IN THE UNITED STATES COURT OF APPEALS FOR THE TENTH CIRCUIT

DEREK KITCHEN, individually; MOUDI SBEITY, individually; KAREN ARCHER, individually; KATE CALL, individually; LAURIE WOOD, individually; and KODY PARTRIDGE, individually,

Plaintiffs - Appellees,

Plaintiffs-Appellees

Civil Action No.: 13-4178

V.

GARY R. HERBERT, in his official capacity as Governor of Utah, and SEAN D. REYES, in his official capacity as Attorney General of Utah,

Defendants - Appellants,

Defendants -Appellant Sherrie Swensen, in her official capacity as Clerk of Salt Lake City

Defendant

and

Chris Sevier
Intervening Plaintiff

MOTION TO INTERVENE AS PLAINTIFF

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OTHER AUTHORITY

NOW COMES, I, Chris Sevier, former Judge Advocate/combat veteran, pursuant to F.R.A.P 15.2, F.R.C.P. 24(a), and 24(b). I was personally injured by the same Defendants under identical circumstances except that I attempted to marry a machine, not another man, at the clerk's office. The difference between myself and the Plaintiffs is that we are in different classes of sexual orientation. The same clerk's office referred me to the same laws at issue, when it deny my request as it did the Plaintiffs. I have been equally injured and I have standing for the same reasons that the Plaintiffs have sighted in their brief and complaint. Symbolically, my intervention may represent the other minority sexual orientation groups, whose interest are not regarded by the existing Appellants. Even the Defendants stipulate that all sexual orientation classes must have equal protection and due process rights extended to them if traditional marriage is redefined, under their "slippery slope" arguments. (See Appellant brief at. 101. Jeffrey Michael Hayes, *Polygamy Comes Out of the Closet: The New Strategy of Polygamy Activists,* 3 Stan. J. Civ. Rts. & Civ. Liberties 99, 109 (2007). The largest minority should not be the only protect class under the equal protection clause. Imagine, if during the civil rights movement, a group of African Americans argued to have expansion of the equal protection clause to protect just their race alone, but did not move the Court to expand protections to races that are red, brown, and yellow. (All races are covered under the Civil Rights Act of 1964 for good reason (42 u.s.c. 2000a). To permit selective protections of certain classes would yield unjust and absurd results that

are so severe that they threaten National security because hypocrisy will have been introduced into foundational laws marking our National identity. The true question presented here is whether traditional marriage is a relationship that is "stand alone" and unequal to all other forms of sexual and spiritual unions. I leave that for the Courts to decide, but if sexual orientation is a protected class - and it is accruing to the President - I have every right to capitalize on the fruits of the Plaintiff's "adult centered" conquest for all of the arguments they have set forth in their briefs. I join them.

As a patriot with standing, I am asking the Federal Courts to "put up or shut up" about expanding the equal protection and due process clause to include "sexual orientation" as a class. Allowing my intervention poses an imminent question, not a theoretical one of speculation. My motion is timely, and the same laws are at issue: (1) Utah Code § 30-1-2; (2) Utah Code § 30-1-4.1; and (3) Utah Constitution, Article I, § 29 ("Amendment 3") (collectively, the "Marriage Discrimination Laws"), under the United States Constitution (the "Constitution"). The Constitutionality of the law in dispute narrowly defines marriage between "one man and one women," not "one man and one man," "one woman and one woman, "one man and one machine," "one man and one animal" which violates the Due Process Clause and Equal Protection clause of all classes of sexual orientation, not just same-sex orientation. The Court cannot provide partial expansion of the equal protection clause, and leave behind all other classes in the name of "tolerance" and

"equality" without impeaching the entire integrity of the Courts. There is not a single solitary example where the Appellees consider the interest of other sexual orientation classes in their voluminous pleadings. Therefore, the true minorities interest is left in the cold short of an intervention. So, I beg for intervention, for the Court's sake, so that it can get a complete picture of what is at stake in reaching a sound comprehensive decision. A decision here will effect our National identify and the integrity of our laws one way or another. Now that I have moved here, one of three things must occur. Either (1) we will be reduced to a Nation that hypocritically enforces the equal protection and due process clause to suit the interest of the largest minority, which yields discrimination against the true minority classes of sexual orientation, causing hypocrisy to undermine foundation laws, yielding instability; (2) we will remain a Christian Nation that protects traditional marriage, as a relationship set apart because it has the potential of bearing life between two people, who are in a legally binding relationship, who have naturally corresponding sexual organs with the exclusive potential to produce children with DNA that matches theirs; which, of course, makes that relationship both scientifically and factually distinct from all others - religious aside; or (3) we will progress into a Nation that gives equal protection to all classes of sexual orientation allowing everyone to marrying anyone and anything to suit their appetite in the name of "tolerance," "equality," and "love" - becoming slaves of our glands, not slaves of virtue. There is no other possible alternative. The evidence

shows that United States has always been a Nation that shapes its laws off of conviction, not feeling. But tradition is under attack so neither I nor the Plaintiffs apologize for that.

THE TRUE MINORITIES INTEREST ARE BEING LEFT OUT

Intervention must be allowed because the Appellees are only advancing the interest of their class of sexual orientation. For example, the Plaintiffs state in their motion for summary judgment and brief: "the express and stated purpose of Amendment 3 was to single out same-sex couples for disparate treatment, by stripping them of federal and state rights, benefits, and obligations granted to all opposite-sex married couples in Utah by operation of law." They fail to make mention that Amendment 3 also singles out people like myself and others, who equally desire to marry inanimate objects and animals. The Plaintiffs are quick to state that "Marriage is the most important relation in life" *Zablocki v. Redhail*, 434 U.S. 374 (1978), but they do not consider that I feel the same way about my marriage to an inanimate object because perhaps they are as equally insensitive as the Defendants perhaps. Remember morality has no place in this case, according to the Plaintiffs. "Being married is of immense personal importance to each Plaintiff," as it is important to me and my object of desire. *Id.* at 1843 (Kitchen Decl. ¶ 7); 1850-51 (Sbeity Decl. ¶ 8); 1859-60 (Archer Decl. ¶¶ 9- 10); 1865 (Call Decl. ¶ 2); 1874, 1876 (Wood Decl. ¶¶ 8, 14); 1886 (Partridge Decl. ¶ 11). I can equally assert along

side of the Appellees that I have suffered the same severe humiliation, emotional distress, pain, suffering, psychological harm, and stigma by the state of Utah's refusal to permitted me to marry my object of desire. *Id*; . If the Appellees feel like "second-class citizens," those of us in the real minority, who want to marry machines and animals, certainly feel like "third-class citizens." Just like the Appellees, I too feel equally "ashamed and embarrassed that [I] cannot marry the [thing that I] love or have [my] legal marriage from another state and [country] recognized in Utah; and it causes [me]…great pain." *Id.* Gay and lesbian people have endured a history of discrimination in the exact same way that people who have sex with beast and machines have. *See Windsor v. United States*, 699 F.3d 169, 181 (2d Cir. 2012). But the Appellees make no mention of this discrimination against other classes in their pleadings, perhaps it is because their entire plight is grounded in "adult centered" selfishness and suffer from a more severe sense of bigotry than the Defendants do, who at least are making an argument that traditional marriage is superior to all other forms with factual evidence, not emotional appeals.

