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**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF IDAHO**

SUSAN LATTA and TRACI EHLERS, *et al.*,

Plaintiffs,

v.

C.L. "BUTCH" OTTER, as Governor of the  
State of Idaho, in his official capacity, *et al.*,

Defendants,

and

STATE OF IDAHO,

Defendant-Intervenor.

Case No. 1:13-cv-00482-CWD

**PLAINTIFFS' MOTION  
FOR SUMMARY  
JUDGMENT**

COME NOW Plaintiffs Susan Latta and Traci Ehlers, and Lori Watsen and Sharene Watsen (the “Married Plaintiffs”), and Plaintiffs Shelia Robertson and Andrea Altmayer, and Amber Beierle and Rachel Robertson (the “Unmarried Plaintiffs”), by and through the undersigned counsel, and move the Court for an order granting summary judgment and for entry of judgment in Plaintiffs’ favor and against all Defendants on all counts in Plaintiffs’ First Amended Complaint for Declaratory and Injunctive Relief.

There is no genuine dispute as to any material fact, and Plaintiffs are entitled to judgment as a matter of law on all claims raised in their First Amended Complaint. Plaintiffs accordingly request that the Court enter judgment as follows:

- A. Declaring that the provisions of and enforcement by Defendants of Idaho’s laws excluding same-sex couples (including the Unmarried Plaintiffs) from marriage, including article III, section 28 of Idaho’s Constitution, Idaho Code § 32-201, and any other sources of Idaho state law that exclude same-sex couples from marrying violate the Due Process and Equal Protection Clauses of the Fourteenth Amendment to the United States Constitution;
- B. Declaring that the provisions of and enforcement by Defendants of Idaho’s laws barring recognition of the valid out-of-state marriages of same-sex couples (including the Married Plaintiffs), including article III, section 28 of Idaho’s Constitution, Idaho Code § 32-209, and any other sources of Idaho state law that refuse recognition to the marriages of same-sex couples (including the Married Plaintiffs) validly entered into in another jurisdiction violate the Due Process and Equal Protection Clauses of the Fourteenth Amendment to the United States Constitution;

- C. Permanently enjoining enforcement by Defendants of article III, section 28 of Idaho's Constitution, Idaho Code §§ 32-201 and 32-209, and any other sources of state law to exclude same-sex couples (including the Unmarried Plaintiffs) from marriage or to refuse recognition of the marriages of legally married same-sex couples (including the Married Plaintiffs);
- D. Requiring Defendants in their official capacities to permit issuance of marriage licenses to same-sex couples (including the Unmarried Plaintiffs), pursuant to the same restrictions and limitations applicable to different-sex couples, and to recognize the marriages validly entered into by legally married same-sex couples (including the Married Plaintiffs);
- E. Awarding Plaintiffs their costs, expenses, and reasonable attorneys' fees pursuant to, inter alia, 42 U.S.C. § 1988 and other applicable laws; and
- F. Ordering the declaratory and injunctive relief stated above against each Defendant; against each Defendant's officers, employees, and agents; and against all persons acting in active concert or participation with any Defendant, or under any Defendant's supervision, direction, or control.

This motion is brought pursuant to Rule 56 of the Federal Rules of Civil Procedure. It is supported by the record herein and the Memorandum in Support of Plaintiffs' Motion for Summary Judgment, the Expert Declaration of Dr. Michael E. Lamb, the Statement of Material Facts in Support of Plaintiffs' Motion for Summary Judgment, the Declarations of Plaintiffs Susan Latta,

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Traci Ehlers, Lori Watsen, Sharene Watsen, Shelia Robertson, Andrea Altmayer, Amber Beierle, and Rachel Robertson, Plaintiffs' Request for Judicial Notice, and the Declaration of Shannon P. Minter in Support of Plaintiffs' Request for Judicial Notice.

DATED this 18<sup>th</sup> day of February 2014.

\_\_\_\_\_/s/\_\_\_\_\_  
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