

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

NORMA SCOTT,)	
)	
<i>Plaintiff,</i>)	
)	
v.)	Civil Action No.
)	
DONALD REDMAN, FAYETTE COUNTY)	
REGISTER OF WILLS (in his official capacity),)	
)	
<i>Defendant.</i>)	
)	

VERIFIED COMPLAINT

The right to marry is a fundamental right protected by the U.S. Constitution that cannot be denied because of the incarceration of one partner to the marriage. Plaintiff Norma Scott wants to marry her fiancé, Kevin Davis, who is incarcerated at SCI Fayette. In Pennsylvania, both parties to a marriage must appear in person to apply for a marriage license. But the Fayette County Register of Wills has steadfastly refused to travel to SCI Fayette to conduct the in-person interview required by Pennsylvania law before a marriage license can be issued or to use its video-conferencing capabilities to conduct the interview. As a result, Plaintiff Norma Scott is unable to solemnize her marriage to Mr. Davis.

JURISDICTION AND VENUE

1. Plaintiff brings this action pursuant to 42 U.S.C. §1983 and the Fourteenth Amendment to the United States Constitution.

2. This court has jurisdiction under 28 U.S.C. §1331 over the constitutional claims as well as those arising under 42 U.S.C. §1983.

3. Venue is proper pursuant to 28 U.S.C. §1391(b)(2) because the events giving rise to this action occurred in Fayette County within the Western District of Pennsylvania.

PARTIES

4. Plaintiff Norma Scott is an adult resident of Pennsylvania.

5. Defendant Donald Redman is the Fayette County Register of Wills and in that position has responsibility for, among other things, the issuance of marriage licenses. He is sued in his official capacity. Defendant Redman has acted, and continues to act, under color of state law at all times relevant to this Complaint.

FACTS

6. Plaintiff Norma Scott is an unmarried woman over the age of eighteen years.

7. Ms. Scott is engaged to marry Kevin Davis, whom she has known for more than 40 years.

8. Mr. David is an inmate in the custody of the Pennsylvania Department of Corrections (“DOC”), currently incarcerated at the State Correctional Institution at Fayette (“SCI Fayette”).

9. Mr. Davis is an unmarried man over the age of eighteen years.

10. Ms. Scott and Mr. Davis are not related to each other.

11. In Pennsylvania, couples who wish to be married must first obtain a license by appearing in person before a clerk authorized by the county court to issue marriage licenses to be examined under oath. 23 Pa. Cons. Stat. Ann. §§1301, 1306.

12. Pennsylvania courts have suggested that this “in person” standard can be met by a face-to-face interview via video conferencing.

13. Pennsylvania law provides an exception to the “in person” requirement for active military service, allowing the applicant to submit an affidavit verifying the necessary information. 23 Pa. Cons. Stat. Ann. §1306(b)-(d).

14. Pennsylvania law does not provide any similar exception to the “in person” requirement for individuals who are incarcerated. 23 Pa. Cons. Stat. Ann. §1306.

15. Defendant refuses to travel to SCI Fayette, or send a deputy, so that Ms. Scott’s fiancé can sign a marriage license application in the presence of Defendant or his deputy.

16. Defendant also refuses to conduct the marriage license interview, or have a deputy conduct the interview, via video conferencing.

17. Upon information and belief, other county offices throughout the Commonwealth either send representatives to state correctional institutions to conduct marriage-license interviews or conduct those interviews via video-conference.

18. As a result of Defendant Redman’s refusal to conduct the marriage license interview either at SCI Fayette or via video-conferencing, SCI Fayette administrators have informed Mr. Davis, as well as other inmates at SCI Fayette, that they cannot get married while incarcerated at SCI Fayette because they will not be able to obtain a marriage license.

19. There are no alternative avenues for Ms. Scott to exercise her right to marry Mr. Davis because he is in the continued custody of the Pennsylvania Department of Corrections and is not at liberty to leave that custody to apply for a marriage license in person.

20. In addition to being deprived of the right to marry, the inability of Ms. Scott to marry deprives her of the benefits of federal and state law accorded to persons who are married, including, by way of example only, the right to make funeral arrangements for one’s spouse and

the ability to make decisions regarding the care of an incapacitated spouse (20 Pa. Cons. Stat. Ann. §5461(d)(1)(i)).

CAUSES OF ACTION

Count I – Violation of the Fourteenth Amendment Right to Marry

21. Plaintiff Norma Scott incorporates Paragraphs 1 through 20 of this Complaint as if fully set forth herein.

22. Defendant's policies, customs and practices, prevent Ms. Scott from marrying her inmate fiancé in violation of her fundamental right to marry.

23. The statutory requirement that a marriage license not be issued unless it is signed in the presence of the Register of Wills or his or her deputy is unconstitutional as applied in instances where one, or both, applicants for a marriage license are incarcerated.

