

IN THE CIRCUIT COURT OF PULASKI COUNTY, ARKANSAS
THIRD DIVISION

M. KENDALL WRIGHT,
ET AL

PLAINTIFFS

VS.

NO. 60CV-13-2662

THE STATE OF
ARKANSAS, ET AL

DEFENDANTS

**MOTION TO DISMISS AND ANSWER OF SEPARATE DEFENDANTS, LARRY
CRANE AND DOUG CURTIS, TO SECOND AMENDED COMPLAINT AND
RESPONSE TO MOTION FOR PRELIMINARY INJUNCTION**

COME the separate Defendants, LARRY CRANE, in his official capacity as the Circuit/County Clerk of Pulaski County, Arkansas, and DOUG CURTIS, in his official capacity as Saline County Clerk, by their attorneys, Fuqua Campbell, P.A., and for their Motion to Dismiss, Answer to the Second Amended Complaint, and response to the Motion for Preliminary Injunction of the Plaintiffs, state:

**MOTION TO DISMISS AND RESPONSE TO MOTION FOR PRELIMINARY
INJUNCTION**

The separate Defendants hereby adopt and incorporate herein by reference the Motion to Dismiss and supporting Brief and Response to Motion for Preliminary Injunction filed by the State Defendants in this case.

ANSWER

Generally, these separate Defendants do not believe that the facts as alleged in the Second Amended Complaint require material dispute in that this case should be resolved as a matter of law. The following denials are not intended to raise material fact disputes, but are denied where applicable for the reasons stated.

1. Paragraph 1 of the Second Amended Complaint are the Plaintiffs' legal contentions, not statements of fact, and the separate Defendants deny them as such.

2. Paragraph 2 of the Second Amended Complaint are the Plaintiffs' legal contentions, not statements of fact, and the separate Defendants deny them as such.

3. The separate Defendants admit that the Plaintiffs accurately quoted Ark. Code Ann. § 9-11-101 and that common law and other states recognize the contractual nature of marriage.

4. Paragraph 4 of the Second Amended Complaint are the Plaintiffs' legal contentions, not statements of fact, and the separate Defendants deny them as such.

5. Paragraph 5 of the Second Amended Complaint are the Plaintiffs' legal contentions, not statements of fact, and the separate Defendants deny them as such.

6. The separate Defendants admit that the law provides rights and obligations upon married persons, some of which are enumerated in paragraph 6 of the Second Amended Complaint.

7. Paragraph 7 of the Second Amended Complaint are the Plaintiffs' legal contentions or legal bases for their claims, not statements of fact, and the separate Defendants deny them as such.

8. The separate Defendants admit that the Plaintiffs accurately quote from *Loving v. Virginia*, 388 U.S. 1 (1967).

9. The separate Defendants admit that the Arkansas Supreme Court has held in certain circumstances that individual rights afforded by the state constitution can be broader than those provided by the federal constitution, but deny that the law provides broader rights under the state constitution in every instance. The separate Defendants admit that

the Arkansas General Assembly passed Act 146 of 1997 that amended Ark. Code Ann. § 9-11-208 and that Ark. Code Ann. § 9-11-107(b) denies recognition in Arkansas of same-sex marriages performed in other states.

10. The separate Defendants admit the Arkansas Supreme Court declared Ark. Code Ann. § 5-14-122 to be unconstitutional in the case of *Jegley v. Picado*, 349 Ark. 600 (2002). The separate Defendants admit that the Plaintiffs accurately quote portions of the *Picado* decision in paragraph 10 of the Second Amended Complaint.

11. The separate Defendants admit that the people of Arkansas adopted Amendment 83. The remaining allegations of paragraph 11 of the Second Amended Complaint are legal contentions and the separate Defendants deny them as such.

12. Paragraph 12 of the Second Amended Complaint are the Plaintiffs' legal contentions, not statements of fact, and the separate Defendants deny them as such.

13. Paragraph 13 of the Second Amended Complaint are the Plaintiffs' legal contentions, not statements of fact, and the separate Defendants deny them as such.

14. Paragraph 14 of the Second Amended Complaint are the Plaintiffs' legal contentions, not statements of fact, and the separate Defendants deny them as such.

15. Paragraph 15 of the Second Amended Complaint are the Plaintiffs' legal contentions, not statements of fact, and the separate Defendants deny them as such.

16. The separate Defendants admit that the Plaintiffs quoted from the case of *United States v. Windsor*.

17. Paragraph 17 of the Second Amended Complaint are the Plaintiffs' legal contentions, not statements of fact, and the separate Defendants deny them as such.

18. Paragraph 18 of the Second Amended Complaint are the Plaintiffs' legal contentions, not statements of fact, and the separate Defendants deny them as such.

19. The separate Defendants acknowledge the bases of the Plaintiffs' Second Amended Complaint but deny the allegations of paragraph 18 of the Second Amended Complaint because they are not allegations of fact that require admission or denial.

