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Attorneys for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH  
CENTRAL DIVISION**

<p>JONELL EVANS, et al.  Plaintiffs  v.  STATE OF UTAH, et al.,  Defendants.</p>	<p><b>DECLARATION OF MATTHEW BARRAZA</b>         Case No. 2:14-cv-55 DAK</p>
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**MATTHEW BARRAZA** declares, deposes and states:

I am an adult resident of Salt Lake County and the State of Utah. I make this declaration based upon personal knowledge except for those matters set forth herein based on information and belief. If called to testify in this matter, I would testify as follows:

1. I have been in a committed and loving relationship with Richard Anthony Milner, Tony, for nearly 11 years.

2. I am currently employed as an attorney.

3. I was born in California, but my family moved to Ogden when I was one year old, so I consider myself a lifelong Utahn. I am one of six siblings.

4. In 2007, Tony and I held a religious commitment ceremony officiated by our pastor, Erin Gilmore of Holladay United Church of Christ. Since that ceremony, we have referred to ourselves as husbands and married. This commitment was not recognized by the State of Utah.

5. Tony and I had been contemplating starting a family when, in 2009, a struggling couple we knew who were expecting a baby approached us and asked if we would consider adopting their child. Tony and I were overjoyed by the prospect of welcoming a child into our family. We attended all of the birth mother's prenatal appointments with her and attended the birth.

6. Our son, "J.," is now four years old. Although Tony and I have raised J. from birth, only one of us was able to adopt J. and establish legal parentage under Utah law. I am the adoptive parent, which means that Tony is treated as a legal stranger to our son. If something happens to me, J. could potentially be placed in foster care.

7. In 2010, Tony and I traveled to Washington, D.C., to get married. Although we were legally married in D.C., Utah law prevented us from having our marriage recognized in Utah.

8. Even though our marriage was not recognized by the State, we chose to remain in

Utah where we have tremendous family and community support. We want to continue to live, work and raise our son here.

9. When we heard that Amendment 3 was ruled unconstitutional, Tony and I were thrilled to finally have all of the legal protections that come with marriage. Most importantly, our marriage would allow Tony to become J.'s legal parent through a second-parent adoption. We wanted to give J. the security of having two legally recognized parents, and we wanted the peace of mind knowing that if something were to happen to me, J. would have another legally recognized parent who could care and provide for him.

10. On December 20, 2013, Tony and I obtained a Utah marriage license. We were married by Pastor Tom Nordberg of Holladay United Church of Christ that same day.

11. Immediately after Christmas, on December 26, 2013, Tony and I initiated proceedings in the court for him to adopt our son. We received a hearing date of January 10, 2014.

12. On January 9, 2014, however, the court contacted Tony and I and informed us that because of the stay in *Kitchen*, and because of Governor Herbert's and Attorney General Reyes's announcements to State agencies to not recognize same-sex marriages, the court had decided to stay the adoption proceedings to consider the question of whether the Attorney General's office should be provided notice and the opportunity to intervene.

13. On January 29, 2014, the court ruled that it should provide notice of the adoption proceedings to the Attorney General's office so that the Attorney General could have the opportunity to intervene.

14. A new hearing date for the adoption petition has not been set.

DATED this 1<sup>st</sup> day of FEBRUARY 2014.

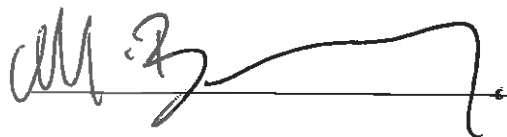
A handwritten signature in black ink, appearing to read 'M. Barraza', written over a horizontal line.

MATTHEW BARRAZA

Affiant/Declarant

**DECLARATION**

Pursuant to **28 U.S.C. § 1746, I, MATTHEW BARRAZA**, hereby declare that the contents of the foregoing statement/affidavit/declaration are correct and true under the pains and penalties of perjury.

A handwritten signature in black ink, appearing to read 'M. Barraza', written over a horizontal line.

MATTHEW BARRAZA

Affiant/Declarant