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11 *Attorneys for all Defendants*

12 **IN THE UNITED STATES DISTRICT COURT**
13 **FOR THE DISTRICT OF ALASKA**

14 MATTHEW HAMBY and CHRISTOPHER
15 SHELDEN, a married couple, CHRISTINA
16 LABORDE and SUSAN TOW, a married
17 couple, SEAN EGAN and DAVID
18 ROBINSON, a married couple, TRACEY
19 WIESE and KATRINA CORTEZ, a married
20 couple, and COURTNEY LAMB and
21 STEPHANIE PEARSON, unmarried
22 persons,

23 Plaintiffs,

24 v.

25 SEAN C. PARNELL, in his official capacity
26 as Governor of Alaska, MICHAEL
GERAGHTY, in his official capacity as
Attorney General of the State of Alaska,
WILLIAM J. STREUR, in his official
capacity as Commissioner of the State of
Alaska, Department of Health and Social
Services, and PHILLIP MITCHELL, in his
official capacity as State Registrar and
Licensing Officer, Alaska Bureau of Vital
Statistics,

Defendants.

Case No. 3:14-cv-00089-TMB

ANSWER

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1 Defendants Sean Parnell, Michael Geraghty, William Streur, and Phillip Mitchell
2 (collectively "State Defendants") respond to the plaintiffs' allegations stated in their Complaint
3 as follows. In this Answer, references to paragraphs are references to the numbered paragraphs
4 in the Complaint.

5 INTRODUCTION

6
7 1. The allegation in paragraph 1 summarizes the requested relief and need not be
8 admitted or denied. The reference to legal authority does not constitute a factual allegation
9 and requires no answer.

10 2. The allegation in paragraph 2 consists of argument and summarizes the relief
11 requested by plaintiffs to which no response is required and none is made. To the extent
12 paragraph 2 contains any allegations, they are denied.

13 3. The allegations in paragraph 3 summarize the requested relief and need not be
14 admitted or denied. To the extent paragraph 3 contains any allegations, they are denied.

15 JURISDICTION

16
17 4. State Defendants deny that the court has jurisdiction over the issues raised
18 in plaintiffs' complaint.

19 5. State Defendants lack the knowledge sufficient to admit or deny the allegations in
20 paragraph 5 which are specific to the named plaintiffs and therefore the allegations are denied.

21 6. State Defendants admit that they are Alaska residents performing their official
22 duties under color of state law as elected or appointed officials of the State of Alaska.
23 State Defendants are otherwise without sufficient knowledge to admit or deny the allegations in
24 regards to what plaintiffs consider to be "(a)t all time relevant," and therefore such allegations
25 are denied.

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1 7. State Defendants admit that venue is appropriate in the District of Alaska if the
2 court had jurisdiction over the issues raised in plaintiffs' complaint which State Defendants deny
3 in paragraph 4.

4 8. The references to legal authority in paragraph 8 do not constitute factual
5 allegations and require no answer.

6 9. The allegations in paragraph 9 summarize the requested relief and need not be
7 admitted or denied. The reference to legal authority does not constitute a factual allegation
8 and requires no answer. State Defendants deny that plaintiffs are being denied any
9 constitutional rights.
10

11 **PARTIES**

12 9. NOTE – this is in response to the Complaint's second paragraph numbered 9.
13 This second paragraph numbered 9 was placed by plaintiffs in the third section of their Complaint
14 under the title: Parties. The allegations in the second paragraph numbered 9 are a mixture of
15 factual allegations specific to named plaintiffs Matthew Hamby and Christopher Sheldon about
16 which the State Defendants lack the knowledge sufficient to admit or deny and the allegations
17 are therefore denied, and legal conclusions for which no response is required.
18 State Defendants deny that plaintiffs are being denied any constitutional rights.
19

20 10. The allegations in paragraph 10 are a mixture of factual allegations specific to
21 named plaintiffs Susan Tow and Christina Laborde about which the State Defendants lack the
22 knowledge sufficient to admit or deny and are therefore denied, and legal conclusions for which
23 no response is required. State Defendants deny that plaintiffs are being denied any
24 constitutional rights.
25

1 11. The allegations in paragraph 11 are a mixture of factual allegations specific to
2 named plaintiffs Stephanie Pearson and Courtney Lamb about which the State Defendants lack
3 the knowledge sufficient to admit or deny and are therefore denied, and legal conclusions
4 for which no response is required. State Defendants deny that plaintiffs are being denied any
5 constitutional rights.

