

DISTRICT COURT, ADAMS COUNTY,  
COLORADO

Adams County Justice Center  
1100 Judicial Center Drive  
Brighton, CO 80601

REBECCA BRINKMAN AND MARGARET  
BURD,

v.

KAREN LONG, in her official capacity as  
Clerk and Record of Adams County;

and

STATE OF COLORADO.

DATE FILED: January 6, 2014 12:57 PM

▲ COURT USE ONLY ▲

JOHN W. SUTHERS, Attorney General  
DANIEL D. DOMENICO, Solicitor  
General\*

MICHAEL FRANCISCO, Assistant  
Solicitor General\*

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\*Counsel of Record

Case No. 13CV032572

Div.: C

**STATE OF COLORADO'S ANSWER**

The State of Colorado, through John Suthers, in his official capacity as Attorney General for the State of Colorado (“Defendant”), hereby Answers the Plaintiff’s Complaint:

1. The Defendant is **without knowledge** or information sufficient to form a belief as to the truth of the allegations and therefore denies the same.
2. The allegations call for a **legal conclusion** where no response is required. If a response is required, Defendant denies the allegations.
3. The Defendant is **without knowledge** or information sufficient to form a belief as to the truth of the allegations and therefore denies the same.
4. The Defendant is **without knowledge** or information sufficient to form a belief as to the truth of the allegations and therefore denies the same.
5. The Defendant is **without knowledge** or information sufficient to form a belief as to the truth of the allegations and therefore denies the same.
6. The Defendant is **without knowledge** or information sufficient to form a belief as to the truth of the allegations and therefore denies the same.
7. The Defendant is **without knowledge** or information sufficient to form a belief as to the truth of the allegations and therefore denies the same.
8. The Defendant is **without knowledge** or information sufficient to form a belief as to the truth of the allegations and therefore denies the same.
9. The Defendant is **without knowledge** or information sufficient to form a belief as to the truth of the allegations and therefore denies the same.
10. The allegations call for a **legal conclusion** where no response is required. If a response is required, Defendant denies the allegations.
11. The Defendant is **without knowledge** or information sufficient to form a belief as to the truth of the allegations and therefore denies the same.

12. The Defendant is **without knowledge** or information sufficient to form a belief as to the truth of the allegations and therefore denies the same.
13. Defendant **affirmatively states and admits** that Section 31 of Article II of the Colorado Constitution reads: “Only a union of one man and one woman shall be valid or recognized as a marriage in this state.” Defendant denies all remaining allegations.
14. Defendant **denies** the allegations contained in this paragraph of the Complaint.
15. Colorado Revised Statutes referenced **speak for themselves** and no response is required. If a response is required, Defendant **denies** the allegations.
16. Defendant **denies** the allegations contained in this paragraph of the Complaint.

### **First Claim for Relief**

17. Defendant **incorporates** all prior responses.
18. The allegations call for a **legal conclusion** where no response is required. If a response is required, Defendant denies the allegations.
19. Defendant **denies** the allegations contained in this paragraph of the Complaint.
20. Colorado Revised Statutes referenced **speak for themselves** and no response is required. If a response is required, Defendant **denies** the allegations.
21. The allegations call for a **legal conclusion** where no response is required. If a response is required, Defendant denies the allegations.
22. The U.S. Constitution referenced **speaks for itself** and no response is required. Defendant **denies** the remaining allegations.

23. The allegations call for a **legal conclusion** where no response is required. If a response is required, Defendant denies the allegations.
24. The allegations call for a **legal conclusion** where no response is required. If a response is required, Defendant denies the allegations.
25. The laws and legal decisions referenced **speak for themselves** and no response is required. Defendant **denies** the remaining allegations.
26. Defendant **denies** the allegations contained in this paragraph of the Complaint.
27. Defendant **denies** the allegations contained in this paragraph of the Complaint.
28. Defendant **denies** the allegations contained in this paragraph of the Complaint.
29. Defendant **denies** the allegations contained in this paragraph of the Complaint.
30. Defendant **denies** the allegations contained in this paragraph of the Complaint.
31. The laws and legal decisions referenced **speak for themselves** and no response is required. Defendant **denies** the remaining allegations.
32. The allegations call for a **legal conclusion** where no response is required. If a response is required, Defendant denies the allegations.
33. The allegations call for a **legal conclusion** where no response is required. If a response is required, Defendant denies the allegations.

### **Second Claim for Relief**

34. Defendant **incorporates** all prior responses.

35. The allegations call for a **legal conclusion** where no response is required. If a response is required, Defendant denies the allegations.
36. The allegations call for a **legal conclusion** where no response is required. If a response is required, Defendant denies the allegations.
37. The allegations call for a **legal conclusion** where no response is required. If a response is required, Defendant denies the allegations.
38. The allegations call for a **legal conclusion** where no response is required. If a response is required, Defendant denies the allegations.
39. Defendant **admits** that Article II, section 29 of the Colorado Constitution states that: “Equality of rights under the law shall not be denied or abridged by the State of Colorado or any of its political subdivisions on account of sex.”
40. Defendant **denies** the allegations contained in this paragraph of the Complaint.
41. Defendant **denies** the allegations contained in this paragraph of the Complaint.
42. The court decision referenced **speaks for itself** and no response is required. Defendant **denies** the remaining allegations.
43. Defendant **denies** the allegations contained in this paragraph of the Complaint.
44. Defendant **denies** the allegations contained in this paragraph of the Complaint.
45. Defendant **denies** the allegations contained in this paragraph of the Complaint.
46. Defendant **denies** the allegations contained in this paragraph of the Complaint.

47. Defendant **denies** the allegations contained in this paragraph of the Complaint.
48. Defendant **denies** the allegations contained in this paragraph of the Complaint.
49. The court decision referenced **speaks for itself** and no response is required. Defendant **denies** the remaining allegations.
50. The court decision referenced **speaks for itself** and no response is required. Defendant **denies** the remaining allegations.
51. The Colorado Constitution court decisions referenced **speaks for themselves** and no response is required. Defendant **denies** the remaining allegations.
52. The court decision referenced **speaks for itself** and no response is required. Defendant **denies** the remaining allegations.

### **Affirmative Defenses**

Defendant does not waive affirmative defenses and reserves the right to amend this Answer to include such affirmative defenses as may be supported by the evidence, as well as parties or non-parties as allowed by law.

WHEREFORE, having fully answered Plaintiffs' Complaint, Defendant respectfully request that judgment be entered in its favor and against Plaintiffs, that Defendant be awarded its attorney fees and costs incurred in defending against this action, and that it be awarded such other and further relief as this Court deems just and equitable.

Respectfully submitted this 6th day of January, 2014.

JOHN W. SUTHERS  
Attorney General

/s/Michael Francisco

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MICHAEL FRANCISCO\*  
Assistant Solicitor General

DANIEL D. DOMENICO\*  
Solicitor General

Attorneys for State of Colorado

\*Counsel of Record

### **CERTIFICATE OF SERVICE**

This is to certify that I have duly served the within **State of Colorado's Answer** upon all parties herein by Integrated Colorado Courts E-filing System (ICCES), this 6th day of January, 2014.

/s/Michael Francisco

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MICHAEL FRANCISCO  
Assistant Solicitor General