

EXHIBIT PX-28

**IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF PENNSYLVANIA**

WHITEWOOD *et al.*,

Plaintiffs,

v.

WOLF *et al.*,

Defendants.

Civil Action

No. 13-1861-JEJ

DECLARATION OF CHRISTINE DONATO

I, Christine Donato, declare as follows:

1. I am 45 years old and am a lifetime Pennsylvania resident. I operate a business, TITANIUM₄₀, which offers communications consulting to pharmaceutical companies that are preparing to launch new products.

2. I submit this declaration in support of Plaintiffs' Motion for Summary Judgment in the matter of *Whitewood et al. v. Wolf et al.* to briefly describe why I want the Commonwealth to allow me to marry my partner of 17 years, Sandy Ferlanie, and to explain how the Commonwealth of Pennsylvania's refusal to issue allow us to marry relegates us and our five-year-old son H.F. to second-class citizenship.

3. Sandy and I decided to make our home in Swarthmore so that we could be close to our families and because we found there a community that was

accepting of our family. We love being able to celebrate special occasions in our home with our loved ones. A true and correct copy of a photograph of a Christmas dinner with my parents, Sandy's parents, Sandy's brother, and Sandy's aunt, produced in this litigation as DONATOFERLANIE000473, is attached as Exhibit PX-28-A.

4. I have dreamed of being married since I was a child and it would mean a great deal to our parents and the rest of our families to be able to share in our wedding. Sandy and I want to declare our love for each other before God and before our family and friends. We also want to make a public commitment to each other.

5. Getting married would also mean that our son H.F. will no longer need to feel that his family is different because his parents are not married. H.F. is now old enough that he has begun to ask questions about why we are not married and we have had to explain to him that we are not allowed to get married. I worry that this may make him feel that his family is somehow inferior to other families.

6. We would like to be married in Pennsylvania, where we have lived our whole lives, and where our family and friends are. Our parents are elderly and travel is difficult for them, and we hope to get married while they are all still alive and near enough to home that they can share the occasion with us. We attend Trinity Episcopal Church of Swarthmore and would like to be married there with

our close-knit community of friends and family. The church is very supportive of us and wishes to bless our relationship. The Commonwealth of Pennsylvania, however, has refused to issue us a marriage license.

7. On November 6, 2013, Sandy and I went to the office of the Register of Wills and Clerk of Orphans Court in Bucks County to apply for a marriage license. A clerk there helped us to fill out the application form and took our \$60 license fee. She then explained that we did not meet the qualifications for marriage in Pennsylvania. A redacted copy of our license application and receipt, produced in this litigation as DONATOFERLANIE000251, is attached as Exhibit P-28-B.

8. Because H. F. is Sandy's biological child and not mine, I had no parental rights until we completed a second-parent adoption process. When he was born, H.'s birth certificate listed only a single parent. A redacted copy of H.F.'s original birth certificate, produced in this litigation as DONATOFERLANIE000348, is attached as Exhibit P-28-C. If Sandy and I had been able to marry, I would have been recognized as H.F.'s parent as soon as he was born.

9. Until the second-parent adoption process was completed, I worried that, if anything happened to Sandy, my relationship with H.F. would not be recognized.

10. The second-parent adoption process was long, expensive, and humiliating. In addition to paying our attorney, we had to pay to have a social worker come to our house to interview us, we had to be fingerprinted, we had to have medical tests, and we had to get letters of recommendation. If the Commonwealth of Pennsylvania had allowed us to get married, we would not have had to do any of those things.

11. Only after the completion of that process was H.F.'s birth certificate amended to list me as a parent. A redacted copy of H.F.'s amended birth certificate, produced in this litigation as DONATOFERLANIE000309, is attached as Exhibit P-28-D. Although H.F. was my son from the day he was born, because Sandy and I were unable to marry, the Commonwealth of Pennsylvania did not recognize that fact until a judge entered the adoption decree. A redacted copy of the adoption decree, produced in this litigation as DONATOFERLANIE000307, is attached as Exhibit P-28-E. A true and correct copy of a photograph of our family, taken with the judge who entered the adoption decree, produced in this litigation as DONATOFERLANIE000468, is attached as Exhibit P-28-F.