6 12. The allegations in paragraph 12 are a mixture of factual allegations specific to
7 named plaintiffs Sean Egan and David Robinson about which the State Defendants lack the
8 knowledge sufficient to admit or deny and are therefore denied, and legal conclusions for which
9 no response is required. State Defendants deny that plaintiffs are being denied any
10 constitutional rights.

11 13. The allegations in paragraph 13 are a mixture of factual allegations specific to
12 named plaintiffs Tracey Wiese and Katrina Cortez about which the State Defendants lack the
13 knowledge sufficient to admit or deny and are therefore denied, and legal conclusions for which
14 no response is required. State Defendants deny that plaintiffs are being denied any
15 constitutional rights.

16 14. Paragraph 14 consists of legal conclusions for which no response is required.
17 To the extent a response is required, it is admitted that Sean Parnell is the Governor of the
18 State of Alaska and that he has those duties and authorities granted to that office by law;
19 any statement made inconsistent therewith is denied.

20 15. Paragraph 15 consists of legal conclusions for which no response is required.
21 To the extent a response is required, it is admitted that Defendant Michael Geraghty is the
22 Attorney General of the State of Alaska and that he has those duties and authorities granted to
23

1 that office by law; any statement made inconsistent therewith is denied. It is denied that the
2 Attorney General files amicus briefs in support of unconstitutional laws.

3 16. Paragraph 16 consists of legal conclusions for which no response is required.
4 To the extent a response is required, it is admitted that Defendant William Streur is the
5 Commissioner of the Alaska Department of Health and Social Services and that he has those
6 duties and authorities granted to that office by law; any statement made inconsistent therewith
7 is denied. It is admitted that the Division of Public Health, Bureau of Vital Statistics is established
8 within the Department of Health and Social Services.
9

10 17. Paragraph 17 consists of legal conclusions for which no response is required.
11 To the extent a response is required, it is admitted that Defendant Phillip Mitchell is the section
12 chief for the Alaska Bureau of Vital Statistics which is established within the Department of
13 Health and Social Services and that he has those duties and authorities granted to that office
14 by law; any statement made inconsistent therewith is denied.

15 18. The allegations in paragraph 18 are a mixture of legal conclusions to which no
16 response is required and factual allegations about alleged harm to plaintiffs which are denied.
17 State Defendants deny that plaintiffs are being denied any constitutional rights.
18

19 STATEMENT OF FACTS

20 19. The allegation in paragraph 19 is legal conclusion to which no response
21 is required. Article 1, Section 25 of the Alaska Constitution speaks for itself.
22 The State Defendants do not deny that the constitutional provision requires that to be valid or
23 recognized in the State of Alaska, a marriage may exist only between one man and one woman.

24 20. The allegations in paragraph 20 are legal conclusions to which no response
25 is required. Alaska Statute section 25.05.011 speaks for itself. State Defendants deny any
26

1 allegation or suggestion that same-sex marriages were permitted under state law or recognized by
2 the State of Alaska prior to the adoption of the cited statute.

3 21. The allegations in paragraph 21 are legal conclusions to which no response is
4 required. Alaska Statute section 25.05.013 speaks for itself. State Defendants deny any allegation
5 or suggestion that same-sex marriages were permitted under state law or recognized by
6 the State of Alaska prior to the adoption of the cited statute.

7 22. The allegations in paragraph 22 are legal conclusions to which no response
8 is required. Alaska Statute section 25.05.361 speaks for itself. To the extent that any of the
9 allegations in paragraph 22 are considered factual allegations for which a response is required,
10 the allegations are denied.

11 23. The allegations in paragraph 23 consist of a mixture of legal conclusions for which
12 no response is required and factual allegations regarding plaintiffs Lamb and Pearson about which
13 the State Defendants lack knowledge sufficient to admit or deny and are therefore denied.
14 To the extent that any of the allegations in paragraph 23 are considered factual allegations for
15 which a response is required, the allegations are denied. State Defendants deny that plaintiffs are
16 being denied any constitutional rights.