20. Paragraph 20 of the Second Amended Complaint are the Plaintiffs' legal contentions, not statements of fact, and the separate Defendants deny them as such.

21. The separate Defendants acknowledge the bases of the Plaintiffs' Second Amended Complaint but deny the allegations of paragraph 21 of the Second Amended Complaint because they are not allegations of fact that require admission or denial.

22. The separate Defendants acknowledge the bases of the Plaintiffs' Second Amended Complaint but deny the allegations of paragraph 22 of the Second Amended Complaint because they are not allegations of fact that require admission or denial.

23. The separate Defendants acknowledge the bases of the Plaintiffs' Second Amended Complaint but deny the allegations of paragraph 23 of the Second Amended Complaint because they are not allegations of fact that require admission or denial.

24. The separate Defendants admit that this Court has jurisdiction of the subject matter of this case.

25. The separate Defendants admit that venue is proper.

26. The separate Defendants lack sufficient knowledge and information to admit or deny the allegations of paragraph 26 of the Second Amended Complaint and, therefore, deny them.

27. The separate Defendants lack sufficient knowledge and information to admit or deny the allegations of paragraph 27 of the Second Amended Complaint and, therefore, deny them.

28. The separate Defendants lack sufficient knowledge and information to admit or deny the allegations of paragraph 28 of the Second Amended Complaint and, therefore, deny them.

29. The separate Defendants lack sufficient knowledge and information to admit or deny the allegations of paragraph 29 of the Second Amended Complaint and, therefore, deny them.

30. The separate Defendants lack sufficient knowledge and information to admit or deny the allegations of paragraph 30 of the Second Amended Complaint and, therefore, deny them.

31. The separate Defendants lack sufficient knowledge and information to admit or deny the allegations of paragraph 31 of the Second Amended Complaint and, therefore, deny them.

32. The separate Defendants lack sufficient knowledge and information to admit or deny the allegations of paragraph 32 of the Second Amended Complaint and, therefore, deny them.

33. The separate Defendants lack sufficient knowledge and information to admit or deny the allegations of paragraph 33 of the Second Amended Complaint and, therefore, deny them.

34. Paragraph 34 of the Second Amended Complaint are the Plaintiffs' legal contentions, not statements of fact, and the separate Defendants deny them as such.

35. The separate Defendants deny the allegations of paragraph 35 of the Second Amended Complaint.

36. Paragraph 36 of the Second Amended Complaint are the Plaintiffs' legal contentions, not statements of fact, and the separate Defendants deny them as such.

37. Paragraph 37 of the Second Amended Complaint are the Plaintiffs' legal contentions, not statements of fact, and the separate Defendants deny them as such.

38. Paragraph 38 of the Second Amended Complaint are the Plaintiffs' legal contentions, not statements of fact, and the separate Defendants deny them as such.

39. Paragraph 39 of the Second Amended Complaint are the Plaintiffs' legal contentions, not statements of fact, and the separate Defendants deny them as such.

40. The separate Defendants lack sufficient knowledge and information to admit or deny the allegations of paragraph 40 of the Second Amended Complaint and, therefore, deny them.

41. The separate Defendants lack sufficient knowledge and information to admit or deny the allegations of paragraph 41 of the Second Amended Complaint and, therefore, deny them.

42. The separate Defendants lack sufficient knowledge and information to admit or deny the allegations of paragraph 42 of the Second Amended Complaint and, therefore, deny them.

43. The separate Defendants lack sufficient knowledge and information to admit or deny the allegations of paragraph 43 of the Second Amended Complaint and, therefore, deny them.

45. Paragraph 45 of the Second Amended Complaint are the Plaintiffs' legal contentions, not statements of fact, and the separate Defendants deny them as such.

46. Paragraph 46 of the Second Amended Complaint are the Plaintiffs' legal contentions, not statements of fact, and the separate Defendants deny them as such.

47. Paragraph 47 of the Second Amended Complaint are the Plaintiffs' legal contentions, not statements of fact, and the separate Defendants deny them as such.

48. The separate Defendants lack sufficient knowledge and information to admit or deny the allegations of paragraph 48 of the Second Amended Complaint and, therefore, deny them.

49. The separate Defendants lack sufficient knowledge and information to admit or deny the allegations of paragraph 49 of the Second Amended Complaint and, therefore, deny them.

50. The separate Defendants lack sufficient knowledge and information to admit or deny that Ms. Owens and Ms. Harp applied for a marriage license in Pulaski County and, therefore, deny this allegation. The separate Defendants admit that same-sex couples have applied for marriage licenses in Pulaski County and have been denied a license pursuant to law.

51. The separate Defendants lack sufficient knowledge and information to admit or deny the allegations of paragraph 51 of the Second Amended Complaint and, therefore, deny them.

