

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT
C.A. NO. 01-1647-A

HILLARY GOODRIDGE, ET AL.,

Plaintiffs,

v.

DEPARTMENT OF PUBLIC HEALTH, ET
AL.,

Defendants.

ANSWER

The defendants, Department of Public Health and Dr. Howard Koh, in his official capacity as Commissioner of the Department of Public Health, answer the numbered paragraphs of the Complaint as follows:

1. This paragraph is a characterization of the plaintiffs' claim for which no answer is required.
2. This paragraph is a characterization of the plaintiffs' claim for which no answer is required.
3. The defendants are without sufficient knowledge to either admit or deny the allegations contained in this paragraph.
4. The defendants are without sufficient knowledge to either admit or deny the allegations contained in this paragraph.
5. The defendants are without sufficient knowledge to either admit or deny the

allegations contained in this paragraph.

6. The defendants are without sufficient knowledge to either admit or deny the allegations contained in this paragraph.

7. The defendants are without sufficient knowledge to either admit or deny the allegations contained in this paragraph.

8. The defendants are without sufficient knowledge to either admit or deny the allegations contained in this paragraph.

9. The defendants are without sufficient knowledge to either admit or deny the allegations contained in this paragraph.

10. The allegations contained in this paragraph are admitted.

11. The allegations contained in this paragraph are admitted.

12. This paragraph sets forth a conclusion of law, for which no answer is required.

13. The first sentence of this paragraph sets forth conclusions of law, for which no answer is required. The defendants admit that the Attorney General has been served with a copy of the complaint herein.

14. The defendants admit that Hillary Goodridge is 44 years of age and that Julie Goodridge is 43 years of age. The defendants are without sufficient knowledge to either admit or deny the remaining allegations contained in this paragraph.

15. The defendants are without sufficient knowledge to either admit or deny the allegations contained in this paragraph.

16. The defendants are without sufficient knowledge to either admit or deny the allegations contained in this paragraph.

17. The defendants are without sufficient knowledge to either admit or deny the allegations contained in this paragraph.

18. The defendants are without sufficient knowledge to either admit or deny the allegations contained in this paragraph.

19. The defendants are without sufficient knowledge to either admit or deny the allegations contained in this paragraph.

20. The defendants admit that both Hillary Goodridge and Julie Goodridge changed their surnames in 1995. The defendants are without sufficient knowledge to either admit or deny the remaining allegations contained in this paragraph.

21. The defendants admit that Julie Goodridge has a daughter who was born in September, 1995, but are restricted by statute, G.L. c. 46, § 13, from either admitting or denying allegations regarding the contents of the original birth certificate of any child who allegedly was later adopted.

22. The defendants admit that Hillary Goodrich and Julie Goodrich completed a joint adoption of a daughter in 1997. The remaining allegations in this paragraph set forth a conclusion of law, for which no answer is required.

23. The defendants are without sufficient knowledge to either admit or deny the allegations contained in this paragraph.

24. The defendants are without sufficient knowledge to either admit or deny the allegations contained in this paragraph.

25. The defendants are without sufficient knowledge to either admit or deny the allegations contained in this paragraph.

26. The defendants are without sufficient knowledge to either admit or deny the allegations contained in this paragraph.

27. The defendants are without sufficient knowledge to either admit or deny the allegations contained in this paragraph.

28. The defendants are without sufficient knowledge to either admit or deny the allegations contained in this paragraph.

29. The defendants are without sufficient knowledge to either admit or deny the allegations contained in this paragraph.

30. The first sentence of this paragraph sets forth a conclusion of law, for which no answer is required. The defendants are without sufficient knowledge to either admit or deny the remaining allegations contained in this paragraph.

31. The defendants are without sufficient knowledge to either admit or deny the allegations contained in this paragraph.

32. The defendants admit that David Wilson is 57 years old. The defendants are without sufficient knowledge to either admit or deny the remaining allegations contained in this paragraph.

33. The defendants are without sufficient knowledge to either admit or deny the allegations contained in this paragraph.

34. The defendants are without sufficient knowledge to either admit or deny the allegations contained in this paragraph.

35. The defendants admit that David Wilson was formerly married. The defendants are without sufficient knowledge to either admit or deny the remaining allegations contained in this

paragraph.

