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4 IN THE CIRCUIT COURT OF THE STATE OF OREGON
5 FOR THE COUNTY OF MULTNOMAH
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7 MARY LI and REBECCA KENNEDY;
8 STEPHEN KNOX, M.D., and ERIC
9 WARSHAW, M.D.; KELLY BURKE and
10 DOLORES DOYLE; DONNA POTTER and
11 PAMELA MOEN; DOMINICK VETRI and
12 DOUGLAS DEWITT; SALLY SHEKLOW
and ENID LEFTON; IRENE FARRERA and
NINA KORICAN; WALTER FRANKEL and
CURTIS KIEFER; JULIE WILLIAMS and
COLEEN BELISLE; BASIC RIGHTS
OREGON; and AMERICAN CIVIL
LIBERTIES UNION OF OREGON,

13 Plaintiffs,

14 and

15 MULTNOMAH COUNTY,

16 Intervenor-Plaintiff,

17 v.

18 STATE OF OREGON; THEODORE
19 KULONGOSKI, in his official capacity as
20 Governor of the State of Oregon, HARDY
21 MYERS, in his official capacity as Attorney
22 General of the State of Oregon; GARY
23 WEEKS, in his official capacity as Director of
the Department of Human Services of the
State of Oregon; and JENNIFER
WOODWARD, in her official capacity as
State Registrar of the State of Oregon,

24 Defendants,

25 and
26

Case No. 0403-03057

DEFENDANTS' MOTION FOR SUMMARY
JUDGMENT

(ORAL ARGUMENT REQUESTED)

1 DEFENSE OF MARRIAGE COALITION,
2 CECIL MICHAEL THOMAS, NANCY JO
3 THOMAS, DAN MATES and DICK
4 OSBORNE,

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6 Intervenor-Defendants.

7 Pursuant to ORCP 47, defendants move for a summary judgment on all claims. There are
8 no genuine issues of material fact; the issues presented in this case are legal issues that can be
9 resolved on summary judgment. Oral argument is requested and is expected to require two
10 hours; official court reporting services are requested.

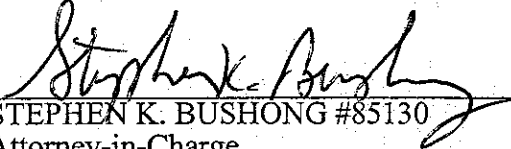
11 Defendants specifically request entry of a final judgment that: (1) declares whether
12 Oregon statutes governing civil marriage violate Article I, section 20 of the Oregon Constitution
13 in any respect; (2) orders intervenor Multnomah County to comply with current Oregon statutes
14 governing the licensing of civil marriages pending final resolution of this case; (3) gives the
15 Oregon legislature a reasonable time to enact remedial legislation, if necessary, during its next
16 regular session before any further remedy is ordered by the court; (4) affirms defendants' actions
17 taken in compliance with current statutory requirements pending a final resolution of this case
18 and implementation of remedial legislation or other remedial action ordered by the court; (5)
19 denies any remaining claims for relief asserted by plaintiffs; and (6) awards defendants their
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1 costs and disbursements incurred herein. This motion is based on the records and file herein, the
2 stipulated facts filed with the court, and defendants' supporting memorandum of law.

3 DATED this 5th day of April, 2004.

4 Respectfully submitted,

5 HARDY MYERS
6 Attorney General

7 
8 STEPHEN K. BUSHONG #85130
9 Attorney-in-Charge
10 Trial Attorney
11 Of Attorneys for Defendants
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14 (503) 378-6313
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CERTIFICATE OF SERVICE

I certify that on April 5, 2004, I served the foregoing DEFENDANTS' MOTION FOR SUMMARY JUDGMENT upon the parties hereto by the method indicated below, and addressed to the following:

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Markowitz Herbold, et al.
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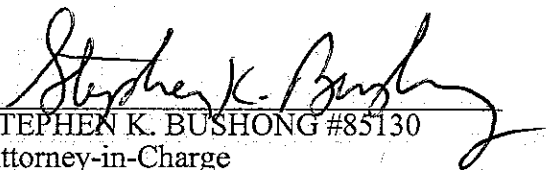
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