RELIEF DEMANDED

WHEREFORE, Plaintiff Norma Scott respectfully requests the following relief:

1. Declaratory judgment that Defendant violated Ms. Norma Scott's constitutional, civil, and statutory rights;

2. Declaratory judgment that 23 Pa. Cons. Stat. Ann. §1306 is unconstitutional as applied in instances where one, or both, applicants for a marriage license are incarcerated;

3. Preliminary and permanent injunctive relief ordering Defendant and his officers, agents, and employees to issue a marriage license to Ms. Scott and Mr. Davis upon receiving such alternate assurance of identity of the applicant as this Court deems appropriate, or in the alternate, requiring Defendant, or a deputy, to travel to SCI Fayette, or use video-conferencing with Mr. Davis at SCI Fayette, for the purpose of witnessing his marriage license application;

4. Reasonable attorneys' fees and costs; and

5. Such other relief the Court deems just and equitable.

Respectfully submitted,

/s/ Stephanie R. Reiss

Stephanie R. Reiss
Attorney ID: PA 88316
John K. Gisleson
Attorney ID: PA 62511
Morgan, Lewis & Bockius LLP
One Oxford Centre, 301 Grant St
Pittsburgh, PA 14219
T: (412) 560-3378
sreiss@morganlewis.com
jgisleson@morganlewis.com

/s/ Alexandra Morgan-Kurtz

Alexandra Morgan-Kurtz
Attorney I.D. No. 312631
Pennsylvania Institutional Law Project
429 Forbes Ave, Suite 800
Pittsburgh, Pa 15219
T: (412) 434-6175
amorgan-kurtz@pailp.org

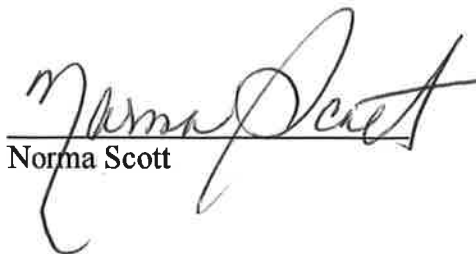
/s/ Sara J. Rose

Attorney ID: PA 204936
ACLU of Pennsylvania
247 Fort Pitt Blvd.
Pittsburgh, Pa 15222
T: (412) 681-7864
srose@aclupa.org

VERIFICATION

I, Norma Scott, have read the foregoing Verified Complaint and, pursuant to 28 U.S.C. § 1746, verify under penalty of perjury that the facts stated therein that relate to me specifically or that relate to 18 Pa. C.S. § 11.1304 in general are true and correct to the best of my knowledge, information, and belief.

Executed on 6/18/2015


Norma Scott

JS 44 (Rev. 12/12)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

<p>I. (a) PLAINTIFFS</p> <p>Norma Scott</p> <p>(b) County of Residence of First Listed Plaintiff <u>Philadelphia County</u> <i>(EXCEPT IN U.S. PLAINTIFF CASES)</i></p> <p>(c) Attorneys <i>(Firm Name, Address, and Telephone Number)</i> Stephanie R. Reiss, Esq., Morgan Lewis & Bockius, LLP One Oxford Centre, 32nd Fl., Pittsburgh, PA 15219 412-560-3300 (SEE ATTACHMENT)</p>	<p>DEFENDANTS</p> <p>Fayette County Register of Wills, Donald Redman (in his official capacity)</p> <p>County of Residence of First Listed Defendant <u>Fayette County</u> <i>(IN U.S. PLAINTIFF CASES ONLY)</i></p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.</p> <p>Attorneys <i>(If Known)</i></p>
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<p>II. BASIS OF JURISDICTION <i>(Place an "X" in One Box Only)</i></p> <p><input type="checkbox"/> 1 U.S. Government Plaintiff</p> <p><input checked="" type="checkbox"/> 3 Federal Question <i>(U.S. Government Not a Party)</i></p> <p><input type="checkbox"/> 2 U.S. Government Defendant</p> <p><input type="checkbox"/> 4 Diversity <i>(Indicate Citizenship of Parties in Item III)</i></p>	<p>III. CITIZENSHIP OF PRINCIPAL PARTIES <i>(Place an "X" in One Box for Plaintiff and One Box for Defendant)</i></p> <table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:20%;"></td> <td style="width:10%;">PTF</td> <td style="width:10%;">DEF</td> <td style="width:40%;"></td> <td style="width:10%;">PTF</td> <td style="width:10%;">DEF</td> </tr> <tr> <td>Citizen of This State</td> <td><input type="checkbox"/> 1</td> <td><input type="checkbox"/> 1</td> <td>Incorporated <i>or</i> Principal Place of Business In This State</td> <td><input type="checkbox"/> 4</td> <td><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td><input type="checkbox"/> 2</td> <td><input type="checkbox"/> 2</td> <td>Incorporated <i>and</i> Principal Place of Business In Another State</td> <td><input type="checkbox"/> 5</td> <td><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td><input type="checkbox"/> 3</td> <td><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td><input type="checkbox"/> 6</td> <td><input type="checkbox"/> 6</td> </tr> </table>		PTF	DEF		PTF	DEF	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated <i>or</i> Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated <i>and</i> Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
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IV. NATURE OF SUIT *(Place an "X" in One Box Only)*