52. Paragraph 52 of the Second Amended Complaint are the Plaintiffs' legal contentions, not statements of fact, and the separate Defendants deny them as such.

53. Paragraph 53 of the Second Amended Complaint are the Plaintiffs' legal contentions, not statements of fact, and the separate Defendants deny them as such.

54. Paragraph 54 of the Second Amended Complaint are the Plaintiffs' legal contentions, not statements of fact, and the separate Defendants deny them as such.

55. Paragraph 55 of the Second Amended Complaint are the Plaintiffs' legal contentions, not statements of fact, and the separate Defendants deny them as such.

56. The separate Defendants lack sufficient knowledge and information to admit or deny the allegations of paragraph 56 of the Second Amended Complaint and, therefore, deny them.

57. The separate Defendants lack sufficient knowledge and information to admit or deny the allegations of paragraph 57 of the Second Amended Complaint and, therefore, deny them.

58. The separate Defendants lack sufficient knowledge and information to admit or deny the allegations of paragraph 58 of the Second Amended Complaint and, therefore, deny them.

59. The separate Defendants deny the allegations of paragraph 59 of the Complaint.

60. The separate Defendants lack sufficient knowledge and information to admit or deny the allegations of paragraph 60 of the Second Amended Complaint and, therefore, deny them.

61. Paragraph 61 of the Second Amended Complaint are the Plaintiffs' legal contentions, not statements of fact, and the separate Defendants deny them as such.

62. Paragraph 62 of the Second Amended Complaint are the Plaintiffs' legal contentions, not statements of fact, and the separate Defendants deny them as such.

63. Paragraph 63 of the Second Amended Complaint are the Plaintiffs' legal contentions, not statements of fact, and the separate Defendants deny them as such.

64. Paragraph 64 of the Second Amended Complaint are the Plaintiffs' legal contentions, not statements of fact, and the separate Defendants deny them as such.

65. The separate Defendants lack sufficient knowledge and information to admit or deny the allegations of paragraph 65 of the Second Amended Complaint and, therefore, deny them.

66. The separate Defendants lack sufficient knowledge and information to admit or deny the allegations of paragraph 66 of the Second Amended Complaint and, therefore, deny them.

67. The separate Defendants lack sufficient knowledge and information to admit or deny that Ms. Kidwell and Ms. Short applied for a marriage license in Pulaski County and, therefore, deny this allegation. The separate Defendants admit that same-sex couples have applied for marriage licenses in Pulaski County and have been denied a license pursuant to law.

68. The separate Defendants lack sufficient knowledge and information to admit or deny the allegations of paragraph 68 of the Second Amended Complaint and, therefore, deny them.

69. Paragraph 69 of the Second Amended Complaint are the Plaintiffs' legal contentions, not statements of fact, and the separate Defendants deny them as such.

70. Paragraph 70 of the Second Amended Complaint are the Plaintiffs' legal contentions, not statements of fact, and the separate Defendants deny them as such.

71. Paragraph 71 of the Second Amended Complaint are the Plaintiffs' legal contentions, not statements of fact, and the separate Defendants deny them as such.

72. Paragraph 72 of the Second Amended Complaint are the Plaintiffs' legal contentions, not statements of fact, and the separate Defendants deny them as such.

73. The separate Defendants lack sufficient knowledge and information to admit or deny the allegations of paragraph 73 of the Second Amended Complaint and, therefore, deny them.

74. The separate Defendants lack sufficient knowledge and information to admit or deny the allegations of paragraph 74 of the Second Amended Complaint and, therefore, deny them.

75. The separate Defendants lack sufficient knowledge and information to admit or deny the allegations of paragraph 75 of the Second Amended Complaint and, therefore, deny them.

76. The separate Defendants lack sufficient knowledge and information to admit or deny the allegations of paragraph 76 of the Second Amended Complaint and, therefore, deny them.

77. The separate Defendants lack sufficient knowledge and information to admit or deny the allegations of paragraph 77 of the Second Amended Complaint and, therefore, deny them.

78. Paragraph 78 of the Second Amended Complaint are the Plaintiffs' legal contentions, not statements of fact, and the separate Defendants deny them as such.

79. Paragraph 79 of the Second Amended Complaint are the Plaintiffs' legal contentions, not statements of fact, and the separate Defendants deny them as such.

80. Paragraph 80 of the Second Amended Complaint are the Plaintiffs' legal contentions, not statements of fact, and the separate Defendants deny them as such.

81. Paragraph 81 of the Second Amended Complaint are the Plaintiffs' legal contentions, not statements of fact, and the separate Defendants deny them as such.

82. The separate Defendants lack sufficient knowledge and information to admit or deny the allegations of paragraph 82 of the Second Amended Complaint and, therefore, deny them.

83. The separate Defendants lack sufficient knowledge and information to admit or deny the allegations of paragraph 83 of the Second Amended Complaint and, therefore, deny them.

