

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

Superior Court  
Civil Action No. 04-2655-G

DOUGLAS JOHNSTONE, Clerk of the Town of Provincetown,  
et al.,

Plaintiffs,

v.

THOMAS REILLY, in his official capacity as ATTORNEY  
GENERAL OF THE COMMONWEALTH OF  
MASSACHUSETTS, et al.,

Defendants.

**PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION**

The plaintiffs in this case are the duly elected or appointed clerks of thirteen cities and towns throughout the Commonwealth. Pursuant to Mass. R. Civ. P. 65, plaintiffs seek a preliminary injunction that would bar the defendants from: (1) ordering plaintiffs to cease and desist from accepting completed Notices of Intention to Marry ("Notices") from same-sex couples from outside of Massachusetts who state under oath that there is no impediment to their marriage, or (2) taking other enforcement action that would prevent the plaintiffs from or penalize them for accepting Notices from or issuing marriage licenses to such couples. In support of their motion, plaintiffs submit the accompanying memorandum, affidavits of each of the plaintiffs and a consolidated appendix of exhibits to the clerks' affidavits.

## Request for Hearing

Pursuant to Superior court Rule 9A(c)(3), plaintiffs request a hearing on their motion for a preliminary injunction.

John Long, Clerk of the City of Somerville,  
David Rushford, Clerk of the City of Worcester,  
Edward Ellis, Clerk of the Town of Acton,  
Jane Chew, Clerk of the Town of Burlington,  
Margaret Drury, Clerk of the City of Cambridge,  
Thomas McNulty, Clerk of the Town of  
Marblehead,

Catherine Stover, Clerk of the Town of Nantucket,  
Wendy Mazza, Clerk of the City of Northampton,  
Laurence Pizer, Clerk of the Town of Plymouth,  
Carole Marple, Clerk of the Town of Sherborn,  
Kaari Mai Tari, Clerk of the Town of Westford,  
Susan Wood, Clerk of the Town of Rowe,  
all in their official capacities as municipal clerks,

By their attorneys,



Scott P. Lewis, BBO #298740  
Kevin Batt, BBO #634852  
Anne Robbins, BBO #561968  
Kara A. Krolikowski, BBO #658160  
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Sarah Wunsch, BBO #548767  
ACLU OF MASSACHUSETTS  
99 Chauncy Street, Suite 310  
Boston, MA 02111  
(617) 482-3170

Dated: June 21, 2004

Douglas Johnstone, in his official capacity  
as Clerk of the Town of Provincetown,

By his attorney,



Gretchen Van Ness, BBO #553632  
LAW OFFICES OF GRETCHEN VAN NESS  
44 School Street, Suite 510  
Boston, MA 02108  
(617) 723-5060

### CERTIFICATE OF SERVICE

I hereby certify that I caused a true copy of the above document to be served upon the attorney of record for each other party by hand on June 21, 2004.

