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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 RICHARD ANTHONY MILNER</b>          Case No. 2:14-cv-55 DAK</p>
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**RICHARD ANTHONY MILNER** 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 Matthew Barraza for about 11 years.
2. I am the executive director of a non-profit organization serving homeless families.
3. I am a lifelong Utahn. I was born and raised in West Jordan.
4. In 2007, Matthew and I held a religious commitment ceremony presided over by Erin Gilmore, our pastor at the Holladay United Church of Christ. After that ceremony, we have called ourselves husbands and considered ourselves married. Our commitment, however, was not recognized by Utah.
5. In 2009, a couple we knew who were expecting a baby but were struggling asked Matthew and me if would consider adopting their child. With great joy, we accepted. We attended all of the birth mother's prenatal appointments. At our son's birth, I cut his umbilical cord.
6. "J.," our son, is four. While Matthew and I have raised him since birth, only Matthew was able to adopt him under Utah law. I worry that because I have no legal parentage over J., he might be taken away from me and even end up in foster care if something were to happen to Matthew.
7. In 2010, Matthew and I married in Washington, D.C.
8. Though the state would not recognize our marriage, Utah is our home where we have friends and family and we still continue to live here.

9. When we heard that Utah's ban on same sex couples from marrying was ruled unconstitutional, Matthew and I were elated. Being recognized as Matthew's spouse would allow me to adopt J. through a second-parent adoption. Becoming J.'s legally recognized parent would bring our family peace of mind for the future.

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

11. On December 26, 2013, Matthew and I filed in state court for me to adopt J. and a hearing was set for January 10, 2014.

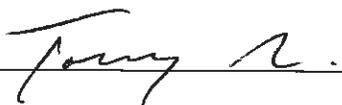
12. On January 9, 2014, however, the court contacted Matthew and I and informed us that because of the stay in *Kitchen*, and because of Governor Herbert's and Attorney General Reyes's announcements to State agencies to not recognize same-sex marriages, the court had decided to stay the adoption proceedings 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.

15. The State's refusal to recognize our legal marriage has again destroyed the peace of mind we would have received by providing J. two legal parents.

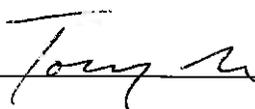
DATED this 1 day of February 2014.

  
RICHARD ANTHONY MILNER

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**DECLARATION**

Pursuant to **28 U.S.C. § 1746**, I, **RICHARD ANTHONY MILNER**, hereby declare that the contents of the foregoing Declaration are correct and true under the pains and penalties of perjury.



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**RICHARD ANTHONY MILNER**

Affiant/Declarant