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EXECUTIVE DIRECTOR

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Via Email and Certified Mail

July 1, 2015

Bill Montgomery, County Attorney
Maricopa County Attorney's Office
301 West Jefferson St., Suite 800
Phoenix, AZ 85003

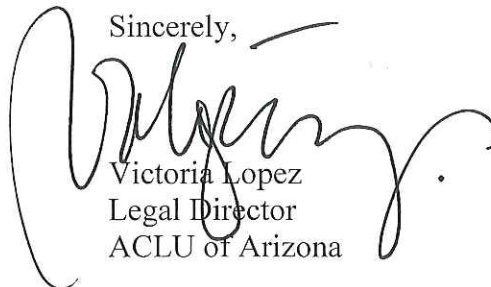
Mr. Montgomery,

On April 15, 2015, the American Civil Liberties Union of Arizona (ACLU) wrote to your office on behalf of Lenora and Leticia Reyes-Petroff, a same-sex married couple who were denied access to the free adoption support services provided by the Maricopa County Attorney's Office (MCAO) to heterosexual married couples. Since our letter, the United States Supreme Court has confirmed that discrimination of this nature is unconstitutional. *Obergefell v. Hodges*, No. 14-556, 2015 WL 2473451 (U.S. June 26, 2015).

In *Obergefell*, the Supreme Court explained that the fundamental right to marry includes the right to obtain the same "governmental rights, benefits, and responsibilities" that a State makes available to married couples. *Id.* at *15 (listing numerous governmental benefits that are contingent on marriage). The Supreme Court made emphatically clear that "[t]here is no difference between same- and opposite-sex couples with respect to this principle." *Id.* *Accord United States v. Windsor*, 133 S. Ct. 2675, 2692 (2013) (explaining "the long-established precept that the incidents, benefits, and obligations of marriage are uniform for all married couples within each State").

As a government entity, any benefit that your office provides to heterosexual married couples must be provided to same-sex married couples. Please contact us within one week—or no later than July 8, 2015—to discuss whether it will be possible to resolve this matter without litigation. Failure to respond within that time may lead to litigation, in which we would seek appropriate remedies and an award of attorney fees and costs. Though we hope litigation will be unnecessary, we are prepared to take whatever legal action is necessary to ensure vindication of our clients' constitutional rights.

Sincerely,



Victoria Lopez
Legal Director
ACLU of Arizona

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