

STATE OF INDIANA]
]
COUNTY OF MARION]

IN THE MARION SUPERIOR COURT
CIVIL DIVISION
CAUSE NO. 49D13-0211-PL-1946

RUTH MORRISON and
TERESA STEPHENS, DAVID WENE]
and DAVID SQUIRE, CHARLOTTE]
EGLER and DAWN EGLER]

Plaintiffs,]

vs.]

DORIS ANN SADLER, in her]
official capacity as Clerk of the Marion]
Circuit Court, SHARON DUGAN,]
in her official capacity as Clerk of the]
Hendricks Circuit Court,]
KENNETH L. MILLER, in his official]
capacity as Commissioner of the Indiana]
Department of Revenue,]

Defendants.]

and]

STEVE CARTER, in his official capacity]
as Attorney General for the State of]
Indiana,]

Intervenor.]

MOTION FOR LEAVE TO FILE SECOND AMENDED COMPLAINT

Come now the Plaintiffs, by counsel, and for their Motion for Leave to File Second Amended Complaint, respectfully show to the Court as follows:

1. Plaintiffs filed their First Amended Complaint on October 28, 2002.
2. Plaintiffs' First Amended Complaint names as a party defendant, *inter alia*,

Kenneth Miller in his official capacity as Commission of the Indiana Department of Revenue.

3. Defendant Miller is named with respect to Plaintiffs' Fourth Claim for Relief which seeks recognition in Indiana of their Vermont civil unions.
4. Plaintiffs wish to file a Second Amended Complaint to dismiss Defendant Miller and to withdraw their Fourth Claim for Relief.
5. The remainder of Plaintiffs' First Amended Complaint remains unchanged and thus the Second Amended Complaint challenges only the constitutionality of Indiana's same-sex marriage prohibition.
6. Plaintiffs attach hereto and incorporate herein by reference their proposed Second Amended Complaint.

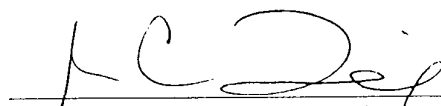
WHEREFORE, Plaintiffs respectfully request permission to file a Second Amended Complaint, and for all other just and proper relief.

Respectfully submitted,

RUTH MORRISON and TERESA
STEPHENS, DAVID WENE and DAVID
SQUIRE, CHARLOTTE EGLER and
DAWN EGLER

Plaintiffs

By:


Sean C. Lemieux (#16778-49)
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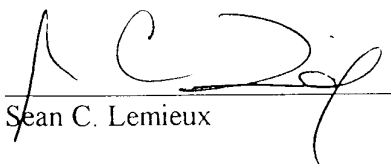
CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served via United States mail, first class postage prepaid, this 3rd day of February, 2003, on the following counsel of record:

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