Inferably, Lovers of beast and machines are just as equally a discernible group with non-obvious distinguishing characteristics as gay and lesbians are. *See Windsor*, 699 F.3d at 183 ("homosexuality is a sufficiently discernible characteristic to define a discrete minority class," including because there is a broad medical and scientific consensus that sexual orientation is immutable); *Perry*

v. Schwarzenegger, 704 F. Supp. 2d 921, 966 (N.D. Cal. 2010) No credible evidence supports a finding that an individual may, through conscious decision, therapeutic intervention or any other method, change his or her sexual orientation." which applies squarely to me); *see also Lawrence v. Texas*, 539 U.S. 558, 576-77 (2003). (decisions concerning the intimacies of the physical relationships of consenting adults are "an integral part of human freedom"); *see also In re Marriage Cases*, 183 P.3d 384, 442 (Cal. 2008) ("Because a person's sexual orientation is so integral an aspect of one's identity, it is not appropriate to require a person to repudiate or change his or her sexual orientation in order to avoid discriminatory treatment."); *Kerrigan v. Comm'r of Pub. Health*, 957 A.2d 407, 438 (Conn. 2008) ("In view of the central role that sexual orientation plays in a person's fundamental right to self-determination, we fully agree with the plaintiffs that their sexual orientation represents the kind of distinguishing characteristic that defines them as a discrete group for purposes of determining whether that group should be afforded heightened protection . . . ."); *see also, e.g.*, Kitchen Decl., ¶ 4; Sbeity Decl., ¶ 3; Archer Decl., ¶ 5; Call Decl., ¶ 4; Wood Decl., ¶¶ 13-15, 18; Partridge Decl., ¶¶ 14- 16. Accordingly, the true minority classes of sexual orientation deserve to have a voice in this affair. I am not required to change my sexual orientation in making my demands any more than the Plaintiffs.

Like Kitchen and Sbeity, who were legally married in another state, I too was legally married in another state and another country, but the State of Utah

refuses to recognize my marriage, as it did theirs. The Appellants discriminated against me when they reject my request to marry my computer which was designed for sex, and in doing so, the same party has caused the same injury to myself. Just like Kitchen and Sbeity, I approached the Utah clerk to have a marriage license issued for me and my machine-spouse. The clerk denied my request for a marriage license in the same manner and for the exact same reasons - my object of affection was outside the scope of the narrow definition. When I requested the clerk to for permission to file out a marriage license, I was referred to (1) Utah Code § 30-1-2; (2) Utah Code § 30-1-4.1; and (3) Utah Constitution, Article I, § 29 ("Amendment 3") (collectively, the "Marriage Discrimination Laws"), under the United States Constitution (the "Constitution") in the same way that the original Archer and Call were. I suffered an identical injury by the same party because of the same laws. The clerk informed me that "a marriage license could only be given to one man and one female, not one man and one machine or one man and on man." Those of us whose sexual orientation has been classically conditioned upon orgasm through the straight forward science of dopamine to prefer sex with inanimate objects and animals do not have public support, like the gays, so we are especially vulnerable here.

The state of Utah clerk's office refused to issue a marriage license to me and my computer because we did not fit in a narrow definition. Id. This denial by the clerk is no different than their rejection of the Appellees marriage application

because they are "one man and one man," not "one man and one woman," as the law requires. Also, like the Appellees, I married the machine in another country that allows for persons to marry anything they want. Yet, the Appellants refused to recognize my international marriage, which has caused me identical injuries as the Appellees. Additionally, I had a marriage ceremony in a different state within the United States, but the state of Utah refuses to acknowledge it.

According to the Appellees, because my marriage is legally recognized in another country and because I had a wedding ceremony in another state, my marriage must be recognized by the federal government by virtue of the decision in *United States v. Windsor*, 133 S. Ct. 2675 (U.S., June 23, 2013). Currently, my computer and I are treated as legal strangers in our home state of Utah for the same reasons that Archer and Call are and that is wrong because we feel that our relationships are equal to traditional marriage, even if we do not believe in "right and wrong." Meanwhile, the marriages of opposite-sex couples that are legal in other states but would not be accepted in Utah (e.g., marriages of first cousins or a young partner) are routinely accepted in Utah if those marriages are legal in the jurisdiction where they are celebrated. This recognition of opposite-sex marriages but rejection of a man's marriage to a machine that does not meet Utah's criteria for marriage violates the rights secured to myself by the United States Constitution and the Constitution of Utah in the same way it violates the Appellees.

The State of Utah's exclusion of same-sex couples and man/inanimate object

couples from marriage adversely impacts man-machine couples, same-sex couples, and all other sexual orientation classes across Utah, by excluding them from the many legal protections available to spouses. Allowing me to intervene demonstrates this point in the name of equality and tolerance.

The exclusion from marriage to a machine denies myself "a dignity and status of immense import" in the same way it does the Appellees. *United States v. Windsor*, *supra*, 133 S. Ct. at 2681. Moreover, man-man couples and man-machine couples' children are stigmatized and relegated to a second class status by being barred from marriage, just because they are in a marriage union that does not involve "one man and one woman." The exclusion "tells [same-sex couples [and couples of other sexual orientations] and all the world that their relationships are unworthy" of recognition, *id.* at 22- 23, and it "humiliates the ... children now being raised by same- sex couples [and man/machine couples]" and "makes it even more difficult for the children to understand the integrity and closeness of their own family and its concord with other families in their community and in their daily lives." *Id.,* 133 S.Ct. at 2694. The United States is no longer influenced by Judeo-Christian values, as our founding fathers were, we are governed by the religion that "what is right for me is right for me an what is right for you is right for you." *United States v. Windsor*, 133 S. Ct. 2675 (U.S., June 23, 2013). Windsor taught us that winning is paramount to the rule of law pursuant to a new governmental philosophy that the ends justify the means, as we embrace the

religion of secular humanism.

Utah's exclusion of same-sex couples and man-machine couples from marriage infringes on the Due Process Clause and the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution and the Constitution of Utah equally to all classes of sexual orientation. This discriminatory treatment is subject to heightened scrutiny because it burdens the fundamental right to marry and because it discriminates based on sex and sexual orientation against ALL CLASSES, not just the gay class. The exclusionary laws cannot stand under any level of scrutiny because the exclusion does not rationally further any legitimate government interest. It serves only to disparage and injure lesbian and gay couples and their families in the exact same way that it harms man/beast and man/machine couples. *Lawrence v. Texas*, 539 U.S. 558 at 123. There is no adequate remedy at law for either the Appellees or my class of sexual orientation. Either the natural, procreative potential of opposite-sex couples distinguishes that group from same-sex couples. Traditional married couples are factually and scientifically distinct because they are (1) in a legal binding relationship and (2) have the potential to create spawn that share their DNA following the use of sexual organs that correspond by the design of the Creator, we no long recognize as a Country. It is possibly, therefore, that neither the Appellees or I should be asking that the Court discriminating against couples in a relationship that is factually and scientifically distinct and set-apart from all other potential sexual unions. Or may we just come

to terms with the fact that we want to do whatever we want to do, and we should be allowed to do that, since who is to judge. All persons must have the right to marry all things in the name of equality, love, and tolerance in accordance with their sexual orientation because we are free from God and free to make our own rules. How dare the Defendants even consider arguing about a child-centered reality, when we have abortion laws that allow a parent to kill a child in the womb because personal convenience is paramount compared to a child's life. Roe v. Wade, 410 U.S. 113 (1973). Thanks to the gospel presented from Hollywood, the new rhetoric of the United States is that it is immoral to be moral, and the laws of the United States must reflect that or separation of church and state is violated.