12. Because Pennsylvania does not allow us to marry, we have gone to considerable expense to have an attorney prepare wills, health care powers of attorney, and financial powers of attorney, to try to replicate some of the

protections that married couples have by default. For the same reason, we own our homes as joint tenants with right of survivorship.

13. Though these documents allow us to approximate some of the protections of marriage, we know that there are many additional protections we would have if we were married that the documents cannot provide. And I worry that, in a time of crisis, the documents might not be recognized.

14. Last year, Sandy was diagnosed with a life-threatening breast cancer. Although we gave copies of Sandy's health care power of attorney to the hospital, I was aware of situations where hospital staff had not recognized similar documents for same-sex couples. While she was being treated, including while she was in surgery for nine hours, I worried that, because Pennsylvania did not allow us to marry, I might be precluded from making decisions for Sandy even though I had the proper documentation. If our paperwork were not to be recognized, we could file a legal action after the fact, but if in the meantime I were prevented from receiving information about Sandy's condition or making decisions on her behalf, the power of attorney would do us no good.

15. In addition, I worry about what will happen in a medical emergency if Sandy and I do not have the proper paperwork with us. If we were married, our relationship would simply be recognized without the need for special documentation.

16. I also worry that, when one of us dies, the other will have to pay a 15% inheritance tax on the entire estate. If we were able to be married, we would not have this added expense.

17. I make this declaration from my own knowledge of the facts and circumstances set forth above. If necessary, I could and would testify to these facts and circumstances.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: April 18, 2014


Christine Donato

EXHIBIT PX-28-A



DONATOFERLANIE000473

EXHIBIT PX-28-B

COUNTY OF BUCKS

ADDRESS

MARRIAGE LICENSE APPLICATION

DUPLICATE RETURNED

VOL NO

1. COUNTY ISSUING LICENSE BUCKS		4. OFFICIANT A. NAME	
2. PLACE OF MARRIAGE (City, Boro, Township) (County)		B. TITLE	
3. DATE OF MARRIAGE (Month, Day Year)		C. DENOMINATION	
STATEMENT OF MALE FEMALE <input checked="" type="checkbox"/> CKD		STATEMENT OF FEMALE	
5. FULL NAME CHRISTINE V. DONATO		25. FULL NAME SANDRA REGINA FERLANIE	
6. MAILING ADDRESS		25a. MAIDEN NAME	
7. RESIDENCE A. STATE / ZIP CODE PA		27. RESIDENCE A. STATE / ZIP CODE PA	
B. COUNTY DELAWARE		B. COUNTY DELAWARE	
C. LOCATION SWARTHMORE BOROUGH		C. LOCATION SWARTHMORE BOROUGH	
8. OCCUPATION SELF-EMPLOYED Health Care		29. SS NURSE	
11. BIRTHPLACE BE UPPER DARBY PA		31. BIRTHPLACE STRATFORD, NJ.	
12A. PRIOR MARRIAGES 0		32A. PRIOR MARRIAGES 0	
12B. HOW DISSOLVED		32B. HOW DISSOLVED	
12C. DATE		32C. DATE	
13. COURT, IF DIVORCED		33. COURT, IF DIVORCED	
13A. CAUSE, IF DIVORCED		33A. CAUSE, IF DIVORCED	
14. DOES THE APPLICANT HAVE ANY TRANSMISSIBLE DISEASE? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		34. DOES THE APPLICANT HAVE ANY TRANSMISSIBLE DISEASE? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	
15. FATHER'S FULL NAME FRANCESCO DONATO		35. FATHER'S FULL NAME CHARLES JOSEPH FERLANIE	
16. FATHER'S RESIDENCE HAVERTOWN, PA		36. FATHER'S RESIDENCE KING OF PRUSSIA, PA	
17. FATHER'S BIRTHPLACE PHILADELPHIA, PA		37. FATHER'S BIRTHPLACE DEPTFORD, N.J.	
18. FATHER'S OCCUPATION RETIRED		38. FATHER'S OCCUPATION RETIRED	
19. MOTHER'S FULL NAME VERONICA DONATO		39. MOTHER'S FULL NAME CATHERINE LORRAINE FERLANIE	
20. MOTHER'S MAIDEN NAME		40. MOTHER'S MAIDEN NAME	
21. MOTHER'S RESIDENCE HAVERTOWN, PA		41. MOTHER'S RESIDENCE KING OF PRUSSIA, PA.	
22. MOTHER'S BIRTHPLACE PHILADELPHIA, PA		42. MOTHER'S BIRTHPLACE CAMDEN, NJ	
23. MOTHER'S OCCUPATION RETIRED		43. MOTHER'S OCCUPATION RETIRED	
24. DOES THE APPLICANT SATISFY ALL THE PROVISIONS IN PENNSYLVANIA'S MARRIAGE LAWS? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		44. DOES THE APPLICANT SATISFY ALL THE PROVISIONS IN PENNSYLVANIA'S MARRIAGE LAWS? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	

