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July 2, 2015

By email to klang@co.hood.tx.us

Hon. Katie Lang
County Clerk, Hood County, Texas
P.O. Box 339
Granbury, TX 76048

Re: Demand that your office immediately issue marriage licenses to same-sex couples

Dear Ms. Lang:

O'Connell & Soifer LLP and Kaplan Law Firm, PLLC, represent Dr. Jim Cato and Mr. Joe Stapleton in connection with your office's continuing failure to permit them to apply for and obtain a marriage license, despite last Friday's decision by the U.S. Supreme Court in *Obergefell v. Hodges*, 576 U.S. ___, No. 14-556 (June 26, 2015), in which the Supreme Court held that the Equal Protection and Due Process Clauses of the Fourteenth Amendment require marriage for same-sex couples be afforded "on the same terms as accorded to couples of the opposite sex." *Id.*, slip op. at 27.

We understand that on Monday, June 29, after the *Obergefell* decision, your office told Dr. Cato and Mr. Stapleton that your office would not be issuing marriage licenses to same-sex couples based upon your religious beliefs. As recently as Tuesday afternoon, June 30, your website stated "I will not be issuing same sex marriage license's [sic] due to my religious convictions." You cited Texas Attorney General Ken Paxton's opinion in support of your position.

We further understand that after hearing about plans for a federal lawsuit against you, you changed your position. As of Tuesday evening, June 30, your website has stated, "as soon as the appropriate forms have been printed and supplied to my office, the County Clerk's Office of Hood County will have staff available and ready to issue same-sex marriage licenses."

Despite your apparent change in position on June 30, your office has continued to turn away same-sex couples, including our clients, saying that it will take "at least three weeks" before you have the appropriate forms and are able to issue licenses. As you know, the State of Texas has acknowledged that the *Obergefell* ruling imposes a duty on county clerks to immediately begin issuing licenses to same-sex couples on an equal basis with heterosexual couples, and has issued revised forms which are available to you and all other Texas County Clerks at <http://www.dshs.state.tx.us/vs/field/Local-Registrar-and-County-Clerk-Forms/>, as Form VS-180, Application for Marriage License. There is absolutely no valid reason for your office to delay three additional weeks or more to begin issuing marriage licenses to same-sex couples. In fact, county

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clerks in Texas issued hundreds of such licenses the very day the Supreme Court issued its opinion in *Obergefell*, and have continued to issue hundreds, if not thousands, of such licenses since then.

Our clients have been waiting over 27 years to marry, they have a constitutional right to obtain a marriage license in Hood County, where they reside, and there is no valid reason for them to have to wait "at least another three weeks." Every day that our clients must wait to be treated like other Texas couples causes them significant harm. **On their behalf, and on behalf of other same-sex couples in Hood County, Texas, we demand that you allow them to apply for a marriage license today and issue them a license before the close of business today. If you fail to do so, our firm will take legal action against you in federal court on Monday, July 7, 2015.**

Thank you for your immediate attention to this matter.

Very truly yours,



Jan Soifer
O'Connell & Soifer LLP



Austin Kaplan
Kaplan Law Firm, PLLC

cc: Hon. Lori Kaspar
County Attorney, Hood County, Texas
(By email to lkaspar@co.hood.tx.us)