

EXHIBIT 1

DECLARATION OF JOSEPH CONNOLLY

I, Joseph Connolly, hereby declare that the following facts are true under the penalty of perjury.

1. My name is Joseph Connolly. I am an adult male and am competent to testify to the following facts based on my personal knowledge:

2. I have lived in Arizona since October, 1997 with my committed life partner, Terrel L. “Terry” Pochert, when we moved from Michigan and purchased our first home together in Gilbert, Arizona.

3. As I entered puberty around the age of twelve, I realized I was attracted to boys and older men. I knew I was different from other boys my age and I never understood the “fuss” boys had over girls. In my late teens I realized the “crushes” I had on two male elementary school teachers were because I was gay.



Terry Pochert (left), Joe Connolly (right).

4. I was raised Roman Catholic, attended church regularly and it was driven into me that homosexuality was “wrong” by the church, the catholic elementary school, the catholic high school I attended, and my peers in the form of peer pressure and homophobic comments. Yet my faith told me I was created in the image and likeness of God. Since God is all perfect, how could I be anything less than a child of God? In high school, I dated a few young ladies, went to dances, the prom and it all felt “wrong” to me. All I ever remember wanting was a loving relationship, a marriage like my parents had, only to a man. I have found that in my life partner, Terry.

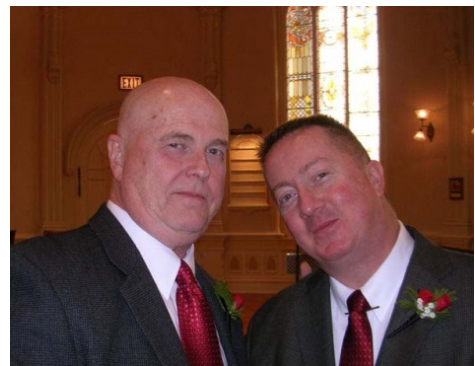
5. I have been in a committed, exclusive, intimate, and loving relationship with Terry since the end of 1995. Terry and I met in the summer months of 1995 when mutual friends introduced us in a bar. We met again at a private party in late July. We had our first date in August of 1995. I knew early on Terry

was the person I wanted to share my life with. He was everything I was looking for in a partner and was a person of faith. In the fall of 1995, only months after we started dating and while sitting in a restaurant, I said to Terry, "If we could get married, I would ask you right now!" In a silly gesture at the time yet very poignant to us now, Terry impulsively handed me an onion ring from his plate. I reciprocated. We continued our relationship and started living together in the spring of 1996.

6. In 1996, Terry had major back surgery. Terry's mother, sister and I were at the hospital for the surgery. Had they not included me in the post operation meeting, I would have been kept in the dark. I was Terry's caregiver at our home.
7. There were post-operative complications. I had to rush thirty miles home from work, pick up Terry, and get him to the hospital. When Terry arrived at the hospital and exited our vehicle, he collapsed and was rushed into the ER. Doctors performed an emergency blood patch near the location of the epidural they gave him during surgery. His spinal column had been leaking fluid for several days. He had lost his hearing upon arriving at the hospital and was unable to walk. I was not permitted to be with him, and I would not have had any decision-making rights if the situation grew more serious.
8. I also had some medical issues during that time. Terry was my primary caregiver with my nearest family five hours away.
9. In 1996, we began merging our finances by opening a joint checking account. We slowly contributed more and more funds to the joint checking account and by the fall of 1997, we eliminated our individual checking accounts and maintained one joint checking account.
10. We share in all matters concerning the operation of our household and our personal finances. We purchased our first home together in Gilbert, Arizona in 1997, and we purchased our current home in the City of Maricopa in 2006. We have purchased or titled vehicles together and maintain joint credit accounts. Dating back to 1997, Terry's health insurance has been provided

by my employers, whenever those employers have offered it. Terry is the beneficiary of all of my life insurance and retirement accounts. He is my designated power of attorney, medical power of attorney, and the executor of my will.

11. We have no children and never attempted to adopt because of laws forbidding, restricting or prioritizing same sex couples lower on the adoption list of parents. We also felt the lack of protections in Arizona for gay and lesbian people would be difficult for us and any potential children we might be able to adopt. Not having children, either biologic or adopted, is what I will regret for the rest of my life.
12. Terry and I believe a marriage proposal and the acceptance of a marriage proposal is the beginning of a life commitment together. The actual marriage is a celebration and official recognition of the commitment. Had marriage been available to us in the late nineties, we would have formalized our commitment to each other and married at that time.
13. In 2003, after Massachusetts law allowed same sex marriage, our hope was raised that our home state would one day allow it. We purchased wedding rings that year in Jerome, Arizona, and those rings sat in a safety deposit box until July 2008. The rings were our symbol of hope.
14. In 2008, after California legalized same sex marriage, we decided we could no longer wait for Arizona. We were married by a retired pastor from our former Phoenix based Lutheran Church on July 4, 2008 in St. Paul's Lutheran Church, San Francisco.