17 24. The allegations in paragraph 24 consist of a mixture of legal conclusions for
18 which no response is required and factual allegations regarding plaintiffs Laborde, Tow, Hamby,
19 Shelden, Wiese, and Cortez about which the State Defendants lack knowledge sufficient to admit
20 or deny and are therefore denied. State Defendants deny that plaintiffs are being denied any
21 constitutional rights.

1 25. The allegations in paragraph 25 consist of a mixture of legal conclusions for
2 which no response is required and factual allegations regarding plaintiffs about which the
3 State Defendants lack knowledge sufficient to admit or deny and are therefore denied.
4 State Defendants deny that plaintiffs are being denied any constitutional rights.

5 26. The allegations in paragraph 26 consist of legal conclusions for which no response
6 is required. To the extent that any of the allegations in paragraph 26 are considered factual
7 allegations for which a response is required, the allegations are denied. State Defendants deny
8 that plaintiffs are being denied any constitutional rights.

9 27. The allegations in paragraph 27 consist of legal conclusions for which no response
10 is required. To the extent that any of the allegations in paragraph 27 are considered factual
11 allegations for which a response is required, the allegations are denied.

12 28. This paragraph quotes case law, and the State Defendants are not required to
13 answer such allegations. The allegations in paragraph 28 consist of legal conclusions for which
14 no response is required. To the extent that any of the allegations in paragraph 28 are considered
15 factual allegations for which a response is required, the allegations are denied.

16 29. The allegations in paragraph 29 consist of legal conclusions and argument for
17 which no response is required. To the extent that any of the allegations in paragraph 29 are
18 considered factual allegations for which a response is required, the allegations are denied.

19 30. The allegations in paragraph 30 consist of legal conclusions and argument for
20 which no response is required. To the extent that any of the allegations in paragraph 30 are
21 considered factual allegations for which a response is required, the allegations are denied.

1 31. The allegations in paragraph 31 consist of argument for which no response
2 is required. To the extent that any of the allegations in paragraph 31 are considered factual
3 allegations for which a response is required, the allegations are denied.

4 32. The allegations in paragraph 32 consist of legal conclusions and argument for
5 which no response is required. To the extent that any of the allegations in paragraph 32 are
6 considered factual allegations for which a response is required, the allegations are denied.
7 State Defendants deny that plaintiffs are being denied any constitutional rights.

8 33. The allegations in paragraph 33 are legal conclusions and argument to which no
9 response is required. Alaska Statute sections 25.05.011 and 25.05.013 speak for themselves.
10 State Defendants deny any allegation or suggestion that same-sex marriages were permitted
11 under state law or recognized by the State of Alaska prior to the adoption of the cited statutes.

12 34. The allegations in paragraph 34 are legal conclusions and argument to which no
13 response is required. To the extent that any of the allegations in paragraph 34 are considered
14 factual allegations for which a response is required, the allegations are denied.
15 Alaska Constitutional provisions and state statutes speak for themselves. State Defendants deny
16 any allegation or suggestion that same-sex marriages were permitted under state law or
17 recognized by the State of Alaska prior to the adoption of the cited constitutional provision
18 and state statutes. State Defendants deny that plaintiffs are being denied any constitutional rights.

19 35. The allegations in paragraph 35 consist of legal conclusions and argument for
20 which no response is required. To the extent that any of the allegations in paragraph 35 are
21 considered factual allegations for which a response is required, the allegations are denied.
22 State Defendants deny that plaintiffs are being denied any constitutional rights.

1 36. The allegations in paragraph 36 consist of legal conclusions and argument for
2 which no response is required. To the extent that any of the allegations in paragraph 36 are
3 considered factual allegations for which a response is required, the allegations are denied.
4 The various state statutes and regulations identified in the paragraph speak for themselves.
5 State Defendants deny that plaintiffs are being denied any constitutional rights.

6 CAUSES OF ACTION

7 FIRST CAUSE OF ACTION

8
9 37. State Defendants incorporate by reference all the preceding answers contained in
10 paragraphs 1 through 36 above.

11 38. The allegation in paragraph 38 summarizes the requested relief and need not be
12 admitted or denied.

