

**UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF VIRGINIA—NORFOLK DIVISION**

TIMOTHY B. BOSTIC,

TONY C. LONDON,

CAROL SCHALL, and

MARY TOWNLEY,

Plaintiffs,

v.

CASE NO. 2:13-cv-395

JANET M. RAINEY, in her official
capacity as State Registrar of Vital Records, and

GEORGE E. SCHAEFER, III, in his official
capacity as the Clerk of Court
for Norfolk Circuit Court,

Defendants.

DECLARATION OF TIMOTHY B. BOSTIC

I, Timothy B. Bostic, swear to the following facts under the penalty of perjury:

1. I am an adult male resident of Norfolk, Virginia, and I am competent to testify to the following facts based on my personal knowledge.

2. I am a member of the faculty at Old Dominion University in Norfolk, Virginia. I am an Assistant Professor of English Education and I teach English Education to undergraduates.

3. Since 1989, I have been in a committed relationship with Plaintiff Tony C. London. We have lived together in Virginia continuously since February 1991, and we own a home together in Norfolk.

4. Tony is the most important person in my life. We have a loving, supportive relationship, and we share the joys and challenges of our daily lives. Tony is my companion and life mate, and I love him very much.

5. I want to marry Tony. Through marriage, we will publicly vow our willingness to accept the responsibilities of caring for one another every day for the rest of our lives, and the law will view us as a single family unit. That is important to me.

6. On July 1, 2013, Tony and I applied for a marriage license at the office of the Clerk of the Circuit Court for the City of Norfolk. We drove to the Clerk's office together and filled out our application on one of the office's computer terminals.

7. In our application, we stated that we are both over the age of 18 and that we are not related. Once we had completed answering all of the questions, Tony and I hit the "SEND" button to officially submit our application.

8. We knew that in order to obtain a marriage license, we had to pay a \$20 fee. After we submitted our application, we approached the counter in the Clerk's office that accepts payments for applications.

9. When the employee behind the counter saw us approach and realized that we were two men applying to get married, the employee told us that we could not pay for an application because we could not receive a marriage license in Virginia.

10. The employee offered to have a supervisor speak with us, and Tony agreed. The supervisor came out and told us that we could not get a marriage license in Virginia because we are a same-sex couple. Then the supervisor gave us a copy of a Virginia statute and a business card.

11. We were sad, disappointed, frustrated, and angry to leave the Clerk's office without a marriage license. We continue to feel the pain of the Commonwealth's rejection in our daily lives.

12. We would like the ability to receive the same rights and responsibilities that other committed couples in Virginia receive through marriage.

13. For example, we would like to file joint tax returns, but we cannot. We would like to name one another on our respective health insurance and benefit plans without having to pay taxes on those benefits, but we cannot. In addition, we would like for the many things that we have acquired in our 25 years together to belong to both of us as marital property, but they do not.

14. Even for purely commercial issues, like obtaining better rates for automobile, life, and homeowners insurance, we are disadvantaged because we cannot get married.

15. There are major life decisions that Tony and I would like to entrust to one another without having to hire a lawyer and incur significant legal fees. For example, if Tony was my spouse, he could make medical decisions for me (and I for him) in the event of a serious illness without an advance medical directive. Also, if I died, he would inherit my entire estate even without a will, and vice versa.

16. Even our home, which we purchased and have lived in together since 1997, does not belong to both of us as tenants in the entirety because we cannot get married.


17. Because Virginia will not allow me to marry Tony, we are also denied a host of federal benefits that are reserved for married couples.

18. Tony and I are as equally deserving as any other couple of the right to get married in Virginia. I am hurt, angry, disappointed, and embarrassed that the Commonwealth of Virginia

denies us that right. I feel that the Commonwealth is telling us that we are not good enough to get married and that we are “less than” other couples in Virginia. This makes me feel like a second-class citizen. I feel tremendous pain and indignity as a result of the Commonwealth’s refusal to allow us to marry and I carry that pain with me every day.

I declare under penalty of perjury, under the laws of the Commonwealth of Virginia and under the laws of the United States of America, that the foregoing facts are true.

Dated: September 28, 2013


Timothy B. Bostic