This motion is by no means a duplicative intervention like the one attempted by the gay and lesbian "Proposed Intervenor Couples," which the Court rightfully denied. Pursuant to 10th Cir. R. 27.3(C), I sought consent from the parties to the relief sought by this motion. It was not received. I understand that intervention at this stage, while authorized, is relatively rare. *Hutchinson* v. *Pfeil*, 211 F.3d 515, 519 (10th Cir. 2000). However, since no other class of sexual orientation is represented other than the largest minority, the Court virtually has a duty to permit intervention in the interest of total justice.

THE LEGAL STANDARD INDICATES INTERVENTION SHOULD BE ALLOWED

Intervention is appropriate here, particularly in light of the Tenth Circuit's

generally permissive standard for intervention. *Utah Ass'n of Cntys.* v. *Clinton*, 255 F.3d 1246, 1249 (10th Cir. 2001) (the Tenth "circuit follows a somewhat liberal line in allowing intervention."); *see also Antilles Cement Corp.* v. *Acevedo Vila*, 408 F.3d 41, 45 (1st Cir. 2005) ("A federal court of appeals has broad discretion to grant or deny intervention at the appellate level."). When assessing whether intervention at the appellate level is proper, the courts appropriately look to Fed. R. Civ. P. 24. *See Elliott Indus. Ltd. P'ship* v. *BP Am. Prod. Co.*, 407 F.3d 1091, 1102 (10th Cir. 2005). Under the permissive intervention standard of Fed. R. Civ. P. 24(b)(1)(B), a "court may permit anyone to intervene who . . . has a claim or defense that shares with the main action a common question of law or fact." Here, the "common question of law" is obvious—namely, whether the provisions of Utah law at issue unconstitutionally discriminate against man-man couples, woman-woman couples, man-machine couples, and man-beast couples.

Then deciding a motion for permissive intervention under Fed. R. Civ. P. 24(b), courts also consider the following factors: "(1) whether the intervention will unduly delay or prejudice the adjudication of the original parties' rights; (2) whether the would-be intervenor's input adds value to the existing litigation; (3) whether the petitioner's interests are adequately represented by the existing parties; and (4) the availability of an adequate remedy in another action." *Lower Ark. Valley Water Conservancy Dist.* v. *United States*, 252 F.R.D. 687, 690-91 (D. Colo. 2008). As discussed below, each of these factors weighs heavily in favor of

intervention by the Proposed Intervenor Couples here.

Delay/Prejudice: First, there can be no dispute that my intervention will cause any undue delay that would in any way impair the rights of the parties to this appeal. While appellants may have to address additional arguments if the instant motion is granted, that is not considered to be prejudicial. *See, e.g.*, *Kobach* v. *U.S. Election Assistance Comm'n*, 13-CV-4095-EFM-DJW, 2013WL 6511874 (D. Kan. Dec. 12, 2013). Indeed, giving protection to all other classes of sexual orientation, and could not possibly prejudice any party. In fact, the Plaintiffs should welcome me as a party pursuant to the values that guide them.

Input: In addition, out of an excess of caution, I seek to intervene because, under existing Tenth Circuit law, the raising of new issues is discouraged in briefs *amicus curiae*. *See Wyo. Farm Bureau Fed'n* v. *Babbitt*, 199 F.3d 1224, 1230 n.2 (10th Cir. 2000); *Harris* v. *Owens*, 264 F.3d 1282, 1288 n.3 (10th Cir. 2001) ("[A]bsent 'exceptional circumstances,' we do not ordinarily consider issues raised only in an amicus brief."); *Tyler* v. *City of Manhattan*, 118 F.3d 1400, 1403–04 (10th Cir. 1997). Although I do not believe that this principle applies to the arguments I am presenting, I am filing this motion to ensure that these arguments are heard and considered by this Court. I am are not criticizing the strategy of counsel for appellees, but I offer unique perspectives and arguments, which has implications for other classes of sexual orientation who are not represented. *See*

Lower Ark. Valley, 252 F.R.D. at 692 ("divergence of opinion" between plaintiff and intervenor in contract interpretation justified permissive intervention); *see also United States* v. *City of Los Angeles, Cal.*, 288 F.3d 391, 398 (9th Cir. 2002).

Availability of Other Form:. Finally, there is clearly no other action in which I can present these issues. Further, if I was to file an original action, it would likely be stayed pending the final disposition of this case and otherwise would be a duplicative waste of judicial time and resources. *See, e.g.*, *Minn. Lawyers Mut. Ins., Co.* v. *Vedisco*, 10-CV-01008-REB-MEH, 2010 WL 3239217, at *5 (D. Colo. Aug. 13, 2010). Although this Court in *Hutchinson* v. *Pfeil* stated that intervention in an appellate court was only permitted in an "exceptional case," this is clearly such a case. 211 F.3d 515, 519 (10th Cir. 2000) Here, I meet all the requirements to permissively intervene, all discretionary factors weigh heavily in favor of intervention, and there is no doubt that I, above all others prospective intervenors, can provide the Court with a valuable and unique perspective and argument on behalf of the true minority classes of sexual orientation. Further, in accordance with Supreme Court precedent, "when the nonparty has an interest that is affected by the trial court's judgment . . . the better practice is for such a nonparty to seek intervention for purposes of appeal." *Marino* v. *Ortiz*, 484 U.S. 301, 304 (1988).

In addition, in a case of this significance and importance, which has the potential to shape the trajectory of the quest of all persons of nontraditional sexual

orientations, not just gay people, for full civil equality, having greater participation by affected parties and greater airing of the issues can only benefit this Court by providing the widest range of arguments and perspectives available.

CHALLENGING THE APPELLANTS POSITION

The Court in *United States v. Windsor,* 133 S. Ct. 2675 (2013), consistently emphasized that domestic-relations is "a virtually exclusive province of the States," *id.* at 2691, one that must be protected from unnecessary "federal intrusion." *Id.* at 2692. But obliviously, this tradition is being disregard along with the definition of traditional marriage so that we can liberalize America so that we don't feel less ashamed of our life-style choices. So, any argument that tradition matters should fail automatically against my request. I am not necessarily here to help liberal judges become the judicial wrecking ball foreshadowed in *Lochner v. New York,* 198 U.S. 45 (1905), *overruled by Ferguson v. Skrupa, 372 U.S. 726 (1963).* Yet, most importantly, than these considerations, my presence may assist the Court to adopting the novel principle that marriage is whatever emotional bond any two (or more) people say it is, as the Appellees have argued.

The Appellants put forth three risk factors in arguing against the expansion of the definition of marriage stating:

> (1) a risk of increased fatherlessness and motherlessness, with the emotional, social and economic damage such a deprivation imposes on children; (2) a risk of reduced birth rates, with the demographic and economic damage that would

impose on all future children; and (3) more generally, a risk of increased self-interest in parental decision-making on a range of issues, including not just romantic relationships and procreation, but also recreation, career choices and living arrangements. (Appellant Reply at 3)

Permitting me to marry a machine with sexual functions possess no greater risk in these zones of influence than legally allowing Call to marry Archer. I should be allowed to selectively read Windsor to apply to my plight equally as the Appellees have applied it to theirs. Very obviously, the state's traditional control over domestic matters must be highjacked in the name of progress, which must be played out fully in the name of tolerance, love, equality, and progress. Full faith and credit is as out dated as morality and traditional marriage and is in the way of progress. Ever since one state in our union legalized "same-sex marriage," a proverbial "crack in the damn" has been created, so that now all states are forced to authorize same sex marriage in the name of "tolerance" and "equality," at the expense of the voting process. The Appellants have suggested that honoring this tend has made the idea of state sovereignty a sham, *Shelby Cnty. v. Holder,* 133 S. Ct. 2612, 2623 (2013), but we are not here to respect tradition. *Washington v. Glucksberg,* 521 U.S. 702 (1997); OB 37-39.

