



Backgrounder & Timeline

Oregon Legal Challenges to the State Constitutional Ban on Marriage by Same-Sex Couples

Geiger v. Kitzhaber and *Rummell v. Kitzhaber*

The Plaintiffs:

- ***Geiger v. Kitzhaber*** – Deanna Geiger & Janine Nelson and Robert Duehmig & William Griesar
- ***Rummell v. Kitzhaber*** – Paul Rummell & Benjamin West, Lisa Chickadonz & Christine Tanner, and Basic Rights Education Fund (the 501(c)(3) affiliate of Basic Rights Oregon)

Attorneys for the Plaintiffs:

- ***Geiger v. Kitzhaber*** – Lake Perriguy of Law Works LLC and Lea Ann Easton of Dorsay & Easton LLP
- ***Rummell v. Kitzhaber*** – ACLU Staff Attorneys: Rose Saxe & Amanda Goad of the National ACLU Foundation LGBT Project; Kevin Díaz of the ACLU Foundation of Oregon; ACLU Cooperating Attorneys (Pro-Bono): Thomas R. Johnson, Kristina J. Holm and Misha Isaak of Perkins Coie LLP; and Jennifer Middleton of Johnson Johnson & Schaller PC

Timeline

- **October 15, 2013: *Geiger v. Kitzhaber* filed.** First lawsuit filed on behalf of two couples (**Deanna Geiger & Janine Nelson** and **Robert Duehmig & William Griesar**) challenging the constitutionality of Oregon’s state constitutional ban on marriage by same-sex couples (Ballot Measure 36).
- **October 16, 2013: Oregon DOJ Orders State to Recognize Out-of-State Marriages.** In an opinion written by then-Deputy Attorney General Mary Williams, the Oregon Department of Justice orders all state agencies to begin recognizing out-of-state marriages of same-sex couples after concluding that the Measure 36 provision prohibiting such recognition violates the Fourteenth Amendment of the U.S. Constitution.
- **December 4, 2013: First Amended Complaint Filed by Plaintiffs in *Geiger* case.**
- **December 13, 2013: State Files Official Answer in *Geiger*.** In its first official response in the Geiger case, the State acknowledges that it continues to enforce Measure 36 except for the provision that prohibits recognition of otherwise valid out-of-state marriages and attaches a copy of the October 16 DOJ opinion. In addition, the Answer notes that “the State recognizes that significant and serious questions exist as to the legal defensibility

of laws that deny same-sex couples the opportunity to enter into civil marriage in Oregon.”

- **December 19, 2013: ACLU Files *Rummell v. Kitzhaber*.** ACLU team of seven attorneys file second lawsuit challenging the constitutionality of Measure 36 on behalf of two additional couples (**Paul Rummell & Benjamin West** and **Lisa Chickadonz & Christine Tanner**) and **Basic Rights Education Fund** (the 501(c)(3) affiliate of Basic Rights Oregon).
- **December 20, 2013: ACLU Files Motion to Consolidate *Rummell & Geiger* Cases.**
- **January 15, 2014: U.S. District Judge Michael McShane Approves Motion to Consolidate.**
- **January 22, 2014: ACLU Files Amended Complaint in *Rummell* Case.**
- **February 18, 2014: ACLU Files Motion for Summary Judgment and Memorandum in *Rummell*; Amended Memorandum for Summary Judgment Filed in *Geiger*.**
- **February 20, 2014: Oregon Attorney General Ellen Rosenblum announces that State “Will Not Defend” Constitutionality of Marriage Ban;** In the State’s formal Answer in the *Rummell* Case, filed the same day, the final paragraph sums up the State’s position;
“State Defendants will not defend the Oregon ban on same-sex marriage in this litigation. Rather, they will take the position in their summary judgment briefing that the ban cannot withstand a federal constitutional challenge under any standard of review. In the meantime, as the State Defendants are legally obligated to enforce the Oregon Constitution’s ban on same-sex marriage, they will continue to do so unless and until this Court grants the relief sought by the plaintiffs.”
- **March 18, 2014: State files Response Memorandum on Summary Judgment motion;** State’s memorandum echoes arguments made in the briefs filed by both the *Geiger* and *Rummell* attorneys and reiterates that the Measure 36 marriage ban cannot withstand constitutional scrutiny under either a “heightened scrutiny” or a “rational basis” standard of review;
- **April 1, 2014: Three friend of the court briefs filed in support of plaintiffs by business leaders, faith leaders and Oregon United for Marriage.**
- **April 21, 2014: National Organization for Marriage (NOM) files Motion to Intervene**
- **April 22, 2014: NOM files motion to postpone April 23 hearing; Judge McShane denies motion;** Judge McShane denies motion for postponement and notifies parties of briefing schedule on NOM’s motion to intervene, sets hearing on motion for May 14 and notifies parties he will wait to rule on Summary Judgment until after May 14 at 9:00 a.m. in Eugene; he also indicates that if he approves intervention, he will then set a new schedule for supplementary briefing summary judgment or set a date for trial;
- **April 23, 2014: Oral arguments on Plaintiffs’ motions for Summary Judgment before U.S. District Judge Michael McShane at Wayne L. Morse Federal Courthouse in Eugene.**