

STATE OF VERMONT  
CHITTENDEN COUNTY, SS.

CHITTENDEN SUPERIOR COURT  
CIVIL ACTION  
DOCKET NO. 51009-97Cnc

STAN BAKER and PETER HARRIGAN

v.

STATE OF VERMONT and  
TOWN OF SHELBURNE

NINA BECK and STACY JOLLES

v.

STATE OF VERMONT  
and CITY OF SOUTH BURLINGTON

LOIS FARNHAM and HOLLY PUTERBAUGH

v.

STATE OF VERMONT  
and TOWN OF MILTON

### COMPLAINT

The Plaintiffs, J. Stannard ("Stan") Baker, Peter Harrigan, Nina Beck, Antonia ("Stacy") Jolles, Lois Farnham, and Holly Puterbaugh, by and through their attorneys, Susan Murray and Beth Robinson of Langrock Sperry & Wool, and Mary Bonauto of Gay & Lesbian Advocates & Defenders, complain of the Defendants as follows:

1. This action is brought pursuant to the Declaratory Judgments Act, 12 V.S.A. §§ 4711 et seq., and Rule 75 of the Vermont Rules of Civil Procedure.

Parties

2. Plaintiffs Stan Baker and Peter Harrigan are residents of the Town of Shelburne, Chittenden County, State of Vermont.

3. Plaintiffs Nina Beck and Stacy Jolles are residents of the City of South Burlington, Chittenden County, State of Vermont.

4. Plaintiffs Lois Farnham and Holly Puterbaugh are residents of the Town of Milton, Chittenden County, State of Vermont.

5. The Towns of Shelburne and Milton, and the City of South Burlington, are sued on the basis of the acts or omissions of their respective Clerks pursuant to 24 V.S.A. §901(a)

6. In connection with their respective refusals to issue marriage licenses to the Plaintiffs in this case, the Town Clerks of the Towns of Shelburne and Milton, and the City Clerk of the City of South Burlington, have acted and are acting as agents of the Vermont Department of Health, the State of Vermont, and/or the respective municipalities.

Factual Allegations

7. On or about June 13, 1997, Plaintiffs Stan Baker and Peter Harrigan sought a marriage license from the Town Clerk of the Town of Shelburne. Plaintiffs' request was denied on the sole basis that Plaintiffs Baker and Harrigan are of the same sex.

8. On or about June 19, 1997, Plaintiffs Stacy Jolles and Nina Beck sought a marriage license from the City Clerk of the City of South Burlington. Plaintiffs' request was denied on the sole basis that Plaintiffs Jolles and Beck are of the same sex.

9. On or about April 25, 1997, Plaintiffs Lois Farnham and Holly Puterbaugh

sought a marriage license from the Town Clerk of the Town of Milton. Plaintiffs' request was denied on the sole basis that Plaintiffs Farnham and Puterbaugh are of the same sex.

10. Other than the fact that each Plaintiff wants to marry a person of the same sex, each of the Plaintiff couples is qualified under the laws of the State of Vermont to apply for a license to marry and to contract for such marriage.

Count I - Statutory Violations

11. Plaintiffs reallege and incorporate herein the preceding allegations.

12. Each Plaintiff couple is fully qualified under the laws of the State of Vermont to apply for a license to marry and to contract for such marriage.

13. By failing to issue marriage licenses to the Plaintiffs, the Defendants violated the laws of the State of Vermont, including but not limited to 18 V.S.A. § 5137.

Count II - Constitutional Violations

14. Plaintiffs reallege and incorporate herein the preceding allegations.

15. The construction and application of Vermont's statutes to deny the Plaintiff couples the freedom to marry under the laws of the State of Vermont violates the Plaintiffs' constitutional rights, including but not limited to their rights under Chapter 1, Articles 1 and 7 of the Vermont Constitution, their rights to marry, their rights to be free from sex and sexual-orientation discrimination, and their inherent, fundamental rights.

WHEREFORE, the Plaintiffs respectfully request that this Court:

1. Issue a Declaratory Judgment providing that Defendants' refusals to issue Plaintiffs marriage licenses violates Vermont's marriage statutes and Constitution;
2. Enjoin Defendants from denying marriage licenses to the Plaintiff couples;

and

3. Award such other relief as is just.

DATED at Middlebury, Vermont, this 22nd day of July, 1997.

*for*  
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