

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT LOUISVILLE

ELECTRONICALLY FILED

GREGORY BOURKE, ET AL.

PLAINTIFFS

v.

STEVE BESHEAR, ET AL.

DEFENDANTS

and

TIMOTHY LOVE
3011 University Road
Louisville, Kentucky 40206

and

LAWRENCE YSUNZA
3011 University Road
Louisville, Kentucky 40206

and

MAURICE BLANCHARD
4204 Windy Oaks Road
Louisville, Kentucky 40241

and

DOMINIQUE JAMES
4204 Windy Oaks Road
Louisville, Kentucky 40241

INTERVENING PLAINTIFFS

CIVIL ACTION NO.

3:13-CV-750-JGH

* * * * *

**INTERVENING COMPLAINT AND PETITION FOR DECLARATORY AND
INJUNCTIVE RELIEF**

1. Intervening Plaintiffs Timothy Love, Lawrence M. Ysunza, Maurice Blanchard, and Dominique James are all residents of Jefferson County, Kentucky.

2. Defendant Steve Beshear is the Governor of the Commonwealth of Kentucky, an elected official charged with enforcing the laws of the Commonwealth of Kentucky.

3. Intervening Plaintiffs Timothy Love and Lawrence Ysunza (the “Love Plaintiffs”) have been living together as a couple for thirty-three years.

4. On February 13, 2014, the Love Plaintiffs appeared at the Jefferson County Clerk’s office and requested a Kentucky marriage license.

5. The Love Plaintiffs presented a valid drivers’ licenses and the \$35.50 fee to the clerk issuing Kentucky marriage licenses.

6. The Commonwealth refused to issue a marriage license to the Love Plaintiffs solely because they are a same-sex couple.

7. Intervening Plaintiffs Maurice Blanchard and Dominique James (the “Blanchard Plaintiffs”) have been together as a couple for ten years.

8. On June 3, 2006, the Blanchard Plaintiffs had a religious marriage ceremony in Louisville.

9. The Commonwealth of Kentucky refused, and continued to refuse, to issue a marriage license to the Blanchard Plaintiffs solely because they are a same-sex couple.

10. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 1331 and 1343 because the suit raises federal questions under 42 U.S.C. § 1983 and the United States Constitution.

11. Venue is proper in the Western District of Kentucky under 28 U.S.C. § 1391(b) because Defendants perform official duties in this district.

12. The Commonwealth's refusal to issue marriage licenses to the Intervening Plaintiffs is due to, and enabled by, the Kentucky state statutory and constitutional provisions that this Court has determined violates the Fourteenth Amendment to the U.S. Constitution.

13. Defendants, in their official capacities, claim that they are charged with upholding this unconstitutional legal framework.

14. To the extent that Defendants rely upon any other provision of law in denying Intervening Plaintiffs the right to marry within the Commonwealth of Kentucky, any such provision must also violate the Fourteenth Amendment to the U.S. Constitution.

15. By preventing same-sex couples from marrying, the Commonwealth's law deprives them of numerous legal protections that are available to opposite-sex couples in Kentucky by virtue of their marriages.

16. The Defendants' refusal to issue Plaintiffs a marriage license violates the Equal Protection Clause of the Fourteenth Amendment of the United States Constitution, as

determined by this Court in its Feb. 12, 2014 Opinion, other appropriate binding precedent, and virtually every court in the country to decide the issue in recent history.

17. Defendants' actions are actionable pursuant to 42 U.S.C. § 1983.

18. Plaintiffs are entitled to immediate temporary and permanent injunctive relief as a result of Defendants' violation of Plaintiffs civil and constitutional rights.

19. To the extent that the allegations set forth in the Second Amended Complaint filed by the Bourke Plaintiffs in this case apply to Intervening Plaintiffs, they are incorporated herein by reference.

WHEREFORE, Plaintiffs Timothy Love, Lawrence M. Ysunza, Maurice Blanchard, and Dominique James ask this Court for the following relief:

1. An Order allowing them to Intervene in the above Case;
2. An injunctive order directing the Defendants to cease any enforcement of Kentucky's unconstitutional marriage statutes and issue marriage licenses to Plaintiffs;
3. A declaration that Commonwealth's continued denial of marriage licenses to same-sex couples violates the U.S. Constitution.
4. A reasonable attorney's fee pursuant to 42 U.S.C. § 1988.
5. Any and all other relief to which Plaintiffs may be entitled.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on February 14, 2014, I electronically filed the foregoing with the clerk of the court by using the CM/ECF system, which will send a notice of electronic filing to the following:

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