Terry Pochert (left), Joe Connolly (right)
Wedding Day, July 4, 2008
St. Paul's Lutheran Church, San Francisco, California

15. Our marriage was prior to our denomination formally allowing same sex marriage within our faith in 2009. As a result, we could not ask our current pastor to perform the service in California out of fear of that he would be sanctioned by our church body and could lose his benefits and retirement. Fortunately, our former pastor had retired and would not be subject to church sanctions. Sadly, the only people who attended our wedding were: our former, retired pastor who conducted the service, Terry, me, our friend/witness, and the janitor who unlocked the church for us. The church should have been filled, and we should have been married in our home state.
16. In 2003, Terry and I paid an attorney to create our wills, durable power of attorney, medical power of attorney and a trust. We put these documents in place to ensure our wishes are carried out, and to prevent anyone from interfering with our wishes in the event of illness or after one or both of our deaths. We took these steps because we lacked the legal protections of marriage. Opposite sex couples intrinsically have visitation rights, survivor rights and benefits granted through marriage. Since the state denies us access to marriage, we had to create approximate protection for ourselves, an emotional and financial burden that our heterosexual counterparts do not experience because they are granted rights by marriage. These approximate protections are not equal and came at significant cost to us.
17. Our friends, families, siblings and their children all recognize us a couple. The children of our nieces and nephews recognize us as a couple. We are known as “Uncle-Uncle Terry” and “Uncle-Uncle Joe” as their “Great” Uncles.
18. We are blessed in that our families accept us for who we are and recognized our relationship long before our marriage was recognized by the state of California. Ironically, in many states, couples who have been together as long as we have are typically referred to as having “common law marriages,” a classification that does not apply to same sex couples like us in our home state.

19. On December 27, 2013, Terry and I drove to Florence, Arizona to the Clerk of the Superior Court's office in an attempt to register our marriage with the Pinal County Clerk of the Superior Court in order to file taxes jointly in Arizona after the Federal government began allowing same sex married couples to file jointly. We were told the state had no vehicle (document, law, etc.) to accept or allow us to register our out of state marriage. We learned that heterosexual couples do not have to register their marriage in order to file their taxes jointly. In an effort to be allowed to file joint Arizona taxes, we visited the Pinal County Recorder's Office and "recorded" our marriage license from the State of California. We were told that we could record it, but it would have no meaning toward our intended purpose.
20. On January 6, 2014, we filed suit against the State of Arizona along with three other couples to overturn the ban on same sex marriage and allow us to marry in Arizona or to require the State of Arizona to recognize our valid California marriage.
21. On January 31, 2014, Terry and I decided that since Arizona would not recognize our out of state marriage, we wanted to be married in Arizona in order to be recognized by the State as a married couple. We paid a visit to the satellite office of the Clerk of Courts in Casa Grande, Arizona and attempted to apply for a marriage license. The clerk called the county seat in Florence and was told that she could not give us an application because we were a same sex couple. She apologized and said (paraphrasing), "I wish I could." She gave us the name of the Pinal County Clerk of the Superior Court in Florence, Arizona, who emailed us a copy of the state law denying same sex couples the freedom to marry in Arizona.
22. Arizona's refusal to recognize our marriage or allow us to marry here in Arizona has:
 - *Placed undue financial burdens on us.* Even with a valid California marriage license, one of my employers refused to provide health

benefits to Terry because the State of Arizona did not recognize our marriage. That same employer did; however, recognize the out-of-state marriages of my heterosexual colleagues and provided their spouses with the benefits that my spouse was denied. My employer justified this decision because our marriage was not recognized under Arizona state law.

- *Created an unnecessary tax burden on us.* For employers who offered domestic partner health benefits, I had to pay taxes on the health benefits provided to my life partner. My colleagues paid zero taxes on the health benefits for their spouses. With the federal recognition of same sex marriage in 2013, same sex couples who live in Arizona have to file five tax returns because Arizona will not allow us to file jointly as a married couple. Same sex couples must file their joint federal tax return *and* create two “fake” federal returns upon which their individual Arizona state returns will be based. Inadvertent mistakes could be made on these “fake” returns, opening us up to fines or even prosecution.
- *Created unnecessary healthcare and long-term planning obstacles.*
 - We had to create and pay for legal protections (wills, trusts, medical/durable power of attorney, etc.) that our opposite sex counterparts automatically enjoy as a benefit of having a marriage that is recognized by the state.
 - We must carry copies of, or have quick access to, private and privileged information, which we must share with private institutions simply to establish our relationship in case of an emergency.
 - We cannot exercise shared spousal benefits on the private non-employer sponsored long-term healthcare plans that we each have. Terry could not declare me as his legal spouse on his various pensions, social security, etc.

- *Denied us Freedom of Religion granted by the U. S Constitution.* Our denomination now permits same sex marriage in states where same sex marriage is legal. The State of Arizona has denied people of our faith the freedom to marry, and prevents ministers from performing same sex marriage ceremonies in Arizona that they otherwise would be able to perform.

Pursuant to 28 U.S.C., section 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on 3.27.2014



Joseph Connolly