

# EXHIBIT PX-17

**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 DAWN PLUMMER**

I, Dawn Plummer, declare as follows:

1. I am 37 years old, a Pennsylvania resident, and a development coordinator for The Poverty Initiative, an anti-poverty organization.
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 to be married to my partner, Diana Polson, and to explain and how the Commonwealth of Pennsylvania's refusal to allow Diana and me to declare our love and commitment through marriage is stigmatizing and hurtful to me and my family.
3. Diana and I met in 1997, and we began our relationship a couple of years later, in 2000. We have been together ever since.

4. In 2005, while we were living in Brooklyn, New York, we registered as domestic partners with the City of New York. In October 2007, we had a commitment ceremony during a weekend in the Catskills with about 50 guests. True and correct copies of our ceremony invitation and program, produced in this litigation as PLUMMERPOLSON000001-2, are attached hereto as Exhibit PX-17-A. A true and correct copy of a photograph of us with Diana's family at the ceremony, produced in this litigation as PLUMMERPOLSON000320, is attached hereto as Exhibit PX-17-B.

5. We moved from New York to Pittsburgh in 2011. The move to Pennsylvania was a homecoming for me; I grew up in Camp Hill, Pennsylvania, and most of my family is in Pennsylvania. We now jointly own a home in Pittsburgh. A redacted copy of our deed, produced in this litigation as PLUMMERPOLSON000187, is attached hereto as Exhibit PX-17-C. As we expected, Pittsburgh generally has been a great city in which to raise our two children.

6. I want to be married to Diana, and I want to marry her in Pennsylvania, where we live, where we have made our home, and where we are part of the community. I understand that, even though we meet all of the other criteria for marriage, Pennsylvania will not allow us to marry because we are both women.

7. Family is very important to Diana and me. We have two sons. E.P., who was born while we lived in New York, is five years old. J.P., who was born in Pittsburgh, is seventeen months old. I gave birth to E.P., and Diana gave birth to J.P. True and correct copies of photographs of us at home and in our neighborhood with our children, produced in this litigation as PLUMMERPOLSON000313 and 319, are attached hereto as Exhibit PX-17-D.

8. We completed a second-parent adoption for E.P. in New York, so Diana and I are now both legally recognized parents of him. A true and correct copy of a photo of us outside the family court after the adoption was completed, produced in this litigation as PLUMMERPOLSON000317, is attached hereto as Exhibit PX-17-E.

9. We are currently saving money to complete a second-parent adoption for J.P. here in Pennsylvania. We understand that J.P.'s second-parent adoption will cost at least \$2,500. Until the second-parent adoption is completed, I have no legal tie to J.P. and I am not listed on his birth certificate as his parent. A redacted copy of his birth certificate, produced in this litigation as PLUMMERPOLSON000010, is attached hereto as Exhibit PX-17-F. This is true despite the fact that Diana and I together dreamed of adding him to our family, together prepared for his arrival, and have functioned as a married couple since long before his birth. For example, while Diana was pregnant with J.P., there was

a time when she was unemployed and I was the primary source of our family's income.

10. It is distressing to think that, for example, if I had to take J.P. to the hospital when Diana was not available, I might not be able to make medical decisions for him and I might not otherwise be treated as his parent. This is true despite the fact that I function in every way as one of J.P.'s parents.

11. I similarly worry about medical decisions for Diana and me, should either of us be incapacitated. I worry that, if she or I ended up in an emergency room, the medical staff might not recognize our relationship—and that we should be recognized as each other's medical decisionmaker—if we did not have our health care proxies with us at the time.

12. In addition to paying for attorneys to do E.P.'s second-parent adoption and draft our health care proxies, we have paid for attorneys to draft our wills and powers of attorney for financial decisions. We have had to build what I call "legal scaffolding" around our family with these documents to obtain the protections that married couples receive by default. The associated expenses have been a financial burden on us, as a young family without a lot of extra resources. Moreover, the fact that we are barred from receiving these protections through marriage makes me feel that I and my family are stigmatized and demeaned.

13. Shortly after moving to Pittsburgh, our family was refused a “family” health insurance plan, meaning that Diana and I had to purchase separate insurance plans. I was upset by this, because we are a family.

14. The fact that Pennsylvania does not recognize our relationship and allow us to marry has caused other, more regular insults. Diana and I understand our relationship to be that of a married couple. But in filling out forms, we have to check the “Single” box, even though that is not how we understand ourselves. Having to categorize myself as “Single” feels like a slap in the face.

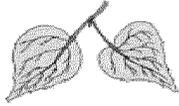
15. I want us to be able to file our taxes as a married couple. Each year, we have to pay a tax preparer to help us determine how to handle our jointly owned assets in our separate tax returns, and we have to pay separate tax preparation fees. And, again, we have to check the “Single” box, which demeans our relationship.

