

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

APRIL DEBOER, *et al*,

Civil Action No. 12-cv-10285

Plaintiffs,

HON. BERNARD A.
FRIEDMAN

v

MAG. MICHAEL J.
HLUCHANIUK

RICHARD SNYDER, *et al*

Defendants.

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**STATE DEFENDANTS' ANSWER TO AMENDED COMPLAINT
FOR DECLARATORY AND INJUNCTIVE RELIEF**

NOW COME Richard Snyder, in his official capacity as Governor of the State of Michigan, and Bill Schuette, in his official capacity as the Michigan Attorney General (“State Defendants”), who answer Plaintiffs’ Amended Complaint as follows:

PARTIES

1. Admitted in part and denied in part. State Defendants admit Plaintiffs’ residence information, but deny that both Plaintiffs are parents of the minor children. Plaintiff DeBoer is the legal parent of R and Plaintiff Rowse is the legal parent of J and N.

2. State Defendants admit the allegation.

3. State Defendants admit the allegation.

4. State Defendants admit the allegation, but note that following the November 2012 election, Lisa Brown was elected the Oakland County Clerk.

JURISDICTION AND VENUE

5. State Defendants assert that the allegation is a legal conclusion to which no answer is required.

6. State Defendants assert that the allegation is a legal conclusion to which no answer is required.

7. State Defendants assert that the allegation is a legal conclusion to which no answer is required.

FACTS

8. Admitted in part. State Defendants lack sufficient knowledge or information to respond to the allegation regarding Plaintiffs' past or current relationship and leave Plaintiffs to their proofs. State Defendants admit that Plaintiff DeBoer is the lone adoptive parent to minor Plaintiff R, and Plaintiff Rowse is the lone adoptive parent to minor Plaintiffs J and N.

9. State Defendants admit the allegations upon information and belief.

10. Admitted in part. State Defendants admit Plaintiff DeBoer adopted minor Plaintiff R. As to the remaining allegations, State Defendants lack sufficient knowledge or information to respond and leave Plaintiffs to their proofs.

11. State Defendants admit Plaintiff Rowse adopted minor Plaintiff N. As to the remaining allegations, State Defendants lack

sufficient knowledge or information to respond and leave Plaintiffs to their proofs.

12. State Defendants admit that Plaintiff Rowse adopted minor Plaintiff J. As to the remaining allegations, State Defendants lack sufficient knowledge or information to respond and leave Plaintiffs to their proofs.

13. State Defendants lack sufficient knowledge or information to respond and leave Plaintiffs to their proofs.

14. State Defendants lack sufficient knowledge or information to respond and leave Plaintiffs to their proofs.

15. State Defendants lack sufficient knowledge or information to respond and leave Plaintiffs to their proofs.

COUNT I

Addresses State Defendants Richard Snyder and Bill Schuette

16. State Defendants assert that the Mich. Const. 1963 art. I, § 25 (“Michigan Marriage Amendment”) speaks for itself. The Michigan Marriage Amendment recognizes marriage as the union between one man and one woman.

17. State Defendants assert that the allegation is a legal conclusion to which no answer is required. Further, M.C.L. 710.24 speaks for itself.

18. State Defendants assert that the allegation is a legal conclusion to which no answer is required. Further, the Fourteenth Amendment speaks for itself.

19. State Defendants assert that the allegations represent a legal conclusion requiring no response. But to the extent a response is required, State Defendants deny that Plaintiffs have been subjected to adverse treatment.

20. State Defendants assert that the allegations represent a legal conclusion requiring no response. But to the extent a response is required, State Defendants deny that the Michigan Adoption Code, M.C.L. 710.24, is arbitrary, capricious, lacking in rational basis, or invalid under the requisite standard of scrutiny.

21. State Defendants assert that the allegation represents a legal conclusion requiring no response. But to the extent a response is required, State Defendants deny any disparate treatment or equal-protection violation.

22. Denied. The Michigan Adoption Code, M.C.L. 710.24, serves a legitimate governmental interest.

23. Denied as untrue.

24. Denied. The Michigan Adoption Code, M.C.L. 710.24, is rationally related to a legitimate governmental interest and Plaintiffs' constitutional rights have not been violated.

COUNT II

Addresses State Defendants Richard Snyder, Bill Schuette, and Oakland County Defendant Bill Bullard, Jr.

25. State Defendants reiterate answers for paragraphs 1 through 24.

26. State Defendants assert that the Mich. Const. 1963 art. I, § 25 speaks for itself. The Michigan Marriage Amendment recognizes marriage as the union between one man and one woman.

27. State Defendants assert that the allegations represent legal conclusions to which no response is required. But to the extent a response is required, State Defendants deny as untrue.

28. State Defendants assert that the allegation is a legal conclusion to which no answer is required. Further, the Fourteenth Amendment speaks for itself.

29. Denied. Plaintiffs have not been adversely treated.

30. State Defendants neither admit nor deny and leave Plaintiffs to their proofs.

31. Denied. The applicable standard is the rational basis test.

32. Denied. The Michigan Marriage Amendment fosters the State's legitimate interest in promoting responsible natural procreation, which, in turn, promotes raising children in a home environment with both a mother and a father, giving the children the benefit of having a role model of both sexes.

33. State Defendants assert that the allegation represents a legal conclusion requiring no response. But to the extent a response is required, State Defendants deny any disparate treatment or equal-protection violation.

34. Denied. The Michigan Marriage Amendment does not violate the Due Process Clause of the U.S. Constitution. There is no fundamental right to same-sex marriage under the due process provisions of the U.S. Constitution. Further, the State's marriage laws satisfy the rational basis test under the Equal Protection Clause of the U.S. Constitution.

AFFIRMATIVE DEFENSES

1. Plaintiffs lack standing to assert some or all of their claims.
2. Plaintiffs have not stated a claim for which relief can be granted.
3. The Court should exercise its discretion to abstain from adjudicating these claims.
4. State Defendants reserve the right to supplement, add to, or amend these defenses

Respectfully submitted,

Bill Schuette
Attorney General

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/s/ Tonya C. Jeter (P55352)

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Dated: July 22, 2013

CERTIFICATE OF SERVICE

I hereby certify that on July 22, 2013, I electronically filed the foregoing document(s) with the Clerk of the Court using the ECF System, which will provide electronic notice and copies of such filing of the following to the parties: State Defendants' Answer to Amended Complaint for Declaratory and Injunctive Relief

A courtesy copy of the aforementioned document was placed in the mail directed to:

Bernard A. Friedman
United States District Court for the Eastern District of Michigan
Theodore Levin U.S. Courthouse
231 W. Lafayette Blvd., Room 101
Detroit, MI 48226

/s/ Joan Tharp
Legal Secretary