

AFFIDAVIT OF PATRICIA HYDE VARNUM

Patricia Hyde Varnum, having been duly sworn, states as follows:

1. I am one of the Plaintiffs in this lawsuit.
2. I was born on March 5, 1965 and I am 41 years old.
3. I am in a permanent committed relationship of six years with Katherine Varnum,

who has also provided an affidavit. I will try not to repeat things she said.

4. I was born and raised in Lubbock, Texas. I moved to Coralville, Iowa, in June of 1998. I have been a resident of Cedar Rapids for the past five-and-a-half years.

5. I work as a performance monitoring analyst at Geico Insurance.

6. Kate and I had our first date on January 14, 2001. I chose the day of the Czech ethnic festival in May, 2003, to ask her to share the rest of her life with me. This is a special day to us as it's a day Kate and I always spend together. Kate's mother went with us to the festival that day and I remember the anxiety of waiting and waiting for the right moment, when the two of us would be alone. Eventually, I took Kate to a state park and we stopped at a stone bridge under a canopy of trees. I got down on one knee and asked, "Will you marry me?" She said, "Yes."

7. We have not been able legally to marry in Iowa. In the meantime, in the spring of 2003, we decided to have a commitment ceremony and to exchange rings. I used stones from my mother's and my grandmother's wedding rings, and Kate and I picked out bands and settings together.

8. I want to marry Kate. I want to know she will be taken care of if something should happen to me. We need legal recognition of our relationship, as well as the security and

mutual responsibility that civil marriage entails. It doesn't take a piece of paper or a law to make us family, but it's important to us to be treated fairly.

9. Kate and I have melded our lives together. I recently changed my last name to Varnum to help show our commitment as a family. We have a joint bank account and we're both listed as owners of a financed vehicle. We have living wills and durable powers of attorney for each other. Kate is the beneficiary of my life insurance and 401K, and vice versa.

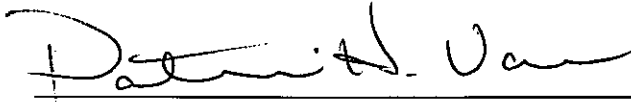
10. Kate and I hope to start our own family very soon. When Kate and I learned that both of us had health conditions that would make becoming pregnant difficult if not dangerous for us, we began exploring adoption options. We discovered that most private adoption agencies in Iowa work only with married couples and therefore wouldn't work with us. We began taking foster-to-adopt classes and will be eligible for a child to be placed with us soon. When we do have a child, I want our child protected by law rather than by good intentions, and for that, we need to marry.

11. We also need to marry in order to make sure that our relationship is respected at the times when we're most vulnerable. I recently had a painful and invasive procedure using dye to determine if there was a blockage in a fallopian tube that could prevent pregnancy. Kate was told that she couldn't be in the room with me while the test was performed despite the power of attorney document we had drawn up because we were not married. I was waiting for her in the examination room where I was nervous, undressed, and feeling vulnerable, and I didn't know why she was delayed. The doctor and nurse wanted to start the procedure. I insisted to the doctor that I wouldn't allow him to perform the test unless he allowed Kate in the room. Luckily, he relented and Kate was allowed in the room.

12. It turned out to be very fortunate for me that Kate was there. During the procedure, something went wrong. We learned later that one of my fallopian tubes was malformed and flattened, and dye instead had been forced into my body cavity. I was in agony. The doctor and nurse did not realize at the time what had happened and wanted to continue. I was in no position to speak up for myself, but Kate could tell what I was going through because she knew me so well. She demanded on my behalf that they stop the procedure. Later, after examining the photographs, the doctor realized what had happened. This experience brought home how important it is for our relationship to be recognized so that we can be together during medical emergencies and speak up for each other. I shouldn't have had to argue and bargain with a doctor right before going through a frightening procedure when a spouse would have been allowed in the room automatically.

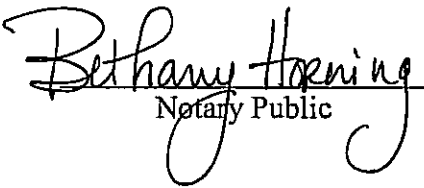
13. Kate and I are both over the age of 18, have the capacity to contract, are not within the degrees of consanguinity or affinity prohibited by law for a legal marriage, are not wards under a guardianship, and are not legally married to any other person. On Friday, December 2, 2005, Kate and I went to the Office of the Polk County Registrar, along with our witness, Linda Smith, who is over the age of 18, competent, and disinterested regarding the result of our marriage, and capable of attesting to our ages and qualifications. We brought with us our identification documents and were prepared to tender the \$35 fee required to submit an application to marry. A clerk named Ron politely told us that the Iowa Code prevented him from filing our application or accepting the fee we offered him. He stated that because of "gender specifications" in the Iowa Code, there was no way for him to give us a license to marry.

14. I hereby declare, under penalties of perjury, that the facts stated in this affidavit are personally known to me, and that they are true.



Patricia Hyde Varnum

Sworn to before me this
11th day of January, 2007


Notary Public