16. Additionally, I want legal recognition of my family and my commitment to Diana for my children’s sake. It is increasingly difficult to explain to E.P. why his parents are not married and cannot get married. J.P. is not yet old enough to ask questions, but he will be soon. In addition to the hardship on Diana and me, as explained above, Pennsylvania’s refusal to allow my family to be treated like other families is an injustice to my children.



# EXHIBIT PX-17-A

# Celebrating the Love of Dawn & Diana



October 6, 2007

## Prelude & Blessings

### Welcome Loved Ones

*Our lovely MC, Alisha Berry*

### Excerpts from Freedom's Plow by Langston Hughes

*Read by Dawn's family:*

*Brenda, Veronica, Brent and Susan*

### Borrowed words from W. Peterson

*Read by Diana's younger brother,  
Michael*

### Words of wisdom from

### The Prophet by Kahlil Gibran

*Read by Diana's parents Joan and  
Bob*

### "Harvest Moon"

*Andrea and David*

### Reflections

*Tara*

### Words of Love & Appreciation

*Diana & Dawn*

### Community Affirmation

*Bring the Noise*

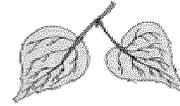
### Closing Words

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Join Diana and Dawn on the deck for drinks and  
appetizers. Toasts to follow.

# Celebrating the Love of

# Dawn & Diana



October 6, 2007

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*Bring the Noise*

### Closing Words

---

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# DP<sup>2</sup>

...never too much of a **good thing**

[ You're Invited! \

October 5-8, 2007

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Ceremony and party to be held

Saturday, October 6, 2007

Come with us to celebrate our love, lives, family and friends for a weekend in the Catskill Mountains.

[www.dp2.myevent.com](http://www.dp2.myevent.com)

*-Diana and Dawn*

# EXHIBIT PX-17-B



# EXHIBIT PX-17-C

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Prepared by:

Barrister's Land Abstract Company  
119 Gamma Drive  
Pittsburgh, PA 15238  
412-967-9000  
File No. 12-01-2-22528FAT

**SPECIAL WARRANTY DEED**

This Indenture, made the 15 day of May, 2012

Between

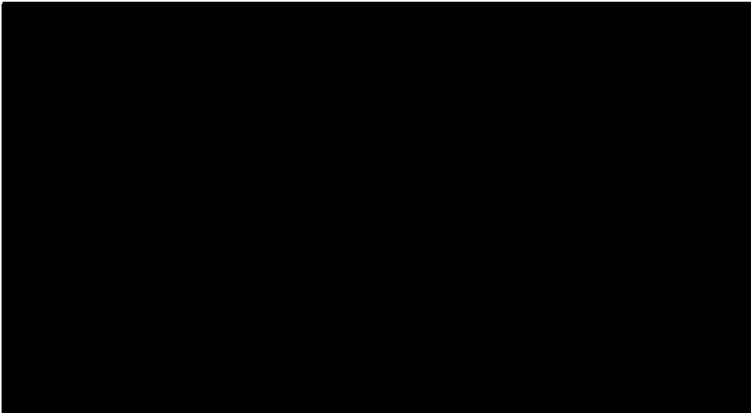


GRANTOR, and

**DAWN M. PLUMMER AND DIANE E. POLSON, BOTH UNMARRIED, as**  
joint tenants with Right of Survivorship, not as tenants in common.

GRANTEES.

Witnesseth, that said GRANTOR for and in consideration of the sum of **TWO HUNDRED TWENTY FIVE THOUSAND DOLLARS 00/100 (\$225,000.00)** paid to the GRANTOR by the GRANTEES does grant, bargain, sell and convey unto the said GRANTEES, as joint tenants with the right of survivorship, their heirs and assigns,



**WILL CALL  
BARRISTERS**

SUBJECT to all prior grants and reservations of coal, oil, gas and mining rights, as may appear in prior instruments of record.

WITH the appurtenances; To Have and To Hold the same to and for the use of the said GRANTEES, as joint tenants with the right of survivorship, their heirs and assigns forever.

And the GRANTOR, for herself and her heirs, executors and administrators, does, hereby covenant and agree that she will WARRANT SPECIALLY the property hereby conveyed.

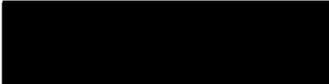
NOTICE--THIS DOCUMENT MAY NOT/DOES NOT SELL, CONVEY, TRANSFER, INCLUDE OR INSURE THE TITLE TO THE COAL AND RIGHT OF SUPPORT UNDERNEATH THE SURFACE LAND DESCRIBED OR REFERRED TO HEREIN, AND THE OWNER OR OWNERS OF SUCH COAL MAY HAVE/HAVE THE COMPLETE LEGAL RIGHT TO REMOVE ALL OF SUCH COAL AND, IN THAT CONNECTION, DAMAGE MAY RESULT TO THE SURFACE OF THE LAND AND ANY HOUSE, BUILDING OR OTHER STRUCTURE ON OR IN SUCH LAND. THE INCLUSION OF THIS NOTICE DOES NOT ENLARGE, RESTRICT OR MODIFY ANY LEGAL RIGHTS ORESTATES OTHERWISE CREATED, TRANSFERRED, EXCEPTED OR RESERVED BY THIS INSTRUMENT.

