

**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 TONY C. LONDON

I, Tony C. London, swear to the following facts under the penalty of perjury:

1. I am an adult male resident of Norfolk, Virginia. I am competent to testify to the following facts based on my personal knowledge.
2. I have lived in Virginia continuously since March 1990.
3. I served in the United States Navy and was honorably discharged at the end of my service. Since 1997, I have worked as a real estate agent in Virginia. I specialize in residential properties.
4. I have been in a long-term, committed relationship with Timothy B. Bostic since 1989. He moved to Virginia in February of 1991, and we have lived together since that time.

5. For nearly 25 years, Tim has been my partner in life. We own a home together, and we share our daily experiences and hopes for the future with one another. I rely on him for many things, including companionship and emotional support.

6. I have wanted to legally marry Tim for many years. Getting married would allow us to officially commit ourselves to one another in the presence of our families, friends, and community. Through marriage, we could legally assume the rights and responsibilities that other loving couples in Virginia enjoy.

7. On July 1, 2013, Tim and I went to the office of the Clerk of the Circuit Court for the City of Norfolk to apply for a marriage license.

8. The Clerk's office provides several computer terminals through which people can submit their applications. Tim and I completed our application at one of the computer terminals in the Clerk's office. In the application, we represented that we were both over the age of 18 and that we are not related to one another. When we finished our electronic application, we hit the "SEND" button.

9. After submitting our electronic application, Tim and I went to the part of the Clerk's office that accepts the \$20 payment all applicants have to pay in order to receive a marriage license. When we got there, the Clerk's office employee saw that we were both men and told us that we could not pay for a marriage license. The employee then asked if we wanted to speak to a supervisor and I said that we did.

10. The supervisor came and spoke with Tim and me. The supervisor told us that we could not get married in Virginia because we are a same-sex couple. The supervisor then gave us a copy of a Virginia statute and a business card.

11. Tim and I are both very disappointed. We think that it is very important to get married because of the significance that marriage carries not only to us individually, but also to society. It is very painful to have the State of Virginia refuse to give us a marriage license when all we want are the same rights that other couples in Virginia have.

12. Because we are not able to get married, we have fewer legal and property rights than other people. For instance, Tim and I own our home in Norfolk. We bought it together, using both of our resources, in 1997. If we were married, we could own the home as tenants in the entirety, but since we cannot get married, we do not.

13. In addition, in over 25 years together, we have acquired many things, including artwork, automobiles, and various personal effects. If we were married, many of these items would be considered marital property and likely divided equally if we were to divorce. Neither of us have the protections of the divorce laws.

14. If we were legally able to marry, I would automatically inherit Tim's estate if he died. But since we cannot get married in Virginia, I would not inherit any of his property without a will.

15. The tax consequences are also significant. For example, we cannot file joint tax returns as a married couple, so we each pay more in state income taxes than we otherwise would. I have listed Tim as a beneficiary to my insurance policies and employee benefit plans, but he will have to pay state taxes on any benefits he receives.

16. In addition, Tim and I are not able to take advantage of the lower rates available to married couples for automobile, life, and homeowners insurance.

17. If Tim were to get seriously ill, I could not make medical decisions on his behalf without an advance medical directive. If I were ill and did not have an advance medical directive, Tim could not make decisions for my medical care either.

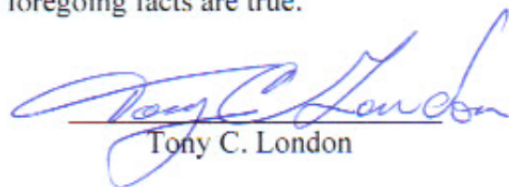
18. There are many federal benefits that are unavailable to us as well because the Commonwealth will not allow us to marry one another.

19. The social, legal, and economic consequences are difficult to deal with, but the emotional consequences are the most difficult. I love Tim and want to spend the rest of my life with him. It is humiliating that Tim and I cannot get married in Virginia.

20. I am ashamed, embarrassed, and significantly pained that the Commonwealth of Virginia will not legally allow us to marry. I have served this country and I am a veteran, but I feel like a second-class citizen in the Commonwealth. Tim and I feel the stigma of disapproval because of Virginia's discrimination. It is unfair that we have been singled out for this treatment, and I feel tremendous pain and sadness as a result.

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


Tony C. London