84. The separate Defendants lack sufficient knowledge and information to admit or deny the allegations of paragraph 84 of the Second Amended Complaint and, therefore, deny them.

85. Paragraph 85 of the Second Amended Complaint are the Plaintiffs' legal contentions, not statements of fact, and the separate Defendants deny them as such.

86. Paragraph 86 of the Second Amended Complaint are the Plaintiffs' legal contentions, not statements of fact, and the separate Defendants deny them as such.

87. Paragraph 87 of the Second Amended Complaint are the Plaintiffs' legal contentions, not statements of fact, and the separate Defendants deny them as such.

88. Paragraph 88 of the Second Amended Complaint are the Plaintiffs' legal contentions, not statements of fact, and the separate Defendants deny them as such.

89. Paragraph 89 of the Second Amended Complaint are the Plaintiffs' legal contentions, not statements of fact, and the separate Defendants deny them as such.

90. The separate Defendants lack sufficient knowledge and information to admit or deny the allegations of paragraph 90 of the Second Amended Complaint and, therefore, deny them.

91. The separate Defendants lack sufficient knowledge and information to admit or deny the allegations of paragraph 91 of the Second Amended Complaint and, therefore, deny them.

92. The separate Defendants lack sufficient knowledge and information to admit or deny the allegations of paragraph 92 of the Second Amended Complaint and, therefore, deny them.

93. The separate Defendants lack sufficient knowledge and information to admit or deny the allegations of paragraph 93 of the Second Amended Complaint and, therefore, deny them.

94. The separate Defendants lack sufficient knowledge and information to admit or deny the allegations of paragraph 94 of the Second Amended Complaint and, therefore, deny them.

95. The separate Defendants lack sufficient knowledge and information to admit or deny the allegations of paragraph 95 of the Second Amended Complaint and, therefore, deny them.

96. Paragraph 96 of the Second Amended Complaint are the Plaintiffs' legal contentions, not statements of fact, and the separate Defendants deny them as such.

97. Paragraph 97 of the Second Amended Complaint are the Plaintiffs' legal contentions, not statements of fact, and the separate Defendants deny them as such.

98. Paragraph 98 of the Second Amended Complaint are the Plaintiffs' legal contentions, not statements of fact, and the separate Defendants deny them as such.

99. Paragraph 99 of the Second Amended Complaint are the Plaintiffs' legal contentions, not statements of fact, and the separate Defendants deny them as such.

100. The separate Defendants lack sufficient knowledge and information to admit or deny the allegations of paragraph 100 of the Second Amended Complaint and, therefore, deny them.

101. The separate Defendants lack sufficient knowledge and information to admit or deny the allegations of paragraph 101 of the Second Amended Complaint and, therefore, deny them.

102. The separate Defendants lack sufficient knowledge and information to admit or deny the allegations of paragraph 102 of the Second Amended Complaint and, therefore, deny them.

103. The separate Defendants lack sufficient knowledge and information to admit or deny that Mr. Bruce and Mr. Smith applied for a marriage license in Pulaski County and, therefore, deny this allegation. The separate Defendants admit that same-sex couples have applied for marriage licenses in Pulaski County and have been denied a license pursuant to law.

104. The separate Defendants lack sufficient knowledge and information to admit or deny the allegations of paragraph 104 of the Second Amended Complaint and, therefore, deny them.

105. Paragraph 105 of the Second Amended Complaint are the Plaintiffs' legal contentions, not statements of fact, and the separate Defendants deny them as such.

106. Paragraph 106 of the Second Amended Complaint are the Plaintiffs' legal contentions, not statements of fact, and the separate Defendants deny them as such.

107. Paragraph 107 of the Second Amended Complaint are the Plaintiffs' legal contentions, not statements of fact, and the separate Defendants deny them as such.

108. Paragraph 108 of the Second Amended Complaint are the Plaintiffs' legal contentions, not statements of fact, and the separate Defendants deny them as such.

109. The separate Defendants lack sufficient knowledge and information to admit or deny the allegations of paragraph 109 of the Second Amended Complaint and, therefore, deny them.

110. The separate Defendants lack sufficient knowledge and information to admit or deny the allegations of paragraph 110 of the Second Amended Complaint and, therefore, deny them.

111. The separate Defendants lack sufficient knowledge and information to admit or deny the allegations of paragraph 111 of the Second Amended Complaint and, therefore, deny them.

112. The separate Defendants lack sufficient knowledge and information to admit or deny the allegations of paragraph 112 of the Second Amended Complaint and, therefore, deny them.

113. The separate Defendants lack sufficient knowledge and information to admit or deny the allegations of paragraph 113 of the Second Amended Complaint and, therefore, deny them.

114. Paragraph 114 of the Second Amended Complaint are the Plaintiffs' legal contentions, not statements of fact, and the separate Defendants deny them as such.

