

**Julaine Appling, Jo Egelhoff,
Jaren E. Hiller, Richard Kessenich,
and Edmund L. Webster,**

Plaintiffs,

vs.

**James E. Doyle, Karen Timberlake,
and John Kiesow,**

Defendants,

Case No. 2010 CV 004434

and

Honorable Daniel R. Moeser

**Katharina Heyning, Judith Trampf,
Wendy Woodruff, Mary Woodruff,
Jayne Dunnum, Robin Timm,
Virginia Wolf, Carol Schumacher,
Diane Schermann, and Michelle Collins**

Proposed Intervening
Defendants

**AFFIDAVIT OF KATHARINA HEYNING IN SUPPORT OF MOTION OF
PROPOSED INTERVENING DEFENDANTS FOR LEAVE TO INTERVENE**

STATE OF WISCONSIN)
)
COUNTY OF DANE)

I, Katharina Heyning, being first duly sworn on oath, depose and say:


1. I live in Madison, Wisconsin, with my domestic partner, Judith Trampf (Judi). We registered as domestic partners at the Dane County Courthouse on August 5, 2009. On June 19, 2009, we celebrated 20 years together as partners.
2. I am the Dean of the College of Education at the University of Wisconsin, Whitewater. I have a Ph.D. in Curriculum and Instruction from the University of Wisconsin, Madison, and also have a Master of Education in Educational Leadership and a Bachelor of Science in Elementary Education.

3. Judi and I jointly own our home in Madison. We also jointly own two cars, a pontoon boat, and bank accounts. While the ability to hold property as joint tenants is one of the domestic partnership benefits now available in Wisconsin, Judi and I owned property jointly before domestic partnership registration began.
4. Judi's father, who lived in Ripon, Wisconsin, was ill in 1994. During his illness, Judi and I traveled 70 miles each way, three times a week, to help her parents. During that time, I ran her father's business, as he was unable to do so.
5. Judi and I have each prepared Power of Attorney for Health Care documents, and we each appointed the other as our health care decision-maker. We also have wills in which we identify each other as primary beneficiary.
6. In 2002, while traveling in New Orleans, I had a seizure. When I regained consciousness, I was in the hospital. The hospital requested that I give them my signed health care power of attorney document so that Judi could make decisions in the event that I was unable to do so. We did not have a copy of the health care power of attorney document with us at the time. My brother was my closest relative at that time, and in the event that I was unable to make my own health care decisions, I preferred to have Judi making my health care decisions rather than my brother. My brother was not as aware of my wishes as Judi, so I felt more comfortable with her making those decisions.
7. Although I had trouble concentrating and responding to questions after my seizure, the medical providers continued to ask me questions, and did not address any questions to Judi. Despite the fact that questions were not addressed to her, Judi helped me by responding to the questions, as I was having difficulty responding.
8. Because we did not have my signed health care power of attorney documentation with us, Judi and I decided to return to Wisconsin. I was concerned that if I had another seizure and was unable to make my own health care decisions, Judi might not be permitted to make those decisions for me without the proper documentation. We would have stayed longer in New Orleans if it were not for my health issue and the fact that we did not have the signed health care power of attorney documentation with us.
9. As a result of our experience with the health care system when I had my seizure, I have sent e-mails to friends in same-sex relationships advising them to carry copies of their health care power of attorney documents when they travel, and I now do the same.
10. I recognize that our registration as domestic partners in Wisconsin will not eliminate the need to carry our health care power of attorney documents with us when we travel, as our registration as domestic partners is only effective in Wisconsin.

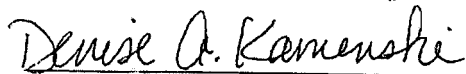
11. Because we now have domestic partner benefits in Wisconsin, I believe that we will be able to make health care decisions for one another, if needed, even without having documentation with us, so long as we are in Wisconsin. I believe that having domestic partner benefits makes it more likely that a hospital will respect our ability to make health care decisions for one another. I anticipate that it will not be as easy as it would be if we were married, because domestic partner benefits are new, and may not yet be widely understood in Wisconsin.
12. Because of my seizure, I was unable to drive for three months. At that time, part of my job involved travel, as I was supervising students in the field. Judi used her vacation time and sick time to take me to doctor's appointments and drive me to and from work. It was our understanding that she had no legal right to take time off of work to care for me.
13. Judi is scheduled to have a minor medical procedure in November, 2010. It is my understanding that because Judi and I registered as domestic partners, I will be able to take time off of work to be with her, and to take up to two weeks off of work under Wisconsin's Family Medical Leave act, if necessary, to assist with her recovery.
14. I understand that our registration as domestic partners does not entitle Judi and I to get federal benefits such as social security survivor benefits, as a married couple would. I have contributed to social security during my entire career.
15. I understand that in Wisconsin, Judi and I are not able to marry. As domestic partners, we lack most of the legal rights available to married couples. Additionally, our relationship is only recognized in Wisconsin, although marriage is recognized in every state.
16. I believe that the term "marriage" carries connotations of full commitment and recognition as a family. To me, "domestic partner" sounds more temporary and contingent. By registering as Judi's domestic partner, I fully recognize that our status as domestic partners is distinct, separate and unique from the status of marriage.
17. When Judi and I registered as domestic partners, no one officiated; we merely signed some papers and had them filed with the Register of Deeds a few days later. There was no ceremony, as there would be with a marriage, even a civil marriage. Marriage is different than a domestic partnership, in part, because of the long tradition behind marriage, the universal understanding of what it is, and the general respect that marriage is given.
18. I am a citizen of the State of Wisconsin, I pay taxes as a citizen, and follow the laws. Despite that, as a person in a domestic partnership, I am unable to attain many of the same rights that are available to married couples. Although Katy and I do not qualify for the majority of benefits available to people who are married, and although I believe that our domestic partnership does not get the same respect

as a marriage, Judi and I would be harmed if the domestic partnership benefits are taken away from us. We would lose the official recognition of our relationship, and the few benefits it provides.

Dated September 29, 2010


Katharina Heyning

Subscribed and sworn to before me
this 21st day of September, 2010


Notary Public, State of Wisconsin
My commission expires: 02/03/13

