



Direct Marriage Litigation

ACLU of Tennessee v. Darnell

Alliance Defending Freedom attorneys successfully represented 91 members of the state legislature before the Tennessee Supreme Court and defended against a legal action brought by the ACLU to block the right of the state's citizens to vote on a constitutional amendment affirming marriage as the union of one man and one woman. The court ruled that the amendment would appear on the November 2006 ballot, where it passed with over 80% of the vote.

Andersen v. King County

The Washington State Supreme Court ruled that the state's statute defining marriage as the union of one man and one woman was constitutional. Alliance Defending Freedom staff and allied attorneys successfully represented clients who intervened to defend marriage as between one man and one woman.

Arizona Together v. Brewer

Alliance Defending Freedom and allied attorneys successfully argued that the state's proposed constitutional amendment defining marriage as the union of one man and one woman did not violate the State Constitution's "single subject" rule.

Benson v. Chapin

Alliance Defending Freedom filed an amicus brief on behalf of Minnesota Family Council in support of Minnesota's man-woman marriage laws. Plaintiffs, a group of same-sex couples, challenged the state's marriage laws, but their claims became moot when the Minnesota legislature voted to redefine marriage.

Bishop v. United States

Oklahoma residents filed suit against Oklahoma's marriage laws and the federal Defense of Marriage Act, both of which defined marriage as the union of one man and one woman. Alliance Defending Freedom attorneys represented one of the defendants, the Clerk of the County of Tulsa, Oklahoma, and argued the case before the U.S. Court of Appeals for the Tenth Circuit. The Supreme Court denied the Clerk's petition for certiorari on October 6, 2014.

Citizens for Equal Protection, et al. v. Bruning

The United States Court of Appeals for the Eighth Circuit affirmed Nebraska's marriage amendment, which affirmed marriage as the union of a man and a woman and was approved by 70% of the state's voters. Alliance Defending Freedom filed an amicus brief in support of that amendment.

Chambers v. Ormiston

A same-sex couple who obtained a marriage license from the State of Massachusetts filed a petition for divorce in Rhode Island. The family court judge certified to the Rhode Island Supreme Court a question regarding his jurisdiction to adjudicate the matter. Alliance Defending Freedom filed an amicus brief in support of Rhode Island's strong public policy affirming marriage as the union of one man and one woman. The Rhode Island Supreme Court ruled that the family court judge may not recognize the same-sex couple's divorce petition because it could not recognize their union as a marriage in Rhode Island.

Conaway v. Deane

Same-sex couples claiming a right to marry under Maryland law sued county clerks. Alliance Defending Freedom was granted leave to file amicus briefs in the trial court, intermediate appellate court (Court of Special Appeals), and high court (Court of Appeals). On September 18, 2007, the Court ruled in favor of upholding Maryland's marriage laws.

Griego v. Oliver

Alliance Defending Freedom attorneys represented numerous current and former state lawmakers who filed a brief and presented oral argument to the New Mexico Supreme Court in defense of the state's marriage laws.

Hernandez v. Robles

The state's highest appellate court ruled that any decision regarding the definition of marriage should be made by the state legislature, not by the courts. Alliance Defending Freedom filed an amicus brief.

Lewis v. Alfaro (Lockyer v. City and County of San Francisco)

Local officials in the City and County of San Francisco refused to enforce provisions of California's marriage statutes that defined marriage as the union of one man and one woman. Alliance Defending Freedom filed a Petition for Writ of Mandate with the California Supreme

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Court on behalf of its clients. The California Supreme Court ruled that the local officials did not have authority to disregard state marriage law.

Lewis v. Harris

The New Jersey Supreme Court found that there was “no fundamental right to same-sex marriage,” but ordered the Legislature to give same-sex couples all the rights and benefits of marriage. Alliance Defending Freedom filed an amicus brief defending the state’s laws defining marriage as the union of one man and one woman.

McConkey v. Doyle

Plaintiff argued that the enactment of Article 13, Section 13 of the Wisconsin Constitution, which affirmed marriage as the union of one man and one woman, violated the state constitutional provision that prohibits a constitutional amendment from addressing more than one subject. The Court allowed Alliance Defending Freedom’s client, Wisconsin Family Council, to file an amicus brief. The Supreme Court of Wisconsin affirmed the Circuit Court’s decision, concluding that “the marriage amendment was adopted in conformity with the separate amendment rule in Article XII, Section 1 of the Wisconsin Constitution. Both sentences of the marriage amendment relate to marriage and tend to effect or carry out the same general purpose of preserving the legal status of marriage in Wisconsin as between only one man and one woman.”

McQuigg v. Bostic

Alliance Defending Freedom attorneys represented Prince William County Clerk of Court Michèle B. McQuigg and defended the state’s laws affirming marriage as the union of one man and one woman. When a federal district judge declared Virginia’s marriage laws unconstitutional, McQuigg appealed the ruling to the U.S. Court of Appeals for the Fourth Circuit. ADF attorneys argued the case before the appellate court, which, in a 2-to-1 ruling, affirmed the district court’s ruling. McQuigg then filed a petition for review with the Supreme Court, which was denied on October 6, 2014.