13 39. The allegation in paragraph 39 contains legal assertions and conclusions and thus
14 does not require an answer. However, State Defendants do not deny that the Due Process Clause
15 of the Fourteenth Amendment contains language quoted in the paragraph.

16 40. The allegation in paragraph 40 contains legal assertions and conclusions and thus
17 does not require an answer. State Defendants deny that Alaska Constitution, Article 1, Section 25
18 and Alaska statutes 25.05.011 and 25.05.013 or any other state laws violate the Due Process
19 Clause of the Fourteenth Amendment facially or as applied to plaintiffs. State Defendants deny
20 that plaintiffs are being denied any constitutional rights.

21
22 41. The allegations in paragraph 41 contain legal assertions and conclusions and thus
23 do not require an answer. To the extent that any of the allegations in paragraph 41 are considered
24 factual allegations for which a response is required, the allegations are denied. State Defendants
25 deny that plaintiffs are being denied any constitutional rights.

1 42. The allegation in paragraph 42 contains legal argument and conclusions and thus
2 do not require an answer. To the extent that any of the allegations in paragraph 42 are considered
3 factual allegations for which a response is required, the allegations are denied. State Defendants
4 deny that plaintiffs are being denied any constitutional rights.

5 43. Paragraph 43 consists of legal conclusions for which no response is required.
6 To the extent a response is required, Defendant Sean Parnell as the Governor of the State of
7 Alaska has those duties and authorities granted to that office by law. To the extent that any of the
8 allegations in paragraph 43 are considered factual allegations for which a response is required,
9 the allegations are denied. State Defendants deny that plaintiffs are being denied any
10 constitutional rights.

11 44. Paragraph 44 consists of legal conclusions for which no response is required.
12 To the extent a response is required, Defendant Michael Geraghty as the Attorney General of the
13 State of Alaska has those duties and authorities granted to that office by law. To the extent that
14 any of the allegations in paragraph 44 are considered factual allegations for which a response
15 is required, the allegations are denied. State Defendants deny that plaintiffs are being denied any
16 constitutional rights.

17 45. Paragraph 45 consists of legal conclusions for which no response is required.
18 To the extent a response is required, Defendant William Streur as the Commissioner of
19 the State of Alaska, Department of Health and Social Services has those duties and authorities
20 granted to that office by law. To the extent that any of the allegations in paragraph 45 are
21 considered factual allegations for which a response is required, the allegations are denied.
22 State Defendants deny that plaintiffs are being denied any constitutional rights.

1 46. Paragraph 46 consists of legal conclusions for which no response is required.
2 To the extent a response is required, Defendant Phillip Mitchell as the State Registrar
3 and Licensing Officer in the State of Alaska, Department of Health and Social Services,
4 Bureau of Vital Statistics has those duties and authorities granted to that office by law. To the
5 extent that any of the allegations in paragraph 46 are considered factual allegations for which
6 a response is required, the allegations are denied. State Defendants deny that plaintiffs are being
7 denied any constitutional rights.
8

9 47. Paragraph 47 consists of legal conclusions for which no response is required.
10 State Defendants deny that Alaska law regarding marriage violates the Due Process Clause of the
11 Fourteenth Amendment.
12

12 **SECOND CAUSE OF ACTION**

13 48. State Defendants incorporate by reference all the preceding answers contained in
14 paragraphs 1 through 47 above.

15 49. Paragraph 49 consists of legal conclusions for which no response is required.
16 Additionally, State Defendants lack the knowledge sufficient to admit or deny the allegations in
17 paragraph 49 which are specific to named plaintiffs Matthew Hamby and Christopher Sheldon,
18 therefore the allegations are denied.
19

20 50. Paragraph 50 consists of legal conclusions for which no response is required.
21 Additionally, State Defendants lack the knowledge sufficient to admit or deny the allegations in
22 paragraph 50 which are specific to named plaintiffs Susan Tow and Christina LaBorde,
23 therefore the allegations are denied.

24 51. Paragraph 51 consists of legal conclusions for which no response is required.
25 Additionally, State Defendants lack the knowledge sufficient to admit or deny the allegations in

1 paragraph 51 which are specific to named plaintiffs Tracey Wiese and Katrina Cortez, therefore
2 the allegations are denied.