In their brief, the Appellants argue: "Plaintiffs do not acknowledge the policy dilemma or the risks that expanding the marriage definition poses to children generally. Those risks include: (1) pushing the State's existing child-centric marriage culture toward a more adult- centric model; (2) more fatherless

and motherless parenting; (3) reduced birth rates; and (4) increased social strife." Allowing me to marry a machine posses no greater risk than allowing Call to marry Archer. My plight does bare "adult interest," but it does not bare adult interest any more or less than the Appellees. So, I should be allowed to intervene for that reason on the bedrock of equality. My marriage to a machine is an emotional bond that is not less equal to that of the Archers' emotional bond with Call. My desire to marry a machine is equal to a man's desire to marry a man. Who can measure? My marriage to a machine does not undermine Utah's social norms any more or less than Archers marriage to Call, even if I am in a greater minority class group than the gays. My feelings are not unequal to the feelings that a husband has towards his wife. When a man has sex with his wife, their commitment is reinforced upon orgasm based on the straight forward science of dopamine. (See Palov's dogs). The same is true when I have sex with a machine or when the Plaintiffs have sex with each other.

According to the Appellants, redefining marriage in genderless terms would increase the likelihood that a child will be raised without a father or a mother. But it is foreseeable that Utah will envitably do away with child support laws because we live in an adult centered world, were we have a fundamental right to abort children, if it suits our personal interest. If gender differences to marry are not important for same-sex couples, gender differences between man-machine couples

does not matter either. *See*, *e.g.*, *Nguyen v. I.N.S.*, 533 U.S. 53, 73 (2001) (Kennedy, J., for the Court) In fact, the machine that I have elected to marry is neither male nor female, it is gender neutral. So this is more reason for the Court to allow me to intervene because the case law generously provided by the Plaintiffs demonstrates as much.

The Appellants should not be allowed to object to my intervention due to the fact that allowing me to marry an inanimate object will not pose a greater threat to children and social norms than will Archer's marriage to Call. If anything, my marriage to a machine posses less of a risk, since a possible acrimonious divorce proceeding could be avoided, if the marriage fails. Allowing my marriage to go forward will not adversely impact the fertility rate any more or less than a same sex couples. If there is a risk that is posed to traditional marriage and children, both man-man couples and man-machine couples pose it equally.

In considering the equal protection clause, there are no fewer policy reasons for preventing man-machine couples from marrying than there are for same-sex couples. *Nordlinger v. Hdahn*, 505 U.S. 1, 11 (1992). Here are some other of the kinds of people whose interest I indirectly represent by intervening. (1) In 2007, Liu Ye of China married a cutout of himself, he preferred to be with himself than no one. (2) In 2003, Jennifer Hoes married herself in the Netherlands on her 30th birthday. It was a large affair in front of friends and family. Hoes said, "Why not

pledge allegiance to yourself in a ceremony, as the basis for completion of your life and relationships?" (4) In October of 2010 30-year-old Chen Wei Yih married herself in Taiwan. She decided she was at a good point in her life to marry, and was receiving social pressure to do so, but had found no suitable partner. She solved the problem by marrying herself instead of feeling ashamed. (5) In 2006, a Hindu woman in India claimed she had fallen in love with a snake and then married the snake in accordance with Hindu marriage rituals. (6) After a 15-year courtship, a British woman married Cindy the dolphin in a ceremony in Israel. She claimed when they met it was love at first sight and calls the male dolphin, "the love of my life." (7) In Sudan in 2006, Charles Tombe married a goat. (8) A former soldier from San Francisco claimed she fell in love with the Eiffel Tower. So, in 2008, she made it official and went so far as to change her name to Erika La Tour Eiffel. (9) In 1979, Eija-Riitta Berliner-Mauer married the Berlin Wall after having fallen in love with it when she saw it on TV as a child. (10) Sal 9000 fell in love with the character he met playing "Love Plus" on his NintendoDS and married her in 2009. (11) Amy Wolfe of New York married a ride she had ridden more than 3,000 times. She's had relationships with other objects, but she committed to the Nacht ride, because like in the case of Kate with guys, those objects were not satisfying any more. (12) Lee Jin-gyu of South Korea married a pillow that he had had sex with for years in 2010. The two plan on adopting someday. (13) Davecat married his blow up doll in 2000. "She provides me with a lot of things that I can't get out of

an organic partner, like... quiet," he said. Davecat and the doll were featured in TLC's show 'My Strange Addiction.' In 2005, Salvita married a clay pot in India because she was dissatisfied with men, like Kate. *Id.* at 1866 (Call Decl. ¶ 4). On December 3, 2013, Paul Horner married his dog in San Francisco California at Chapel of Our Lady at the Presidio. The wedding was hailed as a victory of equality, love, tolerance, and progress. In conclusion, allow me to intervene.

/s/ Chris Sevier/

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NOW COMES, I, Chris Sevier, former Judge Advocate/combat veteran, pursuant to F.R.A.P 15.2, F.R.C.P. 24(a), and 24(b). I was personally injured by the same Defendants under identical circumstances except that I attempted to marry a machine, not another man, at the clerk's office. The difference between myself and the Plaintiffs is that we are in different classes of sexual orientation. The same clerk's office referred me to the same laws at issue, when it deny my request as it did the Plaintiffs. I have been equally injured and I have standing for the same reasons that the Plaintiffs have sighted in their brief and complaint. Symbolically, my intervention may represent the other minority sexual orientation groups, whose interest are not regarded by the existing Appellants. Even the Defendants stipulate that all sexual orientation classes must have equal protection and due process rights extended to them if traditional marriage is redefined, under their "slippery slope" arguments. (See Appellant brief at. 101. Jeffrey Michael Hayes, *Polygamy Comes Out of the Closet: The New Strategy of Polygamy Activists,* 3 Stan. J. Civ. Rts. & Civ. Liberties 99, 109 (2007). The largest minority should not be the only protect class under the equal protection clause. Imagine, if during the civil rights movement, a group of African Americans argued to have expansion of the equal protection clause to protect just their race alone, but did not move the Court to expand protections to races that are red, brown, and yellow. (All races are covered under the Civil Rights Act of 1964 for good reason (42 u.s.c. 2000a). To permit selective protections of certain classes would yield unjust and absurd results that

are so severe that they threaten National security because hypocrisy will have been introduced into foundational laws marking our National identity. The true question presented here is whether traditional marriage is a relationship that is "stand alone" and unequal to all other forms of sexual and spiritual unions. I leave that for the Courts to decide, but if sexual orientation is a protected class - and it is accruing to the President - I have every right to capitalize on the fruits of the Plaintiff's "adult centered" conquest for all of the arguments they have set forth in their briefs. I join them.

