

STATE OF NEW YORK
SUPREME COURT MONROE COUNTY

PATRICIA MARTINEZ,

Plaintiff,

COMPLAINT

vs.

THE COUNTY OF MONROE, MONROE
COMMUNITY COLLEGE AND MONROE
COMMUNITY COLLEGE DIRECTOR OF
HUMAN RESOURCES SHERRY
RALSTON, in her Individual and Official
capacity,

Index No.

Defendants.

Plaintiff, Patricia Martinez, by her attorney, Jeffrey Wicks, PLLC, for her
Complaint against the defendants, alleges as follows:

INTRODUCTION

1. Plaintiff, Patricia Martinez is an individual who is presently employed by Monroe Community College (hereinafter "MCC"). Plaintiff has been employed at MCC since April 1994. She is also in a loving, long term, committed same sex relationship that has been solemnized in both a marriage in Ontario, Canada and a civil union in the State of Vermont. However, despite the legal status of her relationship with her partner and the language in her employment contract with MCC, MCC has refused to extend health care benefits to Plaintiff's partner.

2. Plaintiff demands equal protection under the law, pursuant to both the New York and United States constitutions, whereby she and her partner should lawfully receive the myriad of benefits, including spousal health benefits,

conferred by a contract of marriage or its equivalent.

THE PARTIES

3. At all times herein alleged, Plaintiff was and is a resident of the County of Monroe, State of New York, currently residing at 23 Stone Barn Road, in the Town of Gates.

4. Upon information and belief, at all times herein alleged, defendant County of Monroe (hereinafter the "County"), was and is a municipal corporation duly organized and existing under the laws of the State of New York, and located in the County of Monroe, State of New York.

5. Upon information and belief, at all times herein alleged, defendant MCC is a unit of the State University of New York, an agency of the State of New York.

6. Upon information and belief, at all times herein alleged, Monroe Community College Director of Human Resources Sherry Ralston was and is a resident of the County of Monroe, State of New York, employed by defendant MCC.

FACTS

7. Plaintiff, a mother of three adult children, has been in a loving, long term, monogamous, committed same sex relationship with her partner, Lisa Ann Golden, since 2000. They own a home together and share financial responsibility for their expenses and for each other's needs. Moreover, they share household duties such as cleaning, cooking, laundry and outdoor chores.

8. To celebrate their relationship on July 5, 2001 the couple entered