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14 PAUL T. KATAMI, and JEFFREY J. ZARRILLO

15 **UNITED STATES DISTRICT COURT**
16 **NORTHERN DISTRICT OF CALIFORNIA**

17 KRISTIN M. PERRY, SANDRA B. STIER,
18 PAUL T. KATAMI, and JEFFREY J.
ZARRILLO,

19 Plaintiffs,

20 v.

21 ARNOLD SCHWARZENEGGER, in his official
capacity as Governor of California; EDMUND
22 G. BROWN, JR., in his official capacity as
Attorney General of California; MARK B.
23 HORTON, in his official capacity as Director of
the California Department of Public Health and
24 State Registrar of Vital Statistics; LINETTE
SCOTT, in her official capacity as Deputy
25 Director of Health Information & Strategic
Planning for the California Department of Public
26 Health; PATRICK O'CONNELL, in his official
capacity as Clerk-Recorder for the County of
27 Alameda; and DEAN C. LOGAN, in his official
capacity as Registrar-Recorder/County Clerk for
the County of Los Angeles,

28 Defendants.

CASE NO. C 09-2292 VRW

**DECLARATION OF JEFFREY J.
ZARRILLO IN SUPPORT OF PLAINTIFFS'
MOTION FOR A PRELIMINARY
INJUNCTION**

1 I, Jeffrey J. Zarrillo, declare as follows:

2 1. I have personal knowledge of the facts stated herein and could and would testify
3 competently thereto if called upon to do so.

4 2. My partner, Paul T. Katami, and I have been in a committed, loving relationship since
5 2001. In September 2003, we began living together. We bought our current home together in 2004.

6 3. It is my belief that marrying Paul is my fundamental right. In prohibiting me from
7 marrying him, I believe that the State is treating me as a second-class citizen.

8 4. Because of Prop. 8, I cannot experience the happiness and personal fulfillment of
9 marrying the person I love.

10 5. I feel that our relationship does not enjoy the same respect and dignity from society
11 and government as the relationships of opposite-sex couples, who are able to fully commit to each
12 other and get married. In this way, I feel as though I have been singled out for discriminatory
13 treatment and stigmatized because the person I want to marry is a man. I believe that, by denying our
14 relationship the designation of marriage, the State is sending the message to society that gay and
15 lesbian individuals are different and may be treated differently than other citizens.

16 6. As a direct result of my inability to marry Paul, I have suffered emotional distress,
17 psychological harm, and severe humiliation. Each day that goes by, I endure the pain and suffering
18 of being unable to marry the one I love. As a result of Prop. 8, Paul and I have been made to feel as
19 though we are less than an opposite-sex couple. Being treated as a second-class citizen is hurtful and
20 damaging. The inability to marry Paul is a mark of inferiority and a painful reminder that society
21 does not view us or our relationship as equal. Being unable to marry Paul is a stigma that has hurt
22 my self-image and caused me significant pain and suffering.

23 7. I want my relationship with Paul to be treated equally and with the same respect as the
24 relationships of opposite-sex individuals.

25 8. Paul and I were overjoyed when the California Supreme Court held that California's
26 ban on marriage by same-sex couples was unconstitutional on May 15, 2008. But much to our
27 dismay, the campaign for Prop. 8, which amended the state constitution to overturn that decision,
28 began immediately.

1 9. Even though we knew in our hearts that we were fully committed to each another, we
2 decided not to get married in the six months between the California Supreme Court decision and
3 election day, when Prop. 8 was passed, for a number of reasons. First, we felt that should not have to
4 be rushed into marriage by a looming election. We believed that we should have the right to choose
5 the timing of our marriage just as opposite-sex couples do. Second, we found it very hard to believe
6 that California voters would actually vote for a blatantly discriminatory measure like Prop. 8. Third,
7 we were worried that if Prop 8 did in fact pass, it might invalidate our marriage, thereby causing us
8 even more pain and indignity.

9 10. We were shocked and saddened when Prop. 8 passed.

10 11. Since Prop. 8 was enacted, we have become more and more aware each day that goes
11 by just how much we want to get married.

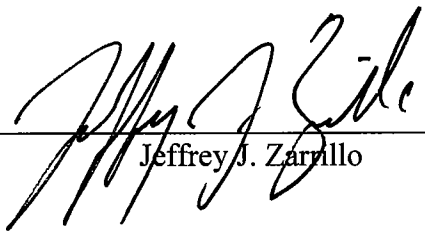
12 12. We filled out an application for a marriage license at the office of the Registrar-
13 Recorder/County Clerk for Los Angeles County on May 20, 2009.

14 13. The clerk's office told us that they could not give us a marriage license because they
15 are unable to issue same-sex marriage licenses as a result of Prop. 8.

16 14. I will be unable to realize the happiness of marrying the person I love until Prop. 8 is
17 struck down.

18 I declare, under the penalty of perjury under the laws of the United States that these facts are
19 true and correct and that this Declaration is executed this 26 day of May 2009 at

20 Los Angeles, California.

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24 _____
25 Jeffrey J. Zarrillo
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