As a patriot with standing, I am asking the Federal Courts to "put up or shut up" about expanding the equal protection and due process clause to include "sexual orientation" as a class. Allowing my intervention poses an imminent question, not a theoretical one of speculation. My motion is timely, and the same laws are at issue: (1) Utah Code § 30-1-2; (2) Utah Code § 30-1-4.1; and (3) Utah Constitution, Article I, § 29 ("Amendment 3") (collectively, the "Marriage Discrimination Laws"), under the United States Constitution (the "Constitution"). The Constitutionality of the law in dispute narrowly defines marriage between "one man and one women," not "one man and one man," "one woman and one woman, "one man and one machine," "one man and one animal" which violates the Due Process Clause and Equal Protection clause of all classes of sexual orientation, not just same-sex orientation. The Court cannot provide partial expansion of the equal protection clause, and leave behind all other classes in the name of "tolerance" and

"equality" without impeaching the entire integrity of the Courts. There is not a single solitary example where the Appellees consider the interest of other sexual orientation classes in their voluminous pleadings. Therefore, the true minorities interest is left in the cold short of an intervention. So, I beg for intervention, for the Court's sake, so that it can get a complete picture of what is at stake in reaching a sound comprehensive decision. A decision here will effect our National identify and the integrity of our laws one way or another. Now that I have moved here, one of three things must occur. Either (1) we will be reduced to a Nation that hypocritically enforces the equal protection and due process clause to suit the interest of the largest minority, which yields discrimination against the true minority classes of sexual orientation, causing hypocrisy to undermine foundation laws, yielding instability; (2) we will remain a Christian Nation that protects traditional marriage, as a relationship set apart because it has the potential of bearing life between two people, who are in a legally binding relationship, who have naturally corresponding sexual organs with the exclusive potential to produce children with DNA that matches theirs; which, of course, makes that relationship both scientifically and factually distinct from all others - religious aside; or (3) we will progress into a Nation that gives equal protection to all classes of sexual orientation allowing everyone to marrying anyone and anything to suit their appetite in the name of "tolerance," "equality," and "love" - becoming slaves of our glands, not slaves of virtue. There is no other possible alternative. The evidence

shows that United States has always been a Nation that shapes its laws off of conviction, not feeling. But tradition is under attack so neither I nor the Plaintiffs apologize for that.

THE TRUE MINORITIES INTEREST ARE BEING LEFT OUT

Intervention must be allowed because the Appellees are only advancing the interest of their class of sexual orientation. For example, the Plaintiffs state in their motion for summary judgment and brief: "the express and stated purpose of Amendment 3 was to single out same-sex couples for disparate treatment, by stripping them of federal and state rights, benefits, and obligations granted to all opposite-sex married couples in Utah by operation of law." They fail to make mention that Amendment 3 also singles out people like myself and others, who equally desire to marry inanimate objects and animals. The Plaintiffs are quick to state that "Marriage is the most important relation in life" *Zablocki v. Redhail*, 434 U.S. 374 (1978), but they do not consider that I feel the same way about my marriage to an inanimate object because perhaps they are as equally insensitive as the Defendants perhaps. Remember morality has no place in this case, according to the Plaintiffs. "Being married is of immense personal importance to each Plaintiff," as it is important to me and my object of desire. *Id.* at 1843 (Kitchen Decl. ¶ 7); 1850-51 (Sbeity Decl. ¶ 8); 1859-60 (Archer Decl. ¶¶ 9- 10); 1865 (Call Decl. ¶ 2); 1874, 1876 (Wood Decl. ¶¶ 8, 14); 1886 (Partridge Decl. ¶ 11). I can equally assert along

side of the Appellees that I have suffered the same severe humiliation, emotional distress, pain, suffering, psychological harm, and stigma by the state of Utah's refusal to permitted me to marry my object of desire. *Id*; . If the Appellees feel like "second-class citizens," those of us in the real minority, who want to marry machines and animals, certainly feel like "third-class citizens." Just like the Appellees, I too feel equally "ashamed and embarrassed that [I] cannot marry the [thing that I] love or have [my] legal marriage from another state and [country] recognized in Utah; and it causes [me]…great pain." *Id.* Gay and lesbian people have endured a history of discrimination in the exact same way that people who have sex with beast and machines have. *See Windsor v. United States*, 699 F.3d 169, 181 (2d Cir. 2012). But the Appellees make no mention of this discrimination against other classes in their pleadings, perhaps it is because their entire plight is grounded in "adult centered" selfishness and suffer from a more severe sense of bigotry than the Defendants do, who at least are making an argument that traditional marriage is superior to all other forms with factual evidence, not emotional appeals.

Inferably, Lovers of beast and machines are just as equally a discernible group with non-obvious distinguishing characteristics as gay and lesbians are. *See Windsor*, 699 F.3d at 183 ("homosexuality is a sufficiently discernible characteristic to define a discrete minority class," including because there is a broad medical and scientific consensus that sexual orientation is immutable); *Perry*

v. Schwarzenegger, 704 F. Supp. 2d 921, 966 (N.D. Cal. 2010) No credible evidence supports a finding that an individual may, through conscious decision, therapeutic intervention or any other method, change his or her sexual orientation." which applies squarely to me); *see also Lawrence v. Texas*, 539 U.S. 558, 576-77 (2003). (decisions concerning the intimacies of the physical relationships of consenting adults are "an integral part of human freedom"); *see also In re Marriage Cases*, 183 P.3d 384, 442 (Cal. 2008) ("Because a person's sexual orientation is so integral an aspect of one's identity, it is not appropriate to require a person to repudiate or change his or her sexual orientation in order to avoid discriminatory treatment."); *Kerrigan v. Comm'r of Pub. Health*, 957 A.2d 407, 438 (Conn. 2008) ("In view of the central role that sexual orientation plays in a person's fundamental right to self-determination, we fully agree with the plaintiffs that their sexual orientation represents the kind of distinguishing characteristic that defines them as a discrete group for purposes of determining whether that group should be afforded heightened protection . . . ."); *see also, e.g.*, Kitchen Decl., ¶ 4; Sbeity Decl., ¶ 3; Archer Decl., ¶ 5; Call Decl., ¶ 4; Wood Decl., ¶¶ 13-15, 18; Partridge Decl., ¶¶ 14- 16. Accordingly, the true minority classes of sexual orientation deserve to have a voice in this affair. I am not required to change my sexual orientation in making my demands any more than the Plaintiffs.

Like Kitchen and Sbeity, who were legally married in another state, I too was legally married in another state and another country, but the State of Utah

refuses to recognize my marriage, as it did theirs. The Appellants discriminated against me when they reject my request to marry my computer which was designed for sex, and in doing so, the same party has caused the same injury to myself. Just like Kitchen and Sbeity, I approached the Utah clerk to have a marriage license issued for me and my machine-spouse. The clerk denied my request for a marriage license in the same manner and for the exact same reasons - my object of affection was outside the scope of the narrow definition. When I requested the clerk to for permission to file out a marriage license, I was referred to (1) Utah Code § 30-1-2; (2) Utah Code § 30-1-4.1; and (3) Utah Constitution, Article I, § 29 ("Amendment 3") (collectively, the "Marriage Discrimination Laws"), under the United States Constitution (the "Constitution") in the same way that the original Archer and Call were. I suffered an identical injury by the same party because of the same laws. The clerk informed me that "a marriage license could only be given to one man and one female, not one man and one machine or one man and on man." Those of us whose sexual orientation has been classically conditioned upon orgasm through the straight forward science of dopamine to prefer sex with inanimate objects and animals do not have public support, like the gays, so we are especially vulnerable here.

The state of Utah clerk's office refused to issue a marriage license to me and my computer because we did not fit in a narrow definition. Id. This denial by the clerk is no different than their rejection of the Appellees marriage application

because they are "one man and one man," not "one man and one woman," as the law requires. Also, like the Appellees, I married the machine in another country that allows for persons to marry anything they want. Yet, the Appellants refused to recognize my international marriage, which has caused me identical injuries as the Appellees. Additionally, I had a marriage ceremony in a different state within the United States, but the state of Utah refuses to acknowledge it.

