

**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**

**PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT**

Plaintiffs move, pursuant to Federal Rule of Civil Procedure 56 and Local Rule of Civil Procedure 56.1, for summary judgment on all counts of their First Amended Complaint. They incorporate by reference their supporting Brief, their Statement of Uncontested Material Facts, and the exhibits thereto.

Plaintiffs in this action are eleven lesbian and gay couples, one widow, and two teenage children of one of the Plaintiff couples. They challenge the constitutionality of Pennsylvania's laws, including 23 Pa. C.S. §§ 1102 and 1704, excluding same-sex couples from marriage and voiding within Pennsylvania the marriages of same-sex couples entered into in other states.

Because there is no genuine dispute as to any material fact and because denying same-sex couples the ability to marry and treating as void their existing marriages violate both the Due Process and Equal Protection Clauses of the

Fourteenth Amendment to the United States Constitution, Plaintiffs' Motion  
should be granted.

A proposed order is attached.

Dated: April 21, 2014

HANGLEY ARONCHICK SEGAL  
PUDLIN & SCHILLER

By: /s/ Mark A. Aronchick

Mark A. Aronchick  
John S. Stapleton  
Dylan J. Steinberg  
Rebecca S. Melley  
One Logan Square, 27th Floor  
Philadelphia, PA 19103  
(215) 568-6200

Helen E. Casale  
401 DeKalb Street, 4th Floor  
Norristown, PA 19401  
(610) 313-1670

ACLU FOUNDATION OF  
PENNSYLVANIA

By: /s/ Witold J. Walczak

Witold J. Walczak  
313 Atwood Street  
Pittsburgh, PA 15213  
(412) 681-7736

Mary Catherine Roper  
Molly Tack-Hooper  
P.O. Box 40008  
Philadelphia, PA 19106  
(215) 592-1513

James D. Esseks  
Leslie Cooper  
AMERICAN CIVIL LIBERTIES  
UNION FOUNDATION  
125 Broad Street, 18th Floor  
New York, NY 10004  
(212) 549-2500

Seth F. Kreimer  
3400 Chestnut St.  
Philadelphia, Pa. 19104  
(215) 898-7447

*Counsel for Plaintiffs*

**CERTIFICATE OF NON-CONCURRENCE**

I, Mark Aronchick, hereby certify that Defendants Michael Wolf and Dan Meuser do not concur in Plaintiffs' Motion for Summary Judgment. In accordance with the Stipulation Limiting Further Participation of Defendant Donald Petrille, Jr. (Dkt. 102, 105), Plaintiffs have not sought the concurrence of Defendant Petrille.

Dated: April 21, 2014

/s/ Mark A. Aronchick  
Mark A. Aronchick

**CERTIFICATE OF SERVICE**

I hereby certify that on this 21st day of April, 2014, that I caused the foregoing Plaintiffs' Motion for Summary Judgment to be filed electronically using the Court's electronic filing system, and that the filing is available to counsel for all parties for downloading and viewing from the electronic filing system.

On the same date, a copy of the foregoing Motion was also served via Federal Express on the following:

William H. Lamb  
Joel L. Frank  
LAMB MCERLANE PC  
24 East Market Street  
West Chester, PA 19380  
(610) 430-8000

*Counsel for Defendants Wolf and Meuser*

/s/ Mark A. Aronchick  
Mark A. Aronchick