[This notice is set forth in the manner provided in Section 1 of the Act of July 17, 1957, P. L. 984, as amended, and is not intended as notice of unrecorded instruments, if any.]

In Witness Whereof, the said Grantor has hereunto set hand and seal the day and year first above written.

Sealed and Delivered  
in the Presence of :



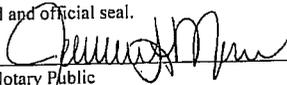


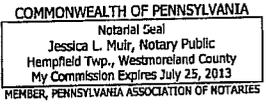
{SEAL}

Commonwealth of Pennsylvania }  
County of Allegheny } ss

On this, the 15 day of May, 2012, before me, a Notary Public, the undersigned officer, personally appeared  known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that she executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

  
\_\_\_\_\_  
Notary Public  
My commission expires \_\_\_\_\_



NOTICE THE UNDERSIGNED, AS EVIDENCED BY THE SIGNATURE(S) TO THIS NOTICE AND THE ACCEPTANCE AND RECORDING OF THIS DEED, (IS, ARE) FULLY COGNIZANT OF THE FACT THAT THE UNDERSIGNED MAY NOT BE OBTAINING THE RIGHT OF PROTECTION AGAINST SUBSIDENCE, AS TO THE PROPERTY HEREIN CONVEYED, RESULTING FROM COAL MINING OPERATIONS AND THAT THE PURCHASED PROPERTY, HEREIN CONVEYED, MAY BE PROTECTED FROM DAMAGE DUE TO MINE SUBSIDENCE BY A PRIVATE CONTRACT WITH THE OWNERS OF THE ECONOMIC INTEREST IN THE COAL. THIS NOTICE IS INSERTED HEREIN TO COMPLY WITH THE BITUMINOUS MINE SUBSIDENCE AND LAND CONSERVATION ACT OF 1966.

\_\_\_\_\_  
\_\_\_\_\_

Dawn M. Plummer (SEAL)  
Dawn M. Plummer

Diane E. Polson (SEAL)  
Diane E. Polson

**Certificate of Residence**

I do hereby certify that the Tax Bill Address of the within named grantee/s is Dawn M. Plummer and Diane E. Polson  
Name/Mortgage Company

\_\_\_\_\_  
In Care of (if required)  
\_\_\_\_\_  
Address  
Pittsburgh, PA \_\_\_\_\_  
City State and Zip Code

I do hereby certify that the Owner Mailing Address of the within named grantee/s is

\_\_\_\_\_  
In Care of (if required)  
\_\_\_\_\_  
Address  
Pittsburgh, PA \_\_\_\_\_  
City State and Zip Code

Mary Beth Stadler

# EXHIBIT PX-17-D





# EXHIBIT PX-17-E



PLUMMERPOLSON000317

**EXHIBIT PX-17-F**

VITAL RECORDS

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

Certification of Birth

Date of Birth: [REDACTED], 2012

State File Number: [REDACTED]

Date Issued: **NOVEMBER 26, 2012**

Date Filed: **NOVEMBER 21, 2012**

Name: [REDACTED]

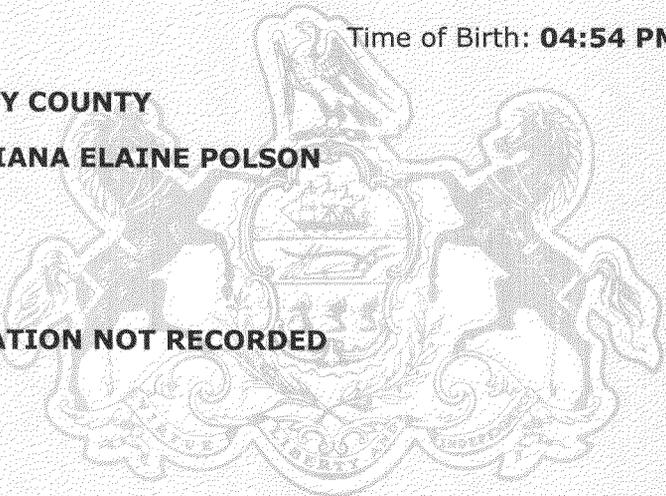
Sex: **MALE**

Time of Birth: **04:54 PM**

Place of Birth: **ALLEGHENY COUNTY**

Mother's Maiden Name: **DIANA ELAINE POLSON**

Father's Name: **INFORMATION NOT RECORDED**



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.

*Marina O'Reilly Matthew*

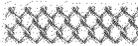
Marina O'Reilly Matthew  
State Registrar



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

H105:105.1D Rev. (7/2012)

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



0000458463

DETACH HERE

TEAR AT THIS PERFORATION

DETACH HERE

DIANA ELAINE POLSON



Order Number: [REDACTED]

PITTSBURGH, PENNSYLVANIA [REDACTED]