36. The defendants admit that David Wilson has at least one son and that he has a grandchild born in August of 1999. The defendants are without sufficient knowledge to either admit or deny the remaining allegations contained in this paragraph.

37. The defendants are without sufficient knowledge to either admit or deny the allegations contained in this paragraph.

38. The defendants are without sufficient knowledge to either admit or deny the allegations contained in this paragraph.

39. The defendants are without sufficient knowledge to either admit or deny the allegations contained in this paragraph.

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41. The defendants are without sufficient knowledge to either admit or deny the allegations contained in this paragraph.

42. The defendants are without sufficient knowledge to either admit or deny the allegations contained in this paragraph.

43. The defendants are without sufficient knowledge to either admit or deny the allegations contained in this paragraph.

44. The first sentence of this paragraph sets forth a conclusion of law, for which no answer is required. The defendants are without sufficient knowledge to either admit or deny the remaining allegations contained in this paragraph.

45. The defendants are without sufficient knowledge to either admit or deny the

allegations contained in this paragraph.

46. The defendants admit that Edward Balmelli is 41 years of age. The defendants are without sufficient knowledge to either admit or deny the remaining allegations contained in this paragraph.

47. The defendants are without sufficient knowledge to either admit or deny the allegations contained in this paragraph.

48. The defendants are without sufficient knowledge to either admit or deny the allegations contained in this paragraph.

49. The defendants are without sufficient knowledge to either admit or deny the allegations contained in this paragraph.

50. The defendants are without sufficient knowledge to either admit or deny the allegations contained in this paragraph.

51. The defendants admit that Edward Balmelli's parents were married at the time of Edward's birth and that at least one of his siblings has married. The defendants are without sufficient knowledge to either admit or deny the remaining allegations contained in this paragraph.

52. The defendants are without sufficient knowledge to either admit or deny the allegations contained in this paragraph.

53. The defendants are without sufficient knowledge to either admit or deny the allegations contained in this paragraph.

54. The defendants are without sufficient knowledge to either admit or deny the allegations contained in this paragraph.

55. The first sentence of this paragraph sets forth a conclusion of law, for which no answer is required. The defendants are without sufficient knowledge to either admit or deny the remaining allegations contained in this paragraph.

56. The defendants are without sufficient knowledge to either admit or deny the allegations contained in this paragraph.

57. The defendants admit that Maureen Brodoff is 49 years of age and that Ellen Wade is 52 years of age. The defendants are without sufficient knowledge to either admit or deny the remaining allegations contained in this paragraph.

58. The defendants are without sufficient knowledge to either admit or deny the allegations contained in this paragraph.

59. The defendants are without sufficient knowledge to either admit or deny the allegations contained in this paragraph.

60. The defendants admit that Maureen Brodoff has a daughter who was born in 1989, but are restricted by statute, G.L. c. 46, § 13, from either admitting or denying allegations regarding the contents of the original birth certificate of any child who allegedly was later adopted. They are without sufficient knowledge to either admit or deny the remaining allegations contained in this paragraph.

61. The defendants are without sufficient knowledge to either admit or deny the allegations contained in this paragraph.

62. The defendants are without sufficient knowledge to either admit or deny the allegations contained in this paragraph.

63. The defendants admit that Maureen Brodoff and Ellen Wade completed a joint

adoption of a daughter in 1994. The remaining allegations in this paragraph set forth a conclusion of law, for which no answer is required.

64. The defendants are without sufficient knowledge to either admit or deny the allegations contained in this paragraph.

65. The defendants are without sufficient knowledge to either admit or deny the allegations contained in this paragraph.

66. The defendants are without sufficient knowledge to either admit or deny the allegations contained in this paragraph.

67. The defendants are without sufficient knowledge to either admit or deny the allegations contained in this paragraph.

68. The defendants are without sufficient knowledge to either admit or deny the allegations contained in this paragraph.

69. The defendants are without sufficient knowledge to either admit or deny the allegations contained in this paragraph.

70. The defendants are without sufficient knowledge to either admit or deny the allegations contained in this paragraph.

71. The defendants admit that Maureen Brodoff and Ellen Wade have completed a co-parent adoption. They are without sufficient knowledge to either admit or deny the remaining allegations contained in this paragraph.