3 52. Paragraph 52 consists of legal conclusions for which no response is required.
4 Additionally, State Defendants lack the knowledge sufficient to admit or deny the allegations in
5 paragraph 52 which are specific to named plaintiffs Sean Egan and David Robinson, therefore the
6 allegations are denied.

7 53. Paragraph 53 consists of legal conclusions and argument for which no response
8 is required.

9 54. Paragraph 54 consists of legal conclusions and argument for which no response
10 is required.

11 55. Paragraph 55 consists of legal conclusions and argument for which no response
12 is required.

13 56. Paragraph 56 consists of legal conclusions and argument for which no response
14 is required.

15 57. Paragraph 57 consists of legal conclusions and argument for which no response
16 is required. Additionally, State Defendants lack the knowledge sufficient to admit or deny the
17 allegations in paragraph 57 relating to particular plaintiffs and their status as married in
18 other states, therefore the allegations are denied. State Defendants deny that plaintiffs are being
19 denied any constitutional rights.
20

21 58. Paragraph 58 consists of legal conclusions and argument for which no response
22 is required. State Defendants deny that plaintiffs are being denied any constitutional rights.
23

24 59. Paragraph 59 consists of legal conclusions and argument for which no response
25 is required. State Defendants deny that plaintiffs are being denied any constitutional rights.
26

1 60. Paragraph 60 consists of legal conclusions and argument for which no response
2 is required. State Defendants deny that plaintiffs are being denied any constitutional rights or that
3 Defendants violated 42 U.S.C. Section 1983.

4 61. Paragraph 61 consists of legal conclusions and argument for which no response
5 is required. State Defendants deny that plaintiffs are being denied any constitutional rights.

6 62. Paragraph 62 consists of legal conclusions and argument for which no response
7 is required. State Defendants deny that plaintiffs are entitled to declaratory and injunctive relief.
8

9 **THIRD CAUSE OF ACTION**

10 63. State Defendants incorporate by reference all the preceding answers contained in
11 paragraphs 1 through 62 above.

12 64. The allegation in paragraph 64 summarizes the plaintiffs' claim and requested
13 relief and need not be admitted or denied.

14 65. The allegation in paragraph 65 contains legal assertions and conclusions and thus
15 does not require an answer. However, State Defendants do not deny that the Equal Protection
16 Clause of the Fourteenth Amendment contains language quoted in the paragraph.

17 66. The allegation in paragraph 66 contains legal assertions and conclusions and thus
18 does not require an answer. State Defendants deny that Alaska Constitution, Article 1, Section 25
19 and Alaska statutes 25.05.011 and 25.05.013 or any other state laws violate equal protection
20 under the Fourteenth Amendment facially or as applied to plaintiffs. State Defendants deny
21 that plaintiffs are being denied any constitutional rights.
22

23 67. Paragraph 67 consists of legal conclusions for which no response is required.
24 To the extent a response is required, Defendant Sean Parnell as the Governor of

1 the State of Alaska has those duties and authorities granted to that office by law. To the extent
2 that any of the allegations in paragraph 67 are considered factual allegations for which a response
3 is required, the allegations are denied. State Defendants deny that plaintiffs are being denied any
4 constitutional rights.

5 68. Paragraph 68 consists of legal conclusions for which no response is required.
6 To the extent a response is required, Defendant Michael Geraghty as the Attorney General of the
7 State of Alaska has those duties and authorities granted to that office by law. To the extent that
8 any of the allegations in paragraph 68 are considered factual allegations for which a response
9 is required, the allegations are denied. State Defendants deny that plaintiffs are being denied any
10 constitutional rights.

11 69. Paragraph 69 consists of legal conclusions for which no response is required.
12 To the extent a response is required, Defendant William Streur as the Commissioner of the
13 State of Alaska, Department of Health and Social Services has those duties and authorities
14 granted to that office by law. To the extent that any of the allegations in paragraph 69 are
15 considered factual allegations for which a response is required, the allegations are denied.
16 State Defendants deny that plaintiffs are being denied any constitutional rights.

17 70. Paragraph 70 consists of legal conclusions for which no response is required.
18 To the extent a response is required, Defendant Phillip Mitchell as the State Registrar
19 and Licensing Officer in the State of Alaska, Department of Health and Social Services,
20 Bureau of Vital Statistics has those duties and authorities granted to that office by law. To the
21 extent that any of the allegations in paragraph 70 are considered factual allegations for which a
22 response is required, the allegations are denied. State Defendants deny that plaintiffs are being
23 denied any constitutional rights.

