

# EXHIBIT PX-08

**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 SUSAN WHITEWOOD**

I, Susan Whitewood, declare as follows:

1. I am 49 years old. I have lived in Pittsburgh since attending college here.
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 the importance of marriage to me and how the Commonwealth of Pennsylvania's refusal to recognize my marriage to my wife, Deb, impacts me and my family.
3. I have reviewed Deb Whitewood's Declaration in this case and attest that it is accurate. I agree with her descriptions of our relationship and family situation.
4. Deb and I have been together for 22 years. She is the best thing that's ever happened to me. We have made our life together as a couple and as a family.

5. I have worked continually at BNY Mellon in Pittsburgh since 1989. I have held several different positions over the years. I am presently the Head of Global Employee Engagement. My salary supports our whole family.

6. Because the law does not recognize our marriage, we are fortunate that we have the resources to hire lawyers and financial advisors to help emulate some of the protections that come with marriage. These are steps couples recognized as married do not need to take. After our commitment ceremony in 1993, we had our names changed legally, on our own time and expense, so that it would be easier to deal with the schools, etc., as it relates to our children (e.g. we would all have the same last name). Almost immediately after we found out we were pregnant with A.W. and K.W., we hired a lawyer to handle the second-parent adoptions for me. Since Deb was the biological mother, if we were recognized as married, the law would have automatically presumed me to be the other parent. We have also updated our estate documents every time we have had a life event, like a new child in the family. Our estate documents include powers of attorney for healthcare and financial decisions, our wills, etc. We also updated our POA's to reflect the statutory changes passed by HIPAA (Health Insurance Portability and Accountability Act).

7. There are some legal protections we would like to have taken to safeguard ourselves financially but did not complete because of the cost, an

expense that would not have befallen us if our marriage were recognized. When we purchased our Bridgeville home, because I was the income earner and had stronger credit, we put the deed into just my name. I looked into adding Deb onto the deed and learned that because our marriage was not recognized by Pennsylvania we would have to pay the realty transfer tax, which equals 1% of the home's value. It felt to both me and Deb that this was an unfair tax that really highlighted the discrimination that lesbian and gay couples endure in so many walks of life because we can't get married. Additionally, with two girls nearing college age we need to save for their schooling and simply could not justify wasting several thousand dollars on a discriminatory tax. However, this means that if I die before Deb she will have to pay the 15% inheritance tax on the full value of the house as opposed to pay the 15% tax on only half the property if we owned jointly. So it doubles Deb's estate tax liability on the house. Of course, if Pennsylvania recognized our marriage, Deb's tax liability upon my death would be zero.

8. Every time we have updated our legal documents, or just looked into taking additional measures to protect ourselves, it has cost us fees for lawyers. Over the years, we have paid lawyers several thousand dollars – probably over \$10,000 – to update legal documents that would not be necessary if the state recognized our marriage. While we can and have taken many legal measures to

give ourselves some of the protections enjoyed by couples whose marriages are recognized by Pennsylvania, these effort all involve a cost in terms of money, time and anxiety.

9. Because we are a single wage earner family, the inability to file our taxes as “married filing jointly” has cost us many thousands of dollars. For example, according to my tax accountant, in 2013 the ability to file our federal taxes as married, after Deb’s and my Maryland marriage last October, saved us nearly \$2500 in federal taxes over filing as head of household, which is how I have been forced to file my taxes until this year.

10. While our marriage in Maryland now affords us many *federal* benefits of being recognized as a married couple, there are still tax consequences in Pennsylvania from the state not recognizing our marriage. I am fortunate that my employer provides health insurance for Deb through a domestic-partnership arrangement, but those benefits are treated as taxable income. The amount of the benefit was just under \$5,000 in 2012, which means it cost us more than \$1,600 in federal and Pennsylvania state taxes. Now that we have married we will no longer be taxed by the *federal* government on these benefits, but my employer has advised me that I am still liable to pay Pennsylvania state taxes on these health benefits, until and unless Pennsylvania ends its marriage ban.

11. Probably my biggest single concern relates to retirement. If I were to die before Deb, she would be denied my social security and she would have to pay a 15% inheritance tax on half of our jointly owned property, a tax from which spouses are exempt. I have purchased unique insurance and annuity products to protect our financial position if anything happened to me since my assets would not pass directly to Deb without tax consequences.

12. One of the main reasons I wanted to participate in this suit was because not all families are as fortunate as we are. They can't afford the legal protections we have been able to buy to emulate some of the benefits of marriage. There are many families just like ours who don't have the resources to create the patchwork of at least some protection that we have managed to create.


13. What I want most from this lawsuit is validation from the Commonwealth of Pennsylvania that Deb's and my marriage is equal in all respects to that of an opposite-sex couple. That is important not only for Deb and me, but so that the kids know and understand that our relationship is just as worthy as that of their friends' opposite-sex parents.

14. Like Deb, when she and I die, I want our death certificates to reflect our marriage.

15. I make this declaration from my own knowledge of the facts and circumstances set forth above. If necessary, I could and would testify to these facts and circumstances.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: April 16, 2014

  
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Susan Whitewood