72. The defendants admit that Ellen Wade was diagnosed with breast cancer. They are without sufficient knowledge to either admit or deny the remaining allegations contained in this paragraph.

73. The defendants are without sufficient knowledge to either admit or deny the allegations contained in this paragraph.

74. The first sentence of this paragraph sets forth a conclusion of law, for which no answer is required. The defendants are without sufficient knowledge to either admit or deny the remaining allegations contained in this paragraph.

75. The defendants are without sufficient knowledge to either admit or deny the allegations contained in this paragraph.

76. The defendants admit that Gary Chalmers is 35 years of age and that Richard Linnell is 37 years of age. The defendants are without sufficient knowledge to either admit or deny the remaining allegations contained in this paragraph.

77. The defendants admit that Richard Linnell's parents were residents of Northbridge at the time of Richard's birth; they are without sufficient knowledge to either admit or deny the remaining allegations contained in this paragraph.

78. The defendants are without sufficient knowledge to either admit or deny the allegations contained in this paragraph.

79. The defendants are without sufficient knowledge to either admit or deny the allegations contained in this paragraph.

80. The defendants are without sufficient knowledge to either admit or deny the allegations contained in this paragraph.

81. The defendants admit that Gary Chalmers and Richard Linnell completed a co-parent adoption of a daughter who was born in July of 1992. The allegation with respect to their status as "legal parents" sets forth a conclusion of law, for which no answer is required. They are

without sufficient knowledge to either admit or deny the remaining factual allegations contained in this paragraph.

82. The defendants are without sufficient knowledge to either admit or deny the allegations contained in this paragraph.

83. The defendants are without sufficient knowledge to either admit or deny the allegations contained in this paragraph.

84. The defendants are without sufficient knowledge to either admit or deny the allegations contained in this paragraph.

85. The defendants are without sufficient knowledge to either admit or deny the allegations contained in this paragraph.

86. The allegations concerning the availability of a family health insurance policy covering Gary Chalmers and Richard Linnell under Massachusetts law set forth a legal conclusion for which no answer is required. The defendants are without sufficient knowledge to either admit or deny the factual allegations contained in this paragraph.

87. The defendants are without sufficient knowledge to either admit or deny the allegations contained in this paragraph.

88. The defendants are without sufficient knowledge to either admit or deny the allegations contained in this paragraph.

89. The allegations concerning the effect of Massachusetts law on the range of options to provide for beneficiaries for pension plans set forth a legal conclusion for which no answer is required. The defendants are without sufficient knowledge to either admit or deny the factual allegations contained in this paragraph.

90. The first sentence of this paragraph sets forth a conclusion of law, for which no answer is required. The defendants are without sufficient knowledge to either admit or deny the remaining allegations contained in this paragraph.

91. The defendants are without sufficient knowledge to either admit or deny the allegations contained in this paragraph.

92. The defendants admit that both Heidi Norton and Gina Smith are 36 years of age. They are without sufficient knowledge to either admit or deny the remaining allegations contained in this paragraph.

93. The defendants are without sufficient knowledge to either admit or deny the allegations contained in this paragraph.

94. The defendants are without sufficient knowledge to either admit or deny the allegations contained in this paragraph.

95. The defendants admit that Heidi Norton and Gina Smith have two sons, a son born in 1996 and another son born in 2000, but are restricted by statute, G.L. c. 46, § 13, from either admitting or denying allegations regarding the contents of the original birth certificate of any child who allegedly was later adopted. They are without sufficient knowledge to either admit or deny the remaining allegations contained in this paragraph.

96. The defendants are without sufficient knowledge to either admit or deny the allegations contained in this paragraph.

97. The defendants admit that Heidi Norton and Gina Smith completed joint adoptions of the two boys and that both boys have the last name of Northsmith. The remaining allegation contained in this paragraph sets forth a conclusion of law, for which no answer is required.

98. The defendants are without sufficient knowledge to either admit or deny the allegations contained in this paragraph.

99. The defendants are without sufficient knowledge to either admit or deny the allegations contained in this paragraph.

100. The defendants are without sufficient knowledge to either admit or deny the allegations contained in this paragraph.

101. The defendants are without sufficient knowledge to either admit or deny the allegations contained in this paragraph.

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106. The first sentence of this paragraph sets forth a conclusion of law, for which no answer is required. The defendants are without sufficient knowledge to either admit or deny the remaining allegations contained in this paragraph.

