

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

<b>JAMES OBERGEFELL, et al.</b>	:	<b>Civil Action No. 1:13-cv-501</b>
	:	
<b>Plaintiffs,</b>	:	<b>Judge Timothy S. Black</b>
	:	
<b>v.</b>	:	
	:	<b>PLAINTIFFS' MOTION FOR</b>
<b>THEODORE E. WYMYSLO, M.d., et.</b>	:	<b>DECLARATORY JUDGMENT AND</b>
<b>al.,</b>	:	<b>PERMANENT INJUNCTION</b>
	:	
<b>Defendants.</b>	:	

Pursuant to Fed. R. Civ. Pro. 65, plaintiffs hereby move for a declaratory judgment and permanent injunction prohibiting the defendants from enforcing Ohio Rev. Code §3101.01(C) and Art. XV, §11 of the Ohio Constitution as applied to the plaintiff same-sex couples married in jurisdictions where same-sex marriage is legal who seek to have their out-of-state marriage accepted for the purpose of filing death certificates in Ohio and also as applied to the plaintiff funeral director. He seeks declaratory relief and an injunction protecting him from criminal prosecution when he reports that a decedent married in a state authorizing same-sex marriage is “married” or “widowed” and reports the name of that decedent’s surviving same-sex spouse on an Ohio death certificate he completes in the course of his work as a funeral director in Ohio.

A memorandum in support and a proposed order are attached hereto.

Respectfully submitted,

<p>Lisa T. Meeks (0062074) Newman &amp; Meeks Co., LPA 215 E. Ninth Street, Suite 650 Cincinnati, OH 45202 phone: 513-639-7000 fax: 513-639-7011 <a href="mailto:lisameeks@newman-meeks.com">lisameeks@newman-meeks.com</a> <i>Attorney for Plaintiffs</i></p>	<p>/s/ Alphonse A. Gerhardstein Alphonse A. Gerhardstein # 0032053 <i>Trial Attorney for Plaintiffs</i> Jennifer L. Branch #0038893 Jacklyn Gonzales Martin #0090242 Gerhardstein &amp; Branch Co. LPA Attorneys for Plaintiffs 432 Walnut Street, Suite 400 Cincinnati, Ohio 45202 (513) 621-9100 (513) 345-5543 fax <a href="mailto:agerhardstein@gbfirm.com">agerhardstein@gbfirm.com</a> <a href="mailto:jbranch@gbfirm.com">jbranch@gbfirm.com</a> <a href="mailto:jgmartin@gbfirm.com">jgmartin@gbfirm.com</a> <i>Attorneys for Plaintiffs</i></p>
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**CERTIFICATE OF SERVICE**

I hereby certify that on October 29, 2013, a copy of the foregoing pleading was filed electronically. Notice of this filing will be sent to all parties for whom counsel has entered an appearance by operation of the Court's electronic filing system. Parties may access this filing through the Court's system. I further certify that a copy of the foregoing pleading and the Notice of Electronic Filing has been served by ordinary U.S. mail upon all parties for whom counsel has not yet entered an appearance electronically.

/s/ Alphonse A. Gerhardstein  
Alphonse A. Gerhardstein # 0032053