115. Paragraph 115 of the Second Amended Complaint are the Plaintiffs' legal contentions, not statements of fact, and the separate Defendants deny them as such.

116. Paragraph 116 of the Second Amended Complaint are the Plaintiffs' legal contentions, not statements of fact, and the separate Defendants deny them as such.

117. Paragraph 117 of the Second Amended Complaint are the Plaintiffs' legal contentions, not statements of fact, and the separate Defendants deny them as such.

118. The separate Defendants lack sufficient knowledge and information to admit or deny the allegations of paragraph 118 of the Second Amended Complaint and, therefore, deny them.

119. The separate Defendants lack sufficient knowledge and information to admit or deny the allegations of paragraph 119 of the Second Amended Complaint and, therefore, deny them.

120. The separate Defendants lack sufficient knowledge and information to admit or deny the allegations of paragraph 120 of the Second Amended Complaint and, therefore, deny them.

121. The separate Defendants lack sufficient knowledge and information to admit or deny the allegations of paragraph 121 of the Second Amended Complaint and, therefore, deny them.

122. Paragraph 122 of the Second Amended Complaint are the Plaintiffs' legal contentions, not statements of fact, and the separate Defendants deny them as such.

123. Paragraph 123 of the Second Amended Complaint are the Plaintiffs' legal contentions, not statements of fact, and the separate Defendants deny them as such.

124. Paragraph 124 of the Second Amended Complaint are the Plaintiffs' legal contentions, not statements of fact, and the separate Defendants deny them as such.

125. Paragraph 125 of the Second Amended Complaint are the Plaintiffs' legal contentions, not statements of fact, and the separate Defendants deny them as such.

126. Paragraph 126 of the Second Amended Complaint are the Plaintiffs' legal contentions, not statements of fact, and the separate Defendants deny them as such.

127. The separate Defendants lack sufficient knowledge and information to admit or deny the allegations of paragraph 127 of the Second Amended Complaint and, therefore, deny them.

128. The separate Defendants lack sufficient knowledge and information to admit or deny the allegations of paragraph 128 of the Second Amended Complaint and, therefore, deny them.

129. The separate Defendants lack sufficient knowledge and information to admit or deny the allegations of paragraph 129 of the Second Amended Complaint and, therefore, deny them.

130. The separate Defendants lack sufficient knowledge and information to admit or deny that Mr. Goble and Mr. Norwine applied for a marriage license in Pulaski County and, therefore, deny this allegation. The separate Defendants admit that same-sex couples have applied for marriage licenses in Pulaski County and have been denied a license pursuant to law.

131. The separate Defendants lack sufficient knowledge and information to admit or deny the allegations of paragraph 131 of the Second Amended Complaint and, therefore, deny them.

132. Paragraph 132 of the Second Amended Complaint are the Plaintiffs' legal contentions, not statements of fact, and the separate Defendants deny them as such.

133. Paragraph 133 of the Second Amended Complaint are the Plaintiffs' legal contentions, not statements of fact, and the separate Defendants deny them as such.

134. Paragraph 134 of the Second Amended Complaint are the Plaintiffs' legal contentions, not statements of fact, and the separate Defendants deny them as such.

135. Paragraph 135 of the Second Amended Complaint are the Plaintiffs' legal contentions, not statements of fact, and the separate Defendants deny them as such.

136. The separate Defendants lack sufficient knowledge and information to admit or deny the allegations of paragraph 136 of the Second Amended Complaint and, therefore, deny them.

137. The separate Defendants lack sufficient knowledge and information to admit or deny the allegations of paragraph 137 of the Second Amended Complaint and, therefore, deny them.

138. The separate Defendants lack sufficient knowledge and information to admit or deny the allegations of paragraph 138 of the Second Amended Complaint and, therefore, deny them.

139. The separate Defendants lack sufficient knowledge and information to admit or deny the allegations of paragraph 139 of the Second Amended Complaint and, therefore, deny them.

140. Paragraph 140 of the Second Amended Complaint are the Plaintiffs' legal contentions, not statements of fact, and the separate Defendants deny them as such.

141. Paragraph 141 of the Second Amended Complaint are the Plaintiffs' legal contentions, not statements of fact, and the separate Defendants deny them as such.

142. Paragraph 142 of the Second Amended Complaint are the Plaintiffs' legal contentions, not statements of fact, and the separate Defendants deny them as such.

143. Paragraph 143 of the Second Amended Complaint are the Plaintiffs' legal contentions, not statements of fact, and the separate Defendants deny them as such.

144. Paragraph 144 of the Second Amended Complaint are the Plaintiffs' legal contentions, not statements of fact, and the separate Defendants deny them as such.

145. The separate Defendants lack sufficient knowledge and information to admit or deny the allegations of paragraph 145 of the Second Amended Complaint and, therefore, deny them.