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<p>PERSONAL INJURY</p> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<p>PERSONAL INJURY</p> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <p>PERSONAL PROPERTY</p> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision
<p>REAL PROPERTY</p> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<p>CIVIL RIGHTS</p> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<p>PRISONER PETITIONS</p> <p>Habeas Corpus:</p> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <p>Other:</p> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<p>LABOR</p> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	<p>SOCIAL SECURITY</p> <input type="checkbox"/> 861 HIA (1395f) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input checked="" type="checkbox"/> 950 Constitutionality of State Statutes
			<p>FEDERAL TAX SUITS</p> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609		
		<p>IMMIGRATION</p> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions			

V. ORIGIN *(Place an "X" in One Box Only)*

1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from Another District *(specify)* 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing *(Do not cite jurisdictional statutes unless diversity)*:
42 U.S.C. 1983

Brief description of cause:
Deprivation of the right to marry

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. **DEMAND \$** _____ CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY *(See instructions):* JUDGE Maureen P. Kelly DOCKET NUMBER 15-902

DATE 07/13/2015 SIGNATURE OF ATTORNEY OF RECORD
s/ Stephanie R. Reiss

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

JS 44AREVISED June, 2009
IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA
THIS CASE DESIGNATION SHEET MUST BE COMPLETED

PART A

This case belongs on the (Erie Johnstown Pittsburgh) calendar.

1. **ERIE CALENDAR** - If cause of action arose in the counties of Crawford, Elk, Erie, Forest, McKean, Venang or Warren, OR any plaintiff or defendant resides in one of said counties.
2. **JOHNSTOWN CALENDAR** - If cause of action arose in the counties of Bedford, Blair, Cambria, Clearfield or Somerset OR any plaintiff or defendant resides in one of said counties.
3. Complete if on **ERIE CALENDAR**: I certify that the cause of action arose in _____ County and that the _____ resides in _____ County.
4. Complete if on **JOHNSTOWN CALENDAR**: I certify that the cause of action arose in _____ County and that the _____ resides in _____ County.

PART B (You are to check ONE of the following)

1. This case is related to Number 15-902 . Short Caption Davis v. Coleman
2. This case is not related to a pending or terminated case.

DEFINITIONS OF RELATED CASES:

CIVIL: Civil cases are deemed related when a case filed relates to property included in another suit or involves the same issues of fact or it grows out of the same transactions as another suit or involves the validity or infringement of a patent involved in another suit
EMINENT DOMAIN: Cases in contiguous closely located groups and in common ownership groups which will lend themselves to consolidation for trial shall be deemed related.

HABEAS CORPUS & CIVIL RIGHTS: All habeas corpus petitions filed by the same individual shall be deemed related. All pro se Civil Rights actions by the same individual shall be deemed related.

PART C

I. CIVIL CATEGORY (Select the applicable category).

1. Antitrust and Securities Act Cases
2. Labor-Management Relations
3. Habeas corpus
4. Civil Rights
5. Patent, Copyright, and Trademark
6. Eminent Domain
7. All other federal question cases
8. All personal and property damage tort cases, including maritime, FELA, Jones Act, Motor vehicle, products liability, assault, defamation, malicious prosecution, and false arrest
9. Insurance indemnity, contract and other diversity cases.
10. Government Collection Cases (shall include HEW Student Loans (Education), V A Overpayment, Overpayment of Social Security, Enlistment Overpayment (Army, Navy, etc.), HUD Loans, GAO Loans (Misc. Types), Mortgage Foreclosures, SBA Loans, Civil Penalties and Coal Mine Penalty and Reclamation Fees.)

I certify that to the best of my knowledge the entries on this Case Designation Sheet are true and correct

Date: July 13, 2015

s/ Stephanie R. Reiss

ATTORNEY AT LAW

NOTE: ALL SECTIONS OF BOTH FORMS MUST BE COMPLETED BEFORE CASE CAN BE PROCESSED.

Attachment to Civil Cover Sheet

John K. Gisleson
Morgan, Lewis & Bockius LLP
One Oxford Centre, 301 Grant St
Pittsburgh, PA 14219
T: (412) 560-3300

Alexandra Morgan-Kurtz
Pennsylvania Institutional Law Project
429 Forbes Ave, Suite 800
Pittsburgh, Pa 15219
T: (412) 434-6175

Sara J. Rose
ACLU of Pennsylvania
247 Fort Pitt Blvd.
Pittsburgh, Pa 15222
T: (412) 681-7864