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1 71. Paragraph 71 consists of legal conclusions and argument for which no response
2 is required. To the extent that any of the allegations in paragraph 71 are considered factual
3 allegations for which a response is required, the allegations are denied. State Defendants deny
4 that plaintiffs are being denied any constitutional rights.

5 72. Paragraph 72 consists of argument and legal conclusions for which no response
6 is required. To the extent that any of the allegations in paragraph 72 are considered factual
7 allegations for which a response is required, the allegations are denied.

8 73. Paragraph 73 consists of argument and legal conclusions for which no response
9 is required. To the extent that the allegations in paragraph 73 concern the state of mind of
10 the plaintiffs, the State Defendants lack knowledge sufficient to admit or deny the allegations,
11 therefore such allegations are denied.

12 74. Paragraph 74 consists of argument and legal conclusions for which no response
13 is required.

14 75. Paragraph 75 is unclear and not susceptible to response. To the extent that any part
15 of paragraph 75 is considered a factual allegation for which a response is required,
16 the allegation is denied. State Defendants deny that Alaska law targets same sex couples.

17 76. Paragraph 76 consists of argument and legal conclusions for which no response
18 is required.

19 77. Paragraph 77 consists of argument and legal conclusions for which no response
20 is required.

21 78. Paragraph 78 consists of argument and legal conclusions for which no response
22 is required. State Defendants deny that plaintiffs are being denied any constitutional rights.

1 State Defendants deny that Alaska's marriage laws violate equal protection under the Fourteenth
2 Amendment based on unlawful sexual orientation discrimination.

3 79. Paragraph 79 consists of argument and legal conclusions for which no response
4 is required. State Defendants deny that plaintiffs are being denied any constitutional rights.
5 State Defendants deny that Alaska's marriage laws violate equal protection under the
6 Fourteenth Amendment based on unlawful sexual orientation discrimination.

7 80. Paragraph 80 consists of argument and legal conclusions for which no response
8 is required. State Defendants deny that plaintiffs are being denied any constitutional rights.
9 State Defendants deny that Alaska Constitution Article 1, Section 25 or Alaska statute 25.05.011
10 violate equal protection under the Fourteenth Amendment based on unlawful sex discrimination.

11 81. Paragraph 81 consists of argument and legal conclusions for which no response
12 is required. State Defendants deny that plaintiff Lamb is subject to unlawful sex discrimination.
13 To the extent paragraph 81 contains factual allegations regarding plaintiffs Lamb or Pearson,
14 State Defendants lack knowledge sufficient to admit or deny the allegations, therefore such
15 allegations are denied.
16

17 82. Paragraph 82 consists of argument and legal conclusions for which no response
18 is required.

19 83. Paragraph 83 consists of argument and legal conclusions for which no response
20 is required.

21 84. Paragraph 84 consists of argument and legal conclusions for which no response
22 is required.

23 85. Paragraph 85 consists of argument and legal conclusions for which no response
24 is required. State Defendants deny that plaintiffs are being denied any constitutional rights.
25

1 **FOURTH CAUSE OF ACTION**

2 86. State Defendants incorporate by reference all the preceding answers contained in
3 paragraphs 1 through 85 above.

4 87. Paragraph 87 consists of argument and legal conclusions for which no response
5 is required. To the extent paragraph 87 contains allegations regarding the meaning of Alaska laws
6 and statutes, such laws and statutes speak for themselves.

7 88. Paragraph 88 consists of argument and legal conclusions for which no response
8 is required. State Defendants agree that the State of Alaska has never prohibited marriages based
9 on race based restrictions such as those struck down by the United States Supreme Court in
10 *Loving v. Virginia*, 388 U.S. 1 (1967).

11 89. To the extent paragraph 89 contains allegations regarding Alaska laws and statutes,
12 such laws and statutes speak for themselves. Paragraph 89 consists of argument and legal
13 conclusions for which no response is required. To the extent a response is required, the allegations
14 are denied. Alaska voters exercised their rights to continue the traditional definition of marriage in
15 1998 by adopting a constitutional amendment in Article 1, Section 25.
16 State Defendants deny any allegation or suggestion that same-sex marriages were permitted
17 under state law or recognized by the State of Alaska prior to the adoption of the marriage statutes
18 and Constitutional amendment in 1996 and 1998.