WE, THE UNDERSIGNED, EACH OF US DO SOLEMNLY SWEAR THE FACTS SET FORTH ARE TRUE AND ACCURATE TO THE BEST OF OUR KNOWLEDGE AND BELIEF AND DO HEREBY MAKE APPLICATION TO THE CLERK OF ORPHANS' COURT DIVISION OF THE COURT OF COMMON PLEAS OF BUCKS COUNTY, PENNSYLVANIA, FOR LICENSE TO MARRY.

SIGNATURE OF ~~MALE~~ APPLICANT
Christine V. Donato
Female

SIGNATURE OF FEMALE APPLICANT
Sandra Regina Ferlanie

SWORN AND SUBSCRIBED TO BEFORE ME THIS 6th DAY OF NOVEMBER, A.D., 2013

OFFICIAL'S SIGNATURE *Yolanda Rumsater*
OFFICIAL'S TITLE Clerk of Orphans' Court

OFFICIAL'S COMMISSION EXPIRES _____

DATE FILED _____ DATE LICENSE ISSUED _____

DELIVER _____

RECEIPT

DATE NOVEMBER 6, 2013 No. 975677

RECEIVED FROM CHRISTINE V. DONATO & \$60⁰⁰/₁₀₀

SANDRA REGINA FERLAINE DOLLARS

FOR ~~POSTAGE~~
 FOR MARRIAGE LICENSE APPLICATION

<input checked="" type="radio"/> CASH	FROM _____ TO _____
<input type="radio"/> MONEY ORDER	BY <u>Golanda Benicater</u>
<input type="radio"/> CHECK	
<input type="radio"/> CREDIT CARD	

ACCOUNT		
PAYMENT		
BAL. DUE		

2011 edison 2701

EXHIBIT PX-28-C

Certification of Birth

WARNING: IT IS ILLEGAL TO DUPLICATE THIS COPY BY PHOTOSTAT OR PHOTOGRAPH

DATE OF BIRTH [REDACTED] 2008
COUNTY OF BIRTH PHILADELPHIA

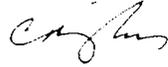
FILE NO [REDACTED]
DATE FILED July 30, 2008
DATE ISSUED July 30, 2008

NAME [REDACTED] SEX, MALE

FATHER'S NAME
INFORMATION NOT RECORDED

MOTHER'S MAIDEN NAME
SANDRA REGINA FERLANIE

This is to certify that this is a true copy of the record which is on file in the Pennsylvania Department of Health in accordance with Act 66, P.L. 364, approved by the General Assembly, June 29, 1953.



Calvin B. Johnson, M.D., M.P.H.
Secretary of Health



Frank Yeropoli
State Registrar



H:105 105 1VV Rev. 09/06

THE DOCUMENT FACE CONTAINS A YELLOW BACKGROUND AND EMBOSSED SEAL
THE BACK CONTAINS SPECIAL LINES WITH TEXT

WARNING: THIS DOCUMENT IS PRINTED ON SECURITY WATERMARKED PAPER
DO NOT ACCEPT WITHOUT VERIFYING THE PRESENCE OF THE WATERMARK

9652806

EXHIBIT PX-28-D

Certification of Birth

WARNING: IT IS ILLEGAL TO DUPLICATE THIS COPY BY PHOTOSTAT OR PHOTOGRAPH.

