are also provided by the Department of Health.

4. I then sign the death certificate and send it to the certifying physician or coroner to certify the cause of death. The death certificate is then returned to me, and I physically take it to the local registrar of vital statistics office to file it and receive certified copies for my clients.
5. For deaths that occur in Cincinnati I take the death certificate to the offices of Camille Jones, Registrar, City of Cincinnati Health Department, Office of Vital Records, 1525 Elm Street, Cincinnati, Ohio 45202.
6. I then deliver certified copies of the death certificate to my clients who use them to receive life insurance payouts, deed automobiles, real estate and other property to survivors, claim social security survivor benefits, and execute wills, among other things.
7. Due to grief and inexperience with death, my clients often do not realize the importance of death certificates until after I have filed them and returned certified copies.
8. I must sign every death certificate that I originate, and I know that if I purposely make a false statement within a death certificate I will face criminal penalties.
9. My business, Grunn Lusain Memorial Centers, is creating a new business model in our industry. We have significantly cut costs to consumers by using a “non-traditional” funeral home, simplifying funeral plans, and working with clients over the phone and through our website. This has resulted in a rapidly expanding business that serves a diverse clientele.
10. Currently, I am filing around forty death certificates per month.
11. I am gay, active in the gay community, and known within that community as a funeral director who is gay friendly.

12. The Cincinnati location of my business is in the old Carol's On Main, a gay-friendly bar and restaurant that operated for 15 years and is fondly remembered by many gay people in Cincinnati. When I have told members of the gay community that my funeral home is located in the old Carol's On Main, it often sparks a discussion of using my services to celebrate their lives or the lives of their loved ones.
13. I know many same-sex couples who reside in Ohio and were legally married in other states.
14. I know that one of my previous gay clients was married to his partner in another state.
15. I am certain that I will be serving a growing number of same sex couples who have been legally married in other states.
16. I have no control over when people will need my services.
17. When I next originate a death certificate for a decedent who legally married a same-sex spouse in another state, I intend to list the decedent as married and list the decedent's surviving spouse by name. By doing so, I fear I will be prosecuted by Defendant Wymysylo for purposely making a false statement on a death certificate. I would be relieved to have clear direction on how I should complete information about marital status and surviving spouse when completing death certificates for same sex couples married legally in other states but served by me in Ohio. An order from this court would serve that purpose.

Dated:


Robert Grunn
10-8-13