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118. The defendants are without sufficient knowledge to either admit or deny the allegations contained in this paragraph.

119. The defendants are without sufficient knowledge to either admit or deny the

allegations contained in this paragraph.

120. The first sentence of this paragraph sets forth a conclusion of law, for which no answer is required. The defendants are without sufficient knowledge to either admit or deny the remaining allegations contained in this paragraph.

121. The defendants are without sufficient knowledge to either admit or deny the allegations contained in this paragraph.

122. The defendants are without sufficient knowledge to either admit or deny the allegations contained in this paragraph.

123. The defendants are without sufficient knowledge to either admit or deny the allegations contained in this paragraph.

124. The defendants are without sufficient knowledge to either admit or deny the allegations contained in this paragraph:

125. The defendants are without sufficient knowledge to either admit or deny the allegations contained in this paragraph.

126. The defendants are without sufficient knowledge to either admit or deny the allegations contained in this paragraph.

127. The defendants are without sufficient knowledge to either admit or deny the allegations contained in this paragraph.

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130. The defendants are without sufficient knowledge to either admit or deny the allegations contained in this paragraph.

131. The defendants are without sufficient knowledge to either admit or deny the allegations contained in this paragraph.

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136. The defendants are without sufficient knowledge to either admit or deny the allegations contained in this paragraph.

137. The defendants are without sufficient knowledge to either admit or deny the allegations contained in this paragraph.

138. The defendants are without sufficient knowledge to either admit or deny the allegations contained in this paragraph.

139. The defendants are without sufficient knowledge to either admit or deny the allegations contained in this paragraph.

140. The defendants are without sufficient knowledge to either admit or deny the allegations contained in this paragraph.

141. The defendants are without sufficient knowledge to either admit or deny the allegations contained in this paragraph.

142. The defendants admit that the Registrar of Vital Records and Statistics received a telephone call from a female sometime during the week of April 2, 2001. The caller explained that she and her female partner had been denied the opportunity to apply for a marriage license at Boston City Hall the previous week and that she had been referred to the Registrar for more information. The defendants can neither admit nor deny that the caller was Hillary Goodridge

143. The defendants admit that when the caller asked the Registrar of Vital Records and Statistics if the clerk in Boston was correct in denying her and her female partner a marriage license, the Registrar responded, "Yes." The defendants are without sufficient knowledge to either admit or deny that the caller was Hillary Goodridge.

144. The defendants admit that the Registrar of Vital Records and Statistics politely explained that the policy in Massachusetts and all fifty states is that no marriage license can be issued to same-sex couples. They also admit that the Registrar referred the caller to St. 1989, c. 516, § 19, and a case decided by the Supreme Judicial Court as well as referring to common law tradition and G.L. c. 207.

145. The defendants admit the allegations contained in this paragraph with respect to St. 1989, c. 516, § 19, and admit that the Registrar referred to case law dating back to the 1800s, but deny that the Registrar referred to any specific appellate decision.

146. The defendants are without sufficient knowledge to either admit or deny the allegations contained in this paragraph.

147. The defendants are without sufficient knowledge to either admit or deny the

allegations contained in this paragraph.

148. This paragraph sets forth a conclusion of law, for which no answer is required.

149. The defendants repeat and incorporate by reference their responses to the allegations contained in paragraphs 1 to 148 of the complaint.

150. The defendants admit that within the Department of Public Health there is a Registry of Vital Records and Statistics. The second sentence of this paragraph sets forth a conclusion of law, for which no answer is required.

151. The allegations contained in this paragraph are admitted.

152. This paragraph sets forth conclusions of law, for which no answer is required.

153. This paragraph sets forth conclusions of law, for which no answer is required.

Wherefore, the defendants request that the Court dismiss the Complaint filed herein.

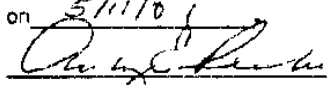
Date: May 11, 2001

Respectfully submitted,

THOMAS F. REILLY
ATTORNEY GENERAL



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<p>CERTIFICATE OF SERVICE</p> <p>I hereby certify that a true copy of the above document was served upon the attorney of record for each other party by mail (by hand) on <u>5/11/01</u></p> <p></p>
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