146. The separate Defendants lack sufficient knowledge and information to admit or deny the allegations of paragraph 146 of the Second Amended Complaint and, therefore, deny them.

147. The separate Defendants lack sufficient knowledge and information to admit or deny the allegations of paragraph 147 of the Second Amended Complaint and, therefore, deny them.

148. The separate Defendants lack sufficient knowledge and information to admit or deny the allegations of paragraph 148 of the Second Amended Complaint and, therefore, deny them.

149. Paragraph 149 of the Second Amended Complaint are the Plaintiffs' legal contentions, not statements of fact, and the separate Defendants deny them as such.

150. Paragraph 150 of the Second Amended Complaint are the Plaintiffs' legal contentions, not statements of fact, and the separate Defendants deny them as such.

151. Paragraph 151 of the Second Amended Complaint are the Plaintiffs' legal contentions, not statements of fact, and the separate Defendants deny them as such.

152. Paragraph 152 of the Second Amended Complaint are the Plaintiffs' legal contentions, not statements of fact, and the separate Defendants deny them as such.

153. The separate Defendants lack sufficient knowledge and information to admit or deny the allegations of paragraph 153 of the Second Amended Complaint and, therefore, deny them.

154. The separate Defendants lack sufficient knowledge and information to admit or deny the allegations of paragraph 154 of the Second Amended Complaint and, therefore, deny them.

155. The separate Defendants lack sufficient knowledge and information to admit or deny that Ms. Havens and Ms. Whittenburg applied for a marriage license in Pulaski County and, therefore, deny this allegation. The separate Defendants admit that same-sex couples have applied for marriage licenses in Pulaski County and have been denied a license pursuant to law.

156. The separate Defendants lack sufficient knowledge and information to admit or deny the allegations of paragraph 156 of the Second Amended Complaint and, therefore, deny them.

157. Paragraph 157 of the Second Amended Complaint are the Plaintiffs' legal contentions, not statements of fact, and the separate Defendants deny them as such.

158. Paragraph 158 of the Second Amended Complaint are the Plaintiffs' legal contentions, not statements of fact, and the separate Defendants deny them as such.

159. Paragraph 159 of the Second Amended Complaint are the Plaintiffs' legal contentions, not statements of fact, and the separate Defendants deny them as such.

160. Paragraph 160 of the Second Amended Complaint are the Plaintiffs' legal contentions, not statements of fact, and the separate Defendants deny them as such.

161. The separate Defendants lack sufficient knowledge and information to admit or deny the allegations of paragraph 161 of the Second Amended Complaint and, therefore, deny them.

162. The separate Defendants lack sufficient knowledge and information to admit or deny the allegations of paragraph 162 of the Second Amended Complaint and, therefore, deny them.

163. The separate Defendants lack sufficient knowledge and information to admit or deny the allegations of paragraph 163 of the Second Amended Complaint and, therefore, deny them.

164. The separate Defendants lack sufficient knowledge and information to admit or deny the allegations of paragraph 164 of the Second Amended Complaint and, therefore, deny them.

165. Paragraph 165 of the Second Amended Complaint are the Plaintiffs' legal contentions, not statements of fact, and the separate Defendants deny them as such.

166. Paragraph 166 of the Second Amended Complaint are the Plaintiffs' legal contentions, not statements of fact, and the separate Defendants deny them as such.

167. Paragraph 167 of the Second Amended Complaint are the Plaintiffs' legal contentions, not statements of fact, and the separate Defendants deny them as such.

168. Paragraph 168 of the Second Amended Complaint are the Plaintiffs' legal contentions, not statements of fact, and the separate Defendants deny them as such.

169. The separate Defendants lack sufficient knowledge and information to admit or deny the allegations of paragraph 169 of the Second Amended Complaint and, therefore, deny them.

170. The separate Defendants lack sufficient knowledge and information to admit or deny the allegations of paragraph 170 of the Second Amended Complaint and, therefore, deny them.

171. The separate Defendants lack sufficient knowledge and information to admit or deny that Ms. Henson and Ms. Buford applied for a marriage license in Pulaski County and, therefore, deny this allegation. The separate Defendants admit that same-sex couples have applied for marriage licenses in Pulaski County and have been denied a license pursuant to law.

172. The separate Defendants lack sufficient knowledge and information to admit or deny the allegations of paragraph 170 of the Second Amended Complaint and, therefore, deny them.

173. Paragraph 174 of the Second Amended Complaint are the Plaintiffs' legal contentions, not statements of fact, and the separate Defendants deny them as such.

175. Paragraph 175 of the Second Amended Complaint are the Plaintiffs' legal contentions, not statements of fact, and the separate Defendants deny them as such.

176. Paragraph 176 of the Second Amended Complaint are the Plaintiffs' legal contentions, not statements of fact, and the separate Defendants deny them as such.

