



**FOR IMMEDIATE RELEASE: September 22, 2009**

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**Domestic Partners Seek To Intervene In Lawsuit Challenging  
Wisconsin's Domestic Partner Law**

**ACLU Urges Wisconsin Supreme Court To Send Case To Trial Court  
So That Those Most Affected By The Lawsuit Can Be Heard**

MADISON, WI – The American Civil Liberties Union filed a motion before the Wisconsin Supreme Court today on behalf of five same-sex couples asking that the couples be allowed to participate in a lawsuit that will decide whether the state's newly enacted domestic partner law violates Wisconsin's anti-gay marriage amendment. Anti-gay activists have asked the Wisconsin Supreme Court to strike down the domestic partner law as inconsistent with the marriage amendment. The couples also ask the Court to reject the petition and send the case to a trial court so that evidence can be presented to show that the domestic partner law does not violate the anti-gay marriage amendment that passed in 2006.

“While the domestic partner law falls far short of marriage, we were grateful when it passed that we would no longer have to worry about being able to visit each other in the hospital,” said Jayne Dunnum who, along with her partner of 17 years, Robin Timm, registered to become domestic partners when the law went into effect this summer. “But with this lawsuit those fears are back, and we'd like the opportunity to explain to the courts how this affects us.”

According to the motion filed by the ACLU, the five same-sex couples meet all the legal requirements for becoming a party to the litigation and would suffer harm if the court overturns the domestic partner law.

“We're hopeful that the Wisconsin Supreme Court will recognize that lesbian and gay couples have the most at stake in this lawsuit and deserve their day in court,” said Larry DuPuis, Legal Director of the ACLU of Wisconsin. “Only same-sex couples can describe what it's like to fear not being able to visit a partner in the hospital or being left with nothing when a partner dies without a will. And only same-sex couples can explain what it means to be shut out of marriage and have to accept a poorly understood second-class status as domestic partners with 43 legal protections versus more than 200 that come with marriage.”

The anti-gay activists who are seeking to take away the legal protections for registered domestic partners have claimed that they need a speedy resolution and are entitled to go directly to the Wisconsin Supreme Court because the modest legal protections granted to same-sex couples through the law somehow affect the marriages of straight couples. Rather incredulously, they also claim that it would be in the best interest of lesbian and gay couples to have a speedy resolution even though they are asking the court to strip domestic partners of all legal protections.

According to the ACLU, there are important factual issues in the case, such as the many ways in which domestic partnership differs from marriage, that call for the kind of testimony that same-sex couples can provide to the Court. To consider this important evidence, the Court should refuse to this case directly but instead allow a circuit court to develop the factual record.

During the political campaign for the anti-gay marriage amendment that is the basis for this lawsuit, these same anti-gay activists told the voters that domestic partner benefits would not be affected by the amendment and that the state would be allowed to pass a law giving same-sex couples some legal protections.

“The anti-gay activists misled the voters into passing the amendment by saying that it would not affect the rights of domestic partners. Then they tried to prevent the legislature from providing modest legal protections for same-sex couples. And soon after the bill went into effect, they brought a lawsuit to take those protections away, based on the amendment that they said would not affect such rights” said John Knight, a senior staff attorney with the ACLU LGBT Project. “It’s incredible the lengths they will go to deny committed couples basic protections for their families.”

The same-sex couples asking to be allowed into the lawsuit include:

**Jayne Dunnun and Robin Timm** from Plattsville, WI, have been together for 17 years. After Timm was injured on their farm and had to be rushed to the emergency room, they worry about being able to visit each other in the hospital and are hoping the domestic partner law will put an end to these worries.

**Carol Schumacher and Virginia Wolf** from Eau Claire, WI, have been together for 34 years. As they enter their senior years, the domestic partner law would ease their worries about being shut out of conversations about each other’s medical care and other end-of-life decisions and guarantee that they are not barred from sharing a room if they end up in a nursing home.

**Wendy and Mary Woodruff** from Milwaukee, WI, have been together for 12 years. As a minister for the Metropolitan Community Church, Rev. Wendy Woodruff has had to console a congregant who lost everything, including her home and furniture, when her partner was killed and the partner’s relatives claimed their entire estate. They fear the same thing would happen to them without the inheritance protections of the domestic partner law.

**Judith Trampf and Katy Heyning** from Madison, WI, celebrated their 20<sup>th</sup> Anniversary this summer. A few years back, Heyning had a seizure that left her unable to drive for six months. Unable to take family leave, Trampf had to use her vacation time to drive Katy to doctor's appointments and to and from work. Under the domestic partner law, the couple would finally gain access to family leave protection.

**Diane Schermann and Missy Collins** from Eau Claire, WI, have known each other for 10 years and have been a couple for five. The couple is raising seven children, including Diane's two children from a previous marriage, a new baby that Missy gave birth to through in vitro fertilization and four foster children, two of which are relatives of Collins. Like many couples their age, the couple has put off making wills because of the expense. The domestic partner law would guarantee that at least half of their joint property automatically passes to each other.

Lambda Legal also filed papers today to intervene in the *Appling v Doyle* case on behalf of Fair Wisconsin, the statewide equality organization, and its members. Lambda Legal, like the ACLU, says domestic partnerships and marriages are not "substantially similar."

Linda Hansen, David Froiland, Jason Plowman, Daniel Manna and David Goroff of Foley & Lardner, LLP are assisting ACLU attorneys DuPuis and Knight in representing the couples..

Additional information about the ACLU's motion, including bios and photographs of the couples and the legal documents filed today, is available at <http://www.aclu.org/lgbt/relationships/41068res20090922.html>.

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