O’Darling v. O’Darling

A same-sex couple, married in another jurisdiction but residing in Oklahoma, sought a divorce in an Oklahoma family court. The court refused to exercise jurisdiction over the matter. The appeals court affirmed the lower court’s ruling. The same-sex couple appealed the matter to the Oklahoma Supreme Court, requesting that their divorce be granted. Alliance Defending Freedom intervened on behalf of the Speaker of the House, Honorable Chris Benge, and opposed the Petition for Certiorari, which was ultimately denied.

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Hollingsworth v. Perry

Plaintiffs sought to enjoin California government officials from enforcing Article I, § 7.5 of the California Constitution (“Proposition 8”), which affirmed marriage as the union of a man and a woman. Plaintiffs alleged that Proposition 8 violated their rights under the United States Constitution. Alliance Defending Freedom intervened on behalf of our clients, the official proponents of Proposition 8, and defended the law as co-counsel with Cooper & Kirk. The case was finally resolved by the U.S. Supreme Court, which concluded that the Proposition 8 Proponents lacked standing to appeal the federal district court decision invalidating the state marriage law.

Smelt et al. v. County of Orange

The United States Court of Appeals for the Ninth Circuit dismissed an appeal brought by two men who challenged the constitutionality of the federal Defense of Marriage Act. Alliance Defending Freedom attorneys participated in the oral argument of the case.

Strauss v. Horton

A number of groups and individuals filed a Petition for Writ of Mandate in the California Supreme Court requesting an immediate order halting California’s Proposition 8 from taking effect. The challengers claimed that the measure was an impermissible constitutional revision rather than a permissible constitutional amendment. Alliance Defending Freedom filed an amicus brief in support of the law. The California Supreme Court denied the request for a writ of mandate, finding that Proposition 8 was a permissible constitutional amendment.

Marriage and Religious Freedom

Bernstein v. Ocean Grove Camp Meeting Association of the United Methodist Church

Plaintiffs are a same-sex couple that sued the Ocean Grove Camp Meeting Association of the United Methodist Church (Ocean Grove) alleging discrimination because Ocean Grove’s religious beliefs prevented it from hosting Plaintiffs’ civil union ceremony in its Boardwalk Pavilion. Alliance Defending Freedom represented Ocean Grove. On October 23, 2012, the New Jersey Division on Civil Rights determined that Ocean Grove had engaged in “wrongdoing” for abiding by its convictions on marriage.

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Cryer v. Klein

Two women filed a complaint with the state of Oregon after cake artist Melissa Klein of Sweet Cakes by Melissa declined to use her artistic abilities to create a wedding cake promoting their same-sex ceremony. On April 24, 2015, an administrative law judge recommended that the Melissa and her husband be punished with a \$135,000 fine. The fine is currently being reviewed by the Oregon Labor Commissioner.

Elane Photography v. Willock

Elaine Huguenin and her husband owned and operated a photography business. They were contacted by a potential client and asked to photograph a same-sex commitment ceremony. Because of their religious beliefs, they declined the request. The potential client then filed a complaint alleging that Elane Photography had engaged in unlawful discrimination. Alliance Defending Freedom represented Elane Photography and argued the case before the New Mexico Supreme Court, which ruled against Elaine and her husband. The Supreme Court denied Elane Photography's petition for certiorari on April 7, 2014.

Gifford v. New York State Division of Human Rights

Two women filed a complaint with the state of New York after Robert and Cynthia Gifford, because of their religious beliefs about marriage, declined to host the same-sex ceremony of two women. The Giffords live in the upstairs room of a historic barn and occasionally host a few weddings downstairs while allowing the bridal party get dressed and prepared for the wedding in other rooms of the home. Following an unfavorable decision by the New York State Division of Human Rights, the Giffords are appealing to the appellate division of the New York Supreme Court.

Ingersoll v. Arlene's Flowers, State of Washington v. Arlene's Flowers, and Arlene's Flowers v. Ferguson

Both the state of Washington and a long-time customer have sued Barronelle Stutzman, owner of Arlene's Flowers, for declining to use her artistic skills to participate in and design custom floral arrangements for the customer's same-sex ceremony. Stutzman instead referred the customer to one of a large number of other florists in the area who were willing to fill the order. On June 1, 2015, Stutzman asked the Washington Supreme Court to review her case.

Knapp v. City of Coeur d'Alene

Government officials in Coeur d'Alene, Idaho told Donald Knapp that he and his wife, Evelyn, both ordained ministers who run the Hitching Post Wedding Chapel, are required to perform same-sex ceremonies or face months in jail and thousands of dollars in fines. The city claimed that its local nondiscrimination ordinance required the Knapps to perform such ceremonies now that same-sex couples can marry in Idaho. The case is currently being litigated.

Masterpiece Cakeshop v. Craig

Two men filed a complaint with the state of Colorado after cake artist Jack Phillips of Masterpiece Cakeshop declined to use his artistic abilities to create a wedding cake promoting their same-sex ceremony. On July 7, 2015, the Colorado Court of Appeals will hear arguments in the case.