177. The separate Defendants lack sufficient knowledge and information to admit or deny the allegations of paragraph 177 of the Second Amended Complaint and, therefore, deny them.

178. The separate Defendants lack sufficient knowledge and information to admit or deny the allegations of paragraph 178 of the Second Amended Complaint and, therefore, deny them.

179. The separate Defendants lack sufficient knowledge and information to admit or deny the allegations of paragraph 179 of the Second Amended Complaint and, therefore, deny them.

180. The separate Defendants lack sufficient knowledge and information to admit or deny the allegations of paragraph 180 of the Second Amended Complaint and, therefore, deny them.

181. Paragraph 181 of the Second Amended Complaint are the Plaintiffs' legal contentions, not statements of fact, and the separate Defendants deny them as such.

182. Paragraph 182 of the Second Amended Complaint are the Plaintiffs' legal contentions, not statements of fact, and the separate Defendants deny them as such.

183. Paragraph 183 of the Second Amended Complaint are the Plaintiffs' legal contentions, not statements of fact, and the separate Defendants deny them as such.

184. Paragraph 184 of the Second Amended Complaint are the Plaintiffs' legal contentions, not statements of fact, and the separate Defendants deny them as such.

185. The separate Defendants lack sufficient knowledge and information to admit or deny the allegations of paragraph 185 of the Second Amended Complaint and, therefore, deny them.

186. The separate Defendants lack sufficient knowledge and information to admit or deny the allegations of paragraph 186 of the Second Amended Complaint and, therefore, deny them.

187. The separate Defendants lack sufficient knowledge and information to admit or deny the allegations of paragraph 187 of the Second Amended Complaint and, therefore, deny them.

188. The separate Defendants lack sufficient knowledge and information to admit or deny the allegations of paragraph 188 of the Second Amended Complaint and, therefore, deny them.

189. Paragraph 189 of the Second Amended Complaint are the Plaintiffs' legal contentions, not statements of fact, and the separate Defendants deny them as such.

190. Paragraph 190 of the Second Amended Complaint are the Plaintiffs' legal contentions, not statements of fact, and the separate Defendants deny them as such.

191. Paragraph 191 of the Second Amended Complaint are the Plaintiffs' legal contentions, not statements of fact, and the separate Defendants deny them as such.

192. Paragraph 192 of the Second Amended Complaint are the Plaintiffs' legal contentions, not statements of fact, and the separate Defendants deny them as such.

193. Paragraph 193 of the Second Amended Complaint are the Plaintiffs' legal contentions, not statements of fact, and the separate Defendants deny them as such.

194. The separate Defendants lack sufficient knowledge and information to admit or deny the allegations of paragraph 194 of the Second Amended Complaint and, therefore, deny them.

195. The separate Defendants lack sufficient knowledge and information to admit or deny the allegations of paragraph 195 of the Second Amended Complaint and, therefore, deny them.

196. The separate Defendants lack sufficient knowledge and information to admit or deny the allegations of paragraph 196 of the Second Amended Complaint and, therefore, deny them.

197. The separate Defendants lack sufficient knowledge and information to admit or deny the allegations of paragraph 197 of the Second Amended Complaint and, therefore, deny them.

198. Paragraph 198 of the Second Amended Complaint are the Plaintiffs' legal contentions, not statements of fact, and the separate Defendants deny them as such.

199. Paragraph 199 of the Second Amended Complaint are the Plaintiffs' legal contentions, not statements of fact, and the separate Defendants deny them as such.

200. Paragraph 200 of the Second Amended Complaint are the Plaintiffs' legal contentions, not statements of fact, and the separate Defendants deny them as such.

201. Paragraph 201 of the Second Amended Complaint are the Plaintiffs' legal contentions, not statements of fact, and the separate Defendants deny them as such.

202. Paragraph 202 of the Second Amended Complaint are the Plaintiffs' legal contentions, not statements of fact, and the separate Defendants deny them as such.

203. The separate Defendants admit the allegations of paragraph 203 of the Second Amended Complaint.

204. The separate Defendants admit the allegations of paragraph 204 of the Second Amended Complaint.

205. The separate Defendants admit the allegations of paragraph 205 of the Second Amended Complaint.

206. The separate Defendants admit the allegations of paragraph 206 of the Second Amended Complaint.

207. The separate Defendants admit the allegations of paragraph 207 of the Second Amended Complaint.

208. The separate Defendants admit the allegations of paragraph 208 of the Second Amended Complaint.

209. The separate Defendants admit the allegations of paragraph 209 of the Second Amended Complaint.

210. The separate Defendants admit the allegations of paragraph 210 of the Second Amended Complaint.

211. The separate Defendants admit the allegations of paragraph 211 of the Second Amended Complaint.

212. The separate Defendants admit the allegations of paragraph 212 of the Second Amended Complaint.

213. The separate Defendants admit the allegations of paragraph 213 of the Second Amended Complaint.

214. The separate Defendants admit that the Plaintiffs accurately quote Act 146 of 1997.

215. The separate Defendants admit that the Plaintiffs accurately quote Ark. Code Ann. § 9-11-208.

216. The separate Defendants admit that the Plaintiffs accurately quote Ark. Code Ann. § 9-11-107.

217. The separate Defendants admit that the Plaintiffs have accurately quoted Amendment 83 to the Constitution of the State of Arkansas.