According to the Appellees, because my marriage is legally recognized in another country and because I had a wedding ceremony in another state, my marriage must be recognized by the federal government by virtue of the decision in *United States v. Windsor*, 133 S. Ct. 2675 (U.S., June 23, 2013). Currently, my computer and I are treated as legal strangers in our home state of Utah for the same reasons that Archer and Call are and that is wrong because we feel that our relationships are equal to traditional marriage, even if we do not believe in "right and wrong." Meanwhile, the marriages of opposite-sex couples that are legal in other states but would not be accepted in Utah (e.g., marriages of first cousins or a young partner) are routinely accepted in Utah if those marriages are legal in the jurisdiction where they are celebrated. This recognition of opposite-sex marriages but rejection of a man's marriage to a machine that does not meet Utah's criteria for marriage violates the rights secured to myself by the United States Constitution and the Constitution of Utah in the same way it violates the Appellees.

The State of Utah's exclusion of same-sex couples and man/inanimate object

couples from marriage adversely impacts man-machine couples, same-sex couples, and all other sexual orientation classes across Utah, by excluding them from the many legal protections available to spouses. Allowing me to intervene demonstrates this point in the name of equality and tolerance.

The exclusion from marriage to a machine denies myself "a dignity and status of immense import" in the same way it does the Appellees. *United States v. Windsor*, *supra*, 133 S. Ct. at 2681. Moreover, man-man couples and man-machine couples' children are stigmatized and relegated to a second class status by being barred from marriage, just because they are in a marriage union that does not involve "one man and one woman." The exclusion "tells [same-sex couples [and couples of other sexual orientations] and all the world that their relationships are unworthy" of recognition, *id.* at 22- 23, and it "humiliates the ... children now being raised by same- sex couples [and man/machine couples]" and "makes it even more difficult for the children to understand the integrity and closeness of their own family and its concord with other families in their community and in their daily lives." *Id.,* 133 S.Ct. at 2694. The United States is no longer influenced by Judeo-Christian values, as our founding fathers were, we are governed by the religion that "what is right for me is right for me an what is right for you is right for you." *United States v. Windsor*, 133 S. Ct. 2675 (U.S., June 23, 2013). Windsor taught us that winning is paramount to the rule of law pursuant to a new governmental philosophy that the ends justify the means, as we embrace the

religion of secular humanism.

Utah's exclusion of same-sex couples and man-machine couples from marriage infringes on the Due Process Clause and the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution and the Constitution of Utah equally to all classes of sexual orientation. This discriminatory treatment is subject to heightened scrutiny because it burdens the fundamental right to marry and because it discriminates based on sex and sexual orientation against ALL CLASSES, not just the gay class. The exclusionary laws cannot stand under any level of scrutiny because the exclusion does not rationally further any legitimate government interest. It serves only to disparage and injure lesbian and gay couples and their families in the exact same way that it harms man/beast and man/machine couples. *Lawrence v. Texas*, 539 U.S. 558 at 123. There is no adequate remedy at law for either the Appellees or my class of sexual orientation. Either the natural, procreative potential of opposite-sex couples distinguishes that group from same-sex couples. Traditional married couples are factually and scientifically distinct because they are (1) in a legal binding relationship and (2) have the potential to create spawn that share their DNA following the use of sexual organs that correspond by the design of the Creator, we no long recognize as a Country. It is possibly, therefore, that neither the Appellees or I should be asking that the Court discriminating against couples in a relationship that is factually and scientifically distinct and set-apart from all other potential sexual unions. Or may we just come

to terms with the fact that we want to do whatever we want to do, and we should be allowed to do that, since who is to judge. All persons must have the right to marry all things in the name of equality, love, and tolerance in accordance with their sexual orientation because we are free from God and free to make our own rules. How dare the Defendants even consider arguing about a child-centered reality, when we have abortion laws that allow a parent to kill a child in the womb because personal convenience is paramount compared to a child's life. Roe v. Wade, 410 U.S. 113 (1973). Thanks to the gospel presented from Hollywood, the new rhetoric of the United States is that it is immoral to be moral, and the laws of the United States must reflect that or separation of church and state is violated.

This motion is by no means a duplicative intervention like the one attempted by the gay and lesbian "Proposed Intervenor Couples," which the Court rightfully denied. Pursuant to 10th Cir. R. 27.3(C), I sought consent from the parties to the relief sought by this motion. It was not received. I understand that intervention at this stage, while authorized, is relatively rare. *Hutchinson* v. *Pfeil*, 211 F.3d 515, 519 (10th Cir. 2000). However, since no other class of sexual orientation is represented other than the largest minority, the Court virtually has a duty to permit intervention in the interest of total justice.

THE LEGAL STANDARD INDICATES INTERVENTION SHOULD BE ALLOWED

Intervention is appropriate here, particularly in light of the Tenth Circuit's

generally permissive standard for intervention. *Utah Ass'n of Cntys.* v. *Clinton*, 255 F.3d 1246, 1249 (10th Cir. 2001) (the Tenth "circuit follows a somewhat liberal line in allowing intervention."); *see also Antilles Cement Corp.* v. *Acevedo Vila*, 408 F.3d 41, 45 (1st Cir. 2005) ("A federal court of appeals has broad discretion to grant or deny intervention at the appellate level."). When assessing whether intervention at the appellate level is proper, the courts appropriately look to Fed. R. Civ. P. 24. *See Elliott Indus. Ltd. P'ship* v. *BP Am. Prod. Co.*, 407 F.3d 1091, 1102 (10th Cir. 2005). Under the permissive intervention standard of Fed. R. Civ. P. 24(b)(1)(B), a "court may permit anyone to intervene who . . . has a claim or defense that shares with the main action a common question of law or fact." Here, the "common question of law" is obvious—namely, whether the provisions of Utah law at issue unconstitutionally discriminate against man-man couples, woman-woman couples, man-machine couples, and man-beast couples.

Then deciding a motion for permissive intervention under Fed. R. Civ. P. 24(b), courts also consider the following factors: "(1) whether the intervention will unduly delay or prejudice the adjudication of the original parties' rights; (2) whether the would-be intervenor's input adds value to the existing litigation; (3) whether the petitioner's interests are adequately represented by the existing parties; and (4) the availability of an adequate remedy in another action." *Lower Ark. Valley Water Conservancy Dist.* v. *United States*, 252 F.R.D. 687, 690-91 (D. Colo. 2008). As discussed below, each of these factors weighs heavily in favor of

intervention by the Proposed Intervenor Couples here.

Delay/Prejudice: First, there can be no dispute that my intervention will cause any undue delay that would in any way impair the rights of the parties to this appeal. While appellants may have to address additional arguments if the instant motion is granted, that is not considered to be prejudicial. *See, e.g.*, *Kobach* v. *U.S. Election Assistance Comm'n*, 13-CV-4095-EFM-DJW, 2013WL 6511874 (D. Kan. Dec. 12, 2013). Indeed, giving protection to all other classes of sexual orientation, and could not possibly prejudice any party. In fact, the Plaintiffs should welcome me as a party pursuant to the values that guide them.