19 90. Paragraph 90 consists of argument and legal conclusions for which no response
20 is required. State Defendants deny that plaintiffs are being denied any constitutional rights.

21 91. Paragraph 91 consists of argument and legal conclusions for which no response
22 is required. State Defendants deny that plaintiffs are being denied any constitutional rights.

1 92. Paragraph 92 consists of argument and legal conclusions for which no response
2 is required.

3 93. Paragraph 93 consists of argument and legal conclusions for which no response
4 is required. State Defendants deny that Alaska laws impose a stigma on individuals or that
5 Alaska marriage laws deny plaintiffs their constitutional rights.

6 94. Paragraph 94 consists of argument and legal conclusions for which no response
7 is required. State Defendants deny that Alaska marriage laws have a purpose to harm any persons.
8

9 95. Paragraph 95 consists of argument and legal conclusions for which no response
10 is required. State Defendants deny that Alaska marriage laws violate the equal protection rights
11 of plaintiffs.

12 **FIFTH CAUSE OF ACTION**

13 96. State Defendants incorporate by reference all the preceding answers contained in
14 paragraphs 1 through 95 above.

15 97. Paragraph 97 consists of a summary of plaintiffs' claims and requested relief,
16 argument, and legal conclusions for which no response is required. State Defendants deny
17 that plaintiffs are subject to ongoing violations of due process and equal protection that warrant
18 issuance of a declaratory judgment in their favor.

19 98. Paragraph 98 consists of a summary of plaintiffs' requested relief, argument,
20 and legal conclusions for which no response is required. State Defendants deny that plaintiffs are
21 subject to irreparable injuries resulting from violations of due process or equal protection that
22 warrant issuance of injunctive relief in their favor.
23

24 **PRAYER FOR RELIEF**

25 Plaintiffs' Prayer for Relief does not contain factual allegations requiring an answer.

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DEFENSES

1
2 The State Defendants assert the following defenses to the Complaint. State Defendants do
3 not assume the burden of proof on such defenses that rest with the plaintiffs. State Defendants
4 reserve the right to assert additional defenses as such defenses become known and to amend their
5 Answer if appropriate.

- 6 1. Plaintiffs' Complaint fails to state a claim upon which relief may be granted.
- 7 2. The Court lacks subject matter jurisdiction over the claims asserted because the
8 Complaint does not raise a substantial federal question. *Baker v. Nelson*, 409 U.S. 810 (1972).
- 9 3. Plaintiffs' claims are barred by the Tenth Amendment. Alaska has the right
10 as a sovereign state to define and regulate marriage.
- 11 4. Alaska voters had a fundamental right to decide the important public policy issue
12 of whether to alter the traditional definition of marriage as between one man and one woman.
- 13 5. Plaintiffs' claims present a political question or are otherwise not justiciable.
- 14 6. Plaintiffs' claims are barred by the Eleventh Amendment.
- 15 7. Plaintiffs lack standing.
- 16 8. Plaintiffs' claims are not ripe.
- 17 9. The State of Alaska is not required to give recognition to the marriage of Plaintiffs
18 celebrated in other states under 28 U.S.C. § 1738C and other authority.

19
20
21
22 WHEREFORE, State Defendants respectfully request that this Court enter judgment in
23 their favor and against Plaintiffs, and award to Defendants attorneys' fees and such other relief
24 that this Court deems appropriate.

1 DATED June 19, 2014.

2 MICHAEL C. GERAGHTY
3 ATTORNEY GENERAL

4 By: s/William Milks
5 William Milks
6 Assistant Attorney General
7 Alaska Bar No. 0411094

8 s/Kevin Wakley
9 Kevin Wakley
10 Assistant Attorney General
11 Alaska Bar No. 1405019

12 **CERTIFICATE OF SERVICE**

13 The undersigned certifies that on June 19, 2014, a copy of the foregoing document, **ANSWER**,
14 was served electronically pursuant to the Court's electronic filing procedures on the following
15 parties of record:

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