

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

JONATHAN P. ROBICHEAUX, *et al.*,

Plaintiffs

V.

JAMES D. CALDWELL, *et al.*,

Defendants

CIVIL ACTION

No. 13-5090

SECTION F(5)

JUDGE MARTIN L.C. FELDMAN

MAGISTRATE MICHAEL NORTH

REF: ALL CASES

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BRIEF OF AMICUS CURIAE

The City of New Orleans (“City”) submits this Brief of Amicus Curiae in support of the motion for summary judgment [Rec. Doc. No. 86] filed by Plaintiffs in the consolidated cases (hereinafter “Robicheaux”). Robicheaux asserts that certain state agencies/officials do not recognize same-sex marriages. Robicheaux further asserts that failure to recognize same-sex marriages denies equal protection of the laws to same-sex couples. The City, however, has enacted municipal laws recognizing domestic partnerships and allowing same-sex domestic partners of City employees to receive benefits from the City’s health care plan as dependents of their partners. *See* New Orleans City Code, § 87-1 -87-9. The City submits this Brief to inform the Court of the existence and substance of those laws and the City’s purpose in enacting those laws.

Indeed, as expressly set forth in the New Orleans Municipal Code, the City has an interest in strengthening and supporting *all* caring, committed, and responsible family forms. *See id.* at § 87-1. The City further specified that societal privileges and benefits accorded to members of a marriage also should be extended to those who meet the qualifications of domestic partnership. *See id.*

Local law further establishes a mechanism whereby domestic partners may publicly express and document their partnerships and sets forth qualifications for a domestic partnership. *See id.* To establish a domestic partnership under local law, partners must submit a Declaration of Domestic Partnership form¹ to the Clerk of the New Orleans City Council. *See id.* at § 87-2 and 87-5. In completing the Declaration, the partners agree to be jointly responsible for basic living expenses incurred in the domestic partnership. *See id.* at § 87-2. The Clerk may accept Declarations filed by domestic partners who reside in the City of New Orleans or by partnerships having one partner who works in the City of New Orleans. *See id.* at § 87-5(b). In addition, to become domestic partners, neither person may be married, the two must not be related, and both must be 18 years of age or older. *See id.* at § 87-6. If one partner previously was in a domestic partnership, that partnership must have terminated more than six months before submission of the Declaration. *See id.* Termination of a domestic partnership is evidenced by filing a written, notarized notice of termination with the Clerk of City Council. *See id.* at § 87-8. Upon filing of the Declaration, the City Chief Administrative Officer will provide the partners with a certificate showing that the Declaration was filed. *See id.* at § 87-5(a). A certified copy of the Declaration may be used as evidence of the existence of a domestic partnership. *See id.* at § 87-5(e).

Since the enactment of these municipal laws, the Clerk has received Declarations establishing 472 domestic partnerships, and City employees have exercised their rights to use the City's employee benefits for their domestic partners. The City's stated interest and purpose in enacting laws recognizing domestic partnerships are supported by these facts. Accordingly, the City submits this Brief in Amicus Curiae in support of Robicheaux's motion for summary judgment.

¹ The Declaration can be obtained from the Clerk of the New Orleans City Council.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing pleading has been served on all counsel of record through this Court's CM/ECF electronic filing system on this 12th day of May, 2014.

/s/ Sharonda R. Williams
SHARONDA R. WILLIAMS