Input: In addition, out of an excess of caution, I seek to intervene because, under existing Tenth Circuit law, the raising of new issues is discouraged in briefs *amicus curiae*. *See Wyo. Farm Bureau Fed'n* v. *Babbitt*, 199 F.3d 1224, 1230 n.2 (10th Cir. 2000); *Harris* v. *Owens*, 264 F.3d 1282, 1288 n.3 (10th Cir. 2001) ("[A]bsent 'exceptional circumstances,' we do not ordinarily consider issues raised only in an amicus brief."); *Tyler* v. *City of Manhattan*, 118 F.3d 1400, 1403–04 (10th Cir. 1997). Although I do not believe that this principle applies to the arguments I am presenting, I am filing this motion to ensure that these arguments are heard and considered by this Court. I am are not criticizing the strategy of counsel for appellees, but I offer unique perspectives and arguments, which has implications for other classes of sexual orientation who are not represented. *See*

Lower Ark. Valley, 252 F.R.D. at 692 ("divergence of opinion" between plaintiff and intervenor in contract interpretation justified permissive intervention); *see also United States* v. *City of Los Angeles, Cal.*, 288 F.3d 391, 398 (9th Cir. 2002).

Availability of Other Form:. Finally, there is clearly no other action in which I can present these issues. Further, if I was to file an original action, it would likely be stayed pending the final disposition of this case and otherwise would be a duplicative waste of judicial time and resources. *See, e.g.*, *Minn. Lawyers Mut. Ins., Co.* v. *Vedisco*, 10-CV-01008-REB-MEH, 2010 WL 3239217, at *5 (D. Colo. Aug. 13, 2010). Although this Court in *Hutchinson* v. *Pfeil* stated that intervention in an appellate court was only permitted in an "exceptional case," this is clearly such a case. 211 F.3d 515, 519 (10th Cir. 2000) Here, I meet all the requirements to permissively intervene, all discretionary factors weigh heavily in favor of intervention, and there is no doubt that I, above all others prospective intervenors, can provide the Court with a valuable and unique perspective and argument on behalf of the true minority classes of sexual orientation. Further, in accordance with Supreme Court precedent, "when the nonparty has an interest that is affected by the trial court's judgment . . . the better practice is for such a nonparty to seek intervention for purposes of appeal." *Marino* v. *Ortiz*, 484 U.S. 301, 304 (1988).

In addition, in a case of this significance and importance, which has the potential to shape the trajectory of the quest of all persons of nontraditional sexual

orientations, not just gay people, for full civil equality, having greater participation by affected parties and greater airing of the issues can only benefit this Court by providing the widest range of arguments and perspectives available.

CHALLENGING THE APPELLANTS POSITION

The Court in *United States v. Windsor,* 133 S. Ct. 2675 (2013), consistently emphasized that domestic-relations is "a virtually exclusive province of the States," *id.* at 2691, one that must be protected from unnecessary "federal intrusion." *Id.* at 2692. But obliviously, this tradition is being disregard along with the definition of traditional marriage so that we can liberalize America so that we don't feel less ashamed of our life-style choices. So, any argument that tradition matters should fail automatically against my request. I am not necessarily here to help liberal judges become the judicial wrecking ball foreshadowed in *Lochner v. New York,* 198 U.S. 45 (1905), *overruled by Ferguson v. Skrupa, 372 U.S. 726 (1963).* Yet, most importantly, than these considerations, my presence may assist the Court to adopting the novel principle that marriage is whatever emotional bond any two (or more) people say it is, as the Appellees have argued.

The Appellants put forth three risk factors in arguing against the expansion of the definition of marriage stating:

> (1) a risk of increased fatherlessness and motherlessness, with the emotional, social and economic damage such a deprivation imposes on children; (2) a risk of reduced birth rates, with the demographic and economic damage that would

impose on all future children; and (3) more generally, a risk of increased self-interest in parental decision-making on a range of issues, including not just romantic relationships and procreation, but also recreation, career choices and living arrangements. (Appellant Reply at 3)

Permitting me to marry a machine with sexual functions possess no greater risk in these zones of influence than legally allowing Call to marry Archer. I should be allowed to selectively read Windsor to apply to my plight equally as the Appellees have applied it to theirs. Very obviously, the state's traditional control over domestic matters must be highjacked in the name of progress, which must be played out fully in the name of tolerance, love, equality, and progress. Full faith and credit is as out dated as morality and traditional marriage and is in the way of progress. Ever since one state in our union legalized "same-sex marriage," a proverbial "crack in the damn" has been created, so that now all states are forced to authorize same sex marriage in the name of "tolerance" and "equality," at the expense of the voting process. The Appellants have suggested that honoring this tend has made the idea of state sovereignty a sham, *Shelby Cnty. v. Holder,* 133 S. Ct. 2612, 2623 (2013), but we are not here to respect tradition. *Washington v. Glucksberg,* 521 U.S. 702 (1997); OB 37-39.

In their brief, the Appellants argue: "Plaintiffs do not acknowledge the policy dilemma or the risks that expanding the marriage definition poses to children generally. Those risks include: (1) pushing the State's existing child-centric marriage culture toward a more adult- centric model; (2) more fatherless

and motherless parenting; (3) reduced birth rates; and (4) increased social strife." Allowing me to marry a machine posses no greater risk than allowing Call to marry Archer. My plight does bare "adult interest," but it does not bare adult interest any more or less than the Appellees. So, I should be allowed to intervene for that reason on the bedrock of equality. My marriage to a machine is an emotional bond that is not less equal to that of the Archers' emotional bond with Call. My desire to marry a machine is equal to a man's desire to marry a man. Who can measure? My marriage to a machine does not undermine Utah's social norms any more or less than Archers marriage to Call, even if I am in a greater minority class group than the gays. My feelings are not unequal to the feelings that a husband has towards his wife. When a man has sex with his wife, their commitment is reinforced upon orgasm based on the straight forward science of dopamine. (See Palov's dogs). The same is true when I have sex with a machine or when the Plaintiffs have sex with each other.

According to the Appellants, redefining marriage in genderless terms would increase the likelihood that a child will be raised without a father or a mother. But it is foreseeable that Utah will envitably do away with child support laws because we live in an adult centered world, were we have a fundamental right to abort children, if it suits our personal interest. If gender differences to marry are not important for same-sex couples, gender differences between man-machine couples

does not matter either. *See*, *e.g.*, *Nguyen v. I.N.S.*, 533 U.S. 53, 73 (2001) (Kennedy, J., for the Court) In fact, the machine that I have elected to marry is neither male nor female, it is gender neutral. So this is more reason for the Court to allow me to intervene because the case law generously provided by the Plaintiffs demonstrates as much.

The Appellants should not be allowed to object to my intervention due to the fact that allowing me to marry an inanimate object will not pose a greater threat to children and social norms than will Archer's marriage to Call. If anything, my marriage to a machine posses less of a risk, since a possible acrimonious divorce proceeding could be avoided, if the marriage fails. Allowing my marriage to go forward will not adversely impact the fertility rate any more or less than a same sex couples. If there is a risk that is posed to traditional marriage and children, both man-man couples and man-machine couples pose it equally.