DATE OF BIRTH [REDACTED] 2008
COUNTY OF BIRTH PHILADELPHIA

FILE NO [REDACTED]
DATE FILED July 30, 2008
DATE ISSUED November 10, 2009

NAME [REDACTED] SEX MALE
PARENT'S NAME
CHRISTINE VERONICA DONATO
PARENT'S NAME
SANDRA REGINA FERLANIE



Linda A. Caniglia
Linda A. Caniglia
State Registrar

This is to certify that this is a true copy of the record which is on file in the Pennsylvania Department of Health, in accordance with the Vital Statistics Law of 1953, as amended.

THE DOCUMENT FACE CONTAINS A YELLOW BACKGROUND AND EMBOSSED SEAL. THE BACK CONTAINS SPECIAL LINES WITH TEXT.

H105.105.1VV Rev. 03/09

WARNING: THIS DOCUMENT IS PRINTED ON SECURITY WATERMARKED PAPER. DO NOT ACCEPT WITHOUT VERIFYING THE PRESENCE OF THE WATERMARK.

9914057

DETACH HERE

TEAR AT THIS PERFORATION

DETACH HERE



pennsylvania
DEPARTMENT OF HEALTH

For information on birth/death records: www.health.state.pa.us/vitalrecords

HELEN E CASALE ESQ
2 WEST LAFAYETTE STREET
SUITE 275
NORRISTOWN, PENNSYLVANIA 19401



Name: F [REDACTED] H [REDACTED]

AFS Number: [REDACTED]

Copies: of 1

Certificate Fee: \$0.00

Total Certificate Fee: \$0.00

VCN Fee: \$0.00

Carrier Fee: \$0.00

Refund: \$0.00

Total Fee: \$0.00

EXHIBIT PX-28-E

HELEN E. CASALE, ESQUIRE
Hangley Aronchick Segal & Pudlin
2 West Lafayette Street, Suite 275
Norristown, PA 19401
610-313-1670
Attorney ID #74127

IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY, PENNSYLVANIA
ORPHANS' COURT DIVISION

IN RE: Adoption of H [REDACTED] F [REDACTED] NO. 117-2009

FINAL ADOPTION DECREE

AND NOW, this 30TH day of July, 2009, after hearing and review of the record, the court makes the following findings:

1. This court has jurisdiction.
2. H [REDACTED] F [REDACTED] is 11 months of age, having been born on [REDACTED] 2008.
3. The adopting parents and the ADOPTEE have appeared before this Court.
4. The statements made in the Adoption Petition are true and correct.
5. The needs and welfare of ADOPTEE will be promoted by approval of this adoption.
6. All requirements of the Adoption Act have been met.
7. It is in the ADOPTEE'S best interest that the Court approves the adoption.

THEREFORE, THE COURT HEREBY ORDERS AND DECREES the following:

1. The request for adoption is hereby approved and the above-captioned ADOPTEE shall be and is hereby adopted by Christine Veronica Donato and Sandra Regina Ferlanie.
2. Said ADOPTEE shall have all the rights of a child and heir of the adopting parents and shall be subject to the duties of such child.

3. In a second-parent adoption, the consenting natural parent shall retain the same parent-child relationship as heretofore existed, irrespective of the fact that said consenting birth parent is or is not a petitioner.
4. Said ADOPTEE shall hereinafter be known as H [REDACTED]
F [REDACTED]

BY THE COURT:

Joseph P. [REDACTED] J.

COPIES SENT
PURSUANT TO Pa. R.C.P. 236(b)
7.31.09
32nd Judicial District of Pa.
User I.D. [REDACTED]

EXHIBIT PX-28-F



DONATOFERLANIE000468