

No. _____

IN THE UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT

Virginia Wolf, et al.

Plaintiffs-Appellees,

v.

Scott Walker, et al.

Defendants-Appellants.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT, WESTERN
DISTRICT OF WISCONSIN, CASE NO. 14-CV-64,
THE HONORABLE BARBARA B. CRABB, PRESIDING

DECLARATION OF TIMOTHY C. SAMUELSON
IN SUPPORT OF STATE DEFENDANTS-APPELLANTS'
EMERGENCY MOTION FOR TEMPORARY IMMEDIATE STAY FROM
THE RELIEF GRANTED BY THE JUNE 6, 2014, OPINION AND ORDER
OF THE DISTRICT COURT

I, Timothy C. Samuelson, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. I am one of Defendants-Appellants Walker, Van Hollen, and Anderson's (the "State Defendants-Appellants") attorneys in the above-

captioned matter. I make this Declaration based on my own personal knowledge and based upon the sources described.

2. I make this Declaration in support of State Defendants-Appellants' emergency motion for temporary immediate stay from the relief granted by the June 6, 2014, Opinion and Order of the district court. (Dist. Ct. Dkt. #118.)

3. On Friday, June 6, 2014, at approximately 3:22 p.m., I received an automatic e-mail message from the Western District of Wisconsin's CM/ECF system notifying me of the district court's electronic filing of the Opinion and Order declaring that provisions of the Wisconsin Constitution and Wisconsin Statutes restricting the legal status of marriage to opposite-sex couples violate the substantive due process and equal protection rights of same-sex couples under the Fourteenth Amendment to the United States Constitution. (Dist. Ct. Dkt. #118.) In the Opinion and Order, the district court held in abeyance its ruling on State Defendants' contingent motion to stay, filed May 23, 2014 (Dist. Ct. Dkt. #114, 115, 116) that sought an immediate stay of any order granting Plaintiffs' motion for summary judgment, in whole or in part, to preserve the *status quo* for appeal.

4. On Friday, Friday, June 6, 2014, at approximately 6:09 p.m., I filed State Defendants' emergency motion for temporary stay. (Dist. Ct. Dkt. #119.)

5. At the time of the present filing, the district court has not ruled upon State Defendants' emergency motion for temporary stay (Dist. Ct. Dkt. #119) or contingent motion to stay (Dist. Ct. Dkt. #114, 115, 116).

6. Attached hereto as **Exhibit A** is a true and correct copy of an article titled, "Federal judge overturns Wisconsin's gay marriage ban," written by Jason Stein, Patrick Marley & Dana Ferguson, published by the Milwaukee Journal Sentinel on June 7, 2014. The article is available electronically at <http://www.jsonline.com/news/statepolitics/federal-judge-overturns-wisconsins-gay-marriage-ban-b99286138z1-262161851.html>, last checked June 7, 2014.

7. Attached hereto as **Exhibit B** is a true and correct copy of an Associated Press article titled "Gay marriages begin in Wisconsin after ruling," published by the Washington Post on June 6, 2014. The article is available electronically at http://www.washingtonpost.com/national/judge-strikes-down-wisconsin-gay-marriage-ban/2014/06/06/1ab5266e-edbe-11e3-8a8a-e17c08f80871_story.html, last checked June 7, 2014.

8. Attached hereto as **Exhibit C** is a true and correct copy of an article titled, "Tears flow as 283 couples wed in Milwaukee, Madison," written by Karen Herzog, published by the Milwaukee Journal Sentinel on June 7, 2014. The article is available electronically at http://www.jsonline.com/news/wisconsin/37535973-mjs_gaymarriage08p1jpg-b99286470z1-262240081.html, last checked June 8, 2014.

9. Attached hereto as **Exhibit D** is a true and correct copy of an article titled, "Brown County awaits guidance from state in wake of same-sex marriage ruling," written by Nathan Phelps, published by the Green Bay Press Gazette on June 7, 2014. The article is available electronically at <http://www.greenbaypressgazette.com/article/20140607/GPG0101/140607004/Brown-County-awaits-guidance-from-state-wake-same-sex-marriage-ruling->, last checked June 8, 2014.

10. Attached hereto as **Exhibit E** is a true and correct copy of an article titled, "Rock county to start issuing same-sex marriage licenses," written by Meg Jones, published by the Milwaukee Journal Sentinel, on June 8, 2014. The article is available electronically at <http://m.jsonline.com/262320081.htm>, last checked June 9, 2014.

11. On Monday, June 9, 2014, at approximately 7:40 a.m., I received an automatic e-mail message from the Western District of Wisconsin's CM/ECF system notifying me of the district court's electronic filing of a minute order stating as follows:

Set Telephone Motion Hearing as to [119] Emergency Motion to Stay *Dkt. 118*. Telephone Motion Hearing set for 6/9/2014 at 01:00 PM before Judge Barbara B. Crabb. Counsel for Defendants responsible for setting up the call to chambers at (608) 264-5447. (voc)

I declare under penalty of perjury that the foregoing is true and correct.

Dated this 9th day of June 2014.

s/Timothy C. Samuelson
TIMOTHY C. SAMUELSON