In considering the equal protection clause, there are no fewer policy reasons for preventing man-machine couples from marrying than there are for same-sex couples. *Nordlinger v. Hdahn*, 505 U.S. 1, 11 (1992). Here are some other of the kinds of people whose interest I indirectly represent by intervening. (1) In 2007, Liu Ye of China married a cutout of himself, he preferred to be with himself than no one. (2) In 2003, Jennifer Hoes married herself in the Netherlands on her 30th birthday. It was a large affair in front of friends and family. Hoes said, "Why not

pledge allegiance to yourself in a ceremony, as the basis for completion of your life and relationships?" (4) In October of 2010 30-year-old Chen Wei Yih married herself in Taiwan. She decided she was at a good point in her life to marry, and was receiving social pressure to do so, but had found no suitable partner. She solved the problem by marrying herself instead of feeling ashamed. (5) In 2006, a Hindu woman in India claimed she had fallen in love with a snake and then married the snake in accordance with Hindu marriage rituals. (6) After a 15-year courtship, a British woman married Cindy the dolphin in a ceremony in Israel. She claimed when they met it was love at first sight and calls the male dolphin, "the love of my life." (7) In Sudan in 2006, Charles Tombe married a goat. (8) A former soldier from San Francisco claimed she fell in love with the Eiffel Tower. So, in 2008, she made it official and went so far as to change her name to Erika La Tour Eiffel. (9) In 1979, Eija-Riitta Berliner-Mauer married the Berlin Wall after having fallen in love with it when she saw it on TV as a child. (10) Sal 9000 fell in love with the character he met playing "Love Plus" on his NintendoDS and married her in 2009. (11) Amy Wolfe of New York married a ride she had ridden more than 3,000 times. She's had relationships with other objects, but she committed to the Nacht ride, because like in the case of Kate with guys, those objects were not satisfying any more. (12) Lee Jin-gyu of South Korea married a pillow that he had had sex with for years in 2010. The two plan on adopting someday. (13) Davecat married his blow up doll in 2000. "She provides me with a lot of things that I can't get out of

an organic partner, like... quiet," he said. Davecat and the doll were featured in TLC's show 'My Strange Addiction.' In 2005, Salvita married a clay pot in India because she was dissatisfied with men, like Kate. *Id.* at 1866 (Call Decl. ¶ 4). On December 3, 2013, Paul Horner married his dog in San Francisco California at Chapel of Our Lady at the Presidio. The wedding was hailed as a victory of equality, love, tolerance, and progress. In conclusion, allow me to intervene.

/s/ Chris Sevier/

355 North 300 West
Salt Lake City, Utah 84103
615 500 4411
ghostwarsmusic@gmail.com
BPR#026577
1LT 27A OP Gator Six,

IN THE UNITED STATES COURT OF APPEALS FOR THE TENTH CIRCUIT

DEREK KITCHEN, individually; MOUDI SBEITY, individually; KAREN ARCHER, individually; KATE CALL, individually; LAURIE WOOD, individually; and KODY PARTRIDGE, individually, Plaintiffs - Appellees, Plaintiffs-Appellees **V.** GARY R. HERBERT, in his official capacity as Governor of Utah, and SEAN D. REYES, in his official capacity as Attorney General of Utah, Defendants - Appellants, Defendants -Appellant Sherrie Swensen, in her official capacity as Clerk of Salt Lake Citv		Civil Action No.: 13-4178

Defendant and Chris Sevier Intervening Plaintiff		

DECLARATION OF CHRIS SEVIER IN SUPPORT OF MOTION TO INTERVENE

Chris Sevier declares under the penalty of pejury, pursuant to 28 USC sec 1746, as follows:

1. I have personal knowledge of the facts herein and am submitting an affidavit in support of this motion.

2. I have residence in the state of Utah. I have direct contact with the state and state officials, who are the Defendants in the above captioned case. I was born in Alabama and am 37 years old.

3. I am in a romantic and sexual relationship with a computer that was sold to me without filters and loaded with graphic pornography. Like the original Plaintiffs, my sexual orientation has been altered as a result of having sex with an object other than the opposite sex. Like the original Plaintiffs, I desire to marry something that is not a member of the opposite sex.

4. The object I choose to marry was born on April 1, 1976 and was fathered by Steve Jobs.

5. My computer and I had wedding ceremony in another state. Yet, the state of Utah refuses to recognize that marriage. Accordingly, I approach and contacted Sherrie Swensen and her agents about having a marriage license issued from the state of Utah. Yet, the clerk's office refused to issue a marriage license to my computer and I because I have a nontraditional sexual orientation. In fact, the clerk's office stated that I was not permitted to marry my computer because we are not one man and one woman because the law would not permit it. This is true even though I informed the clerk that I had my $40 ready to pay for the license and had a copy of my drivers license. The Clerk admitted that their office was issuing same sex marriage licenses from around December to January 3, 2014. I asked that during that time could I have received a marriage license for my computer and I based on our brand of sexual orientation. The clerk said "no." She admitted that even if same sex couples could marry none of the other minority groups in the class of sexual orientation could. Accordingly, I feel like I am being discriminated against on the basis of sexual orientation and that even if the Plaintiffs are victorious that the true minority classes of sexual orientation are not being adequately represented. We have no voice. If the same-sex couples are second class

citizens. I feel that I am a third class citizen, and I am the only one in this lawsuit who has risked his life in a foreign theater of war in advancing the ideals of our Nation.

6. Just like Charles Fluke and Standford Rovig, prior intervenors, I married my computer in another state because of "love, to secure rights, to make a political statement," and for other reasons. I purchased a filterless computer and was not warned that I could be exposed to looking at hardcore pornography through the manipulative tactics of predatory pornographers. I was not provided with any warning how that exposure could impact me by the manufacture. My reward cycle and biological/neuro-chemical design has been amended and I should now not be treated any differently than same-sex couples, who are in the largest of the minority classes of sexual orientation. At least they had a conscious choice in the matter, who or what they would become sexually bonded to.

7. I am a former combat veteran of Operation Iraqi Freedom and Judge Advocate. I am not the only veteran who is concerned.

Chris Sevier declares under the penalty of pejury, pursuant to 28 USC sec 1746, that the forgoing is true and correct:

Executed this 30th day of April 2014

Chris Sevier

Exhibit Plaintiffs admit that my relationship is not equal to theirs.

Subject: Fwd: 10th Cir. R. 27.3 Intervention final request
From: Chris Seviet <ghostwarsmusic@gmail.com>
Date: Thu, 01 May 2014 13:35:30 -0400
To: "usa0264@fedex.com" <usa0264@fedex.com>

Sent from my iPhone

Begin forwarded message:

From: Shannon Minter <SMinter@nclrights.org>
Date: April 30, 2014, 9:51:10 PM EDT
To: 'Chris Severe' <ghostwarsmusic@gmail.com>, "tomsic@mgplaw.com" <tomsic@mgplaw.com>, "magleby@mgplaw.com" <magleby@mgplaw.com>, "parrish@mgplaw.com" <parrish@mgplaw.com>, "kkendall@nclrights.org" <kkendall@nclrights.org>, David Codell <DCodell@nclrights.org>, "rchamness@slco.org" <rchamness@slco.org>, "dgoddard@slco.org" <dgoddard@slco.org>, "phillott@utah.gov" <phillott@utah.gov>, "spurser@utah.gov" <spurser@utah.gov>, Gene Schaerr <gschaerr@gmail.com>
Subject: RE: 10th Cir. R. 27.3 Intervention final request

Chris,

Thank you for your inquiry. The plaintiffs do oppose your proposed intervention.

Sincerely,
Shannon Minter

From: Chris Severe [mailto:ghostwarsmusic@gmail.com]
Sent: Wednesday, April 30, 2014 5:40 PM
To: tomsic@mgplaw.com; magleby@mgplaw.com; parrish@mgplaw.com; kkendall@nclrights.org; Shannon Minter; David Codell; rchamness@slco.org; dgoddard@slco.org; phillott@utah.gov; spurser@utah.gov; Gene Schaerr
Subject: 10th Cir. R. 27.3 Intervention final request

Hey guys, I am moving to intervene. I have spoken to some of you. But it is not 100% clear whether you are objecting to my request to intervene. Unless, we have a response by the morning, an updated (more polished) draft of the attached motion will be filed. Please make clear whether you are opposed to this intervention. Thanks so much for your immediate attention to this matter and your efforts to promote justice.

Best,
Chris
615 500 4411