218. The separate Defendants incorporate by reference paragraphs 1-217 above.

219. The allegations of paragraph 219 of the Second Amended Complaint are legal contentions and the separate Defendants deny them as such.

220. The allegations of paragraph 220 of the Second Amended Complaint are legal contentions and the separate Defendants deny them as such.

221. The allegations of paragraph 221 of the Complaint are legal contentions and the separate Defendants deny them as such.

222. The allegations of paragraph 222 of the Complaint are legal contentions and the separate Defendants deny them as such.

223. The separate Defendants incorporate by reference paragraphs 1-222 above.

224. The allegations of paragraph 224 of the Second Amended Complaint are legal contentions and the separate Defendants deny them as such.

225. The allegations of paragraph 225 of the Second Amended Complaint are legal contentions and the separate Defendants deny them as such.

226. The allegations of paragraph 226 of the Complaint are legal contentions and the separate Defendants deny them as such.

227. The allegations of paragraph 227 of the Second Amended Complaint are legal contentions and the separate Defendants deny them as such.

228. The separate Defendants incorporate by reference paragraphs 1-227 above.

229. The allegations of paragraph 229 of the Second Amended Complaint are legal contentions and the separate Defendants deny them as such.

230. The allegations of paragraph 230 of the Second Amended Complaint are legal contentions and the separate Defendants deny them as such.

231. The allegations of paragraph 231 of the Second Amended Complaint are legal contentions and the separate Defendants deny them as such.

232. The separate Defendants incorporate by reference paragraphs 1-231 above.

233. The allegations of paragraph 233 of the Second Amended Complaint are legal contentions and the separate Defendants deny them as such.

234. The allegations of paragraph 234 of the Second Amended Complaint are legal contentions and the separate Defendants deny them as such.

235. The allegations of paragraph 235 of the Second Amended Complaint are legal contentions and the separate Defendants deny them as such.

236. The allegations of paragraph 236 of the Second Amended Complaint are legal contentions and the separate Defendants deny them as such.

237. The allegations of paragraph 237 of the Second Amended Complaint are legal contentions and the separate Defendants deny them as such.

238. The allegations of paragraph 238 of the Second Amended Complaint are legal contentions and the separate Defendants deny them as such.

239. The allegations of paragraph 239 of the Second Amended Complaint are legal contentions and the separate Defendants deny them as such.

240. The allegations of paragraph 240 of the Second Amended Complaint are legal contentions and the separate Defendants deny them as such.

241. The allegations of paragraph 241 of the Second Amended Complaint are legal contentions and the separate Defendants deny them as such.

242. The separate Defendants incorporate by reference paragraphs 1-241 above.

243. The allegations of paragraph 243 of the Second Amended Complaint are legal contentions and the separate Defendants deny them as such.

244. The allegations of paragraph 244 of the Second Amended Complaint are legal contentions and the separate Defendants deny them as such.

245. The allegations of paragraph 245 of the Second Amended Complaint are legal contentions and the separate Defendants deny them as such.

AFFIRMATIVE DEFENSES

1. The Plaintiffs fail to state facts and claims upon which relief can be granted.
2. The separate Defendants are obligated by their oaths of office to follow the law of the State of Arkansas and will continue to do so in its present form or as it may be amended or modified.

WHEREFORE, premises considered, the separate Defendants, LARRY CRANE, in his official capacity as the Circuit/County Clerk of Pulaski County, Arkansas, and DOUG CURTIS, in his official capacity as Saline County Clerk, pray that the Court grant appropriate relief and for their costs and attorney's fees.

Fuqua Campbell, P.A.
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501-374-0200
Attorneys for separate Defendants



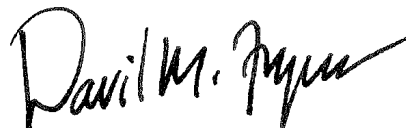
By: David M. Fuqua
Ark. Bar No. 80048
E-mail: dfuqua@fc-lawyers.com

CERTIFICATE OF SERVICE

I, David M. Fuqua, hereby certify that a copy of the foregoing pleading has been served via the Court's eFlex filing and document management system consistent with the provisions of Section 7 of Administrative Order 21 and by e-mail on:

Cheryl K. Maples
ckmaples@aol.com

Jack Wagoner III
jack@wagonerlawfirm.com



David M. Fuqua