

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT LOUISVILLE

ELECTRONICALLY FILED

GREGORY BOURKE, ET AL.)	
)	
PLAINTIFFS)	
)	CIVIL ACTION NO.
v.)	
)	3:13-CV-750-JGH
STEVE BESHEAR, ET AL.)	
)	
DEFENDANTS)	

**PLAINTIFFS' REPLY IN SUPPORT OF THEIR MOTION FOR SUMMARY
JUDGMENT**

Plaintiffs appreciate Defendants' position with respect to their duty to defend the laws of the Commonwealth. However, those laws must bend to the guarantees of justice and individual liberty articulated in the Bill of Rights. The Commonwealth has now had the opportunity to articulate its interest in refusing to recognize Plaintiffs' marriages. That interest is the tepid, "preserving . . . traditional marriage." (Response, p. 5, DN 39). Defendants have chosen not to venture into any explanation of the benefits that allegedly inure to the Commonwealth as a result of its exclusion of same-sex couples from the burdens and benefits of marriage. Perhaps in light of the legislation that has fallen in other states,¹ Defendants recognize that the avalanche of history is burying such small-minded prejudices.

¹ Since Plaintiffs' original Motion was filed, two more decisions have been rendered striking down restrictions on same-sex marriage. *Kitchen v. Herbert* WL 6697874 (D. Utah) and *Obergefell v. Kasich*, No. 1:13-CV-00501 (S.D. Ohio) are attached respectively as Exhibits 1 and 2.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on January 14, 2014 I electronically filed the foregoing with the clerk of the court by using the CM/ECF system, which will send a notice of electronic filing to the following:

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