

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

DEANNA L. GEIGER and JANINE M.
NELSON; ROBERT DUEHMIG and
WILLIAM GRIESER,

Plaintiffs,

v.

JOHN KITZHABER, in his official capacity
as Governor of Oregon; ELLEN
ROSENBLUM, in her official capacity as
Attorney General of Oregon; JENNIFER
WOODWARD, in her official capacity as
State Registrar, Center for Health Statistics,
Oregon Health Authority, and RANDY
WALRUFF, in his official capacity as
Multnomah County Assessor,

Defendants.

Case No. 6:13-cv-01834-MC
(lead case)

ORDER

PAUL RUMMELL and BENJAMIN WEST;
LISA CHICKADONZ and CHRISTINE
TANNER; BASIC RIGHTS EDUCATION
FUND,

Plaintiffs,

JOHN KITZHABER, in his official capacity
as Governor of Oregon; ELLEN
ROSENBLUM, in her official capacity as
Attorney General of Oregon; JENNIFER
WOODWARD, in her official capacity as
State Registrar, Center for Health Statistics,
Oregon Health Authority, and RANDY
WALRUFF, in his official capacity as
Multnomah County Assessor,

Defendants.

Case No. 6:13-cv-02256-MC
(trailing case)

MCSHANE, Judge:

The Court, having considered the Plaintiffs' Motions for Summary Judgment (ECF Nos. 23 and 42), the Defendants' Responses (ECF Nos. 48 and 64), the oral arguments made by all parties on April 23, 2014, and the briefs filed by amicus (ECF Nos. 66, 70, and 79), GRANTS summary judgment in favor of Plaintiffs.

The Court finds that there is no legitimate state interest that would justify the denial of the full and equal recognition, attendant rights, benefits, protections, privileges, obligations, responsibilities, and immunities of marriage to same-gender couples solely on the basis that those couples are of the same gender.

NOW, THEREFORE,

The Court GRANTS the Motions for Summary Judgment (ECF Nos. 23 and 42) filed by the plaintiffs in each of the consolidated cases.

The Court hereby DECLARES that Article 15, section 5A, of the Oregon Constitution violates the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution, and that as such it is void and unenforceable. Defendants and their officers, agents, and employees are PERMANENTLY ENJOINED from enforcing Article 15, section 5A, of the Oregon Constitution.

The Court also DECLARES that ORS 106.010, ORS 106.041(1), and ORS 106.150(1) violate the Equal Protection Clause and are unenforceable to the extent that they would prohibit a person from marrying another person of the same gender, or would deny same-gender couples the right to marry with full and equal recognition, attendant rights, benefits, privileges, obligations, responsibilities, and immunities of marriage, where the couple would be otherwise qualified to marry under Oregon law. Defendants and their officers, agents, and employees are PERMANENTLY ENJOINED from enforcing or applying those statutes—or any other state or local law, rule, regulation, or ordinance—as the basis to deny marriage to same-gender couples otherwise qualified to marry in Oregon, or to deny married same-gender couples any of

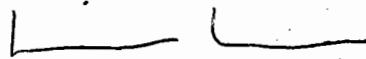
the rights, benefits, privileges, obligations, responsibilities, and immunities that accompany marriage in Oregon.

The Court DECLARES that the Equal Protection Clause requires recognition of marriages of same-gender couples legally performed in other jurisdictions, where those marriages are in all other respects valid under Oregon law, and that no state or local law, rule, regulation, or ordinance can deny recognition of a same-gender couple's marriage validly performed in another jurisdiction. The Court PERMANENTLY ENJOINS Defendants and their officers, agents, and employees from denying that recognition.

This Order shall be effective immediately upon filing.

IT IS SO ORDERED.

DATED this 19 th day of May, 2014.



Michael J. McShane
United States District Judge