

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

Plaintiffs,

vs.

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

Defendants,

and

Case No. 2010 CV 004434

Case Code: 30701, 30704

**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 DIANE SCHERMANN IN SUPPORT OF MOTION OF  
PROPOSED INTERVENING DEFENDANTS FOR LEAVE TO INTERVENE**

STATE OF WISCONSIN    )  
                                  )  
COUNTY OF EAU CLAIRE )

I, Diane Schermann, being first duly sworn on oath, depose and say:

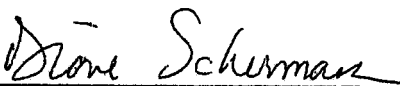
1. I live in Eau Claire, Wisconsin, with my life partner, Michelle Collins. I am 48 years old.
2. Michelle and I registered as domestic partners at the Eau Claire County Courthouse on August 26, 2009. We paid \$10 to waive the five-day waiting period, so our registration took effect immediately.

3. Michelle and I were close friends for over five years before we became romantically involved more than six years ago. On September 25, 2004, Michelle and I celebrated our relationship in a commitment ceremony. We recently celebrated our sixth year in our relationship.
4. I have two children from a previous marriage. One is in college now and the younger one lives with us. Michelle and I jointly parent these children. As a result, I signed a medical consent authorizing Michelle to make medical decisions for the children. Michelle and I decided to co-parent a child, so Michelle became pregnant through *in vitro* fertilization and in April 2008 gave birth to our son. Michelle signed agreements to document and protect the parental relationship that she and I have with our baby by naming me as a guardian should Michelle die or become incapacitated; and by authorizing me to visit our child in medical facilities and at school, to see our child's school and medical records, and to make decisions for our child regarding medical care and school.
5. Michelle and I have been jointly licensed by the State of Wisconsin as foster parents. For more than five years, we have been able to provide foster care for several children until they aged out of the foster care system at age eighteen. We have remained in contact with our former foster children who form a part of our extended family. We are currently caring for two teenage foster children. Michelle and I are in the process of adopting these two special needs children. One has been in our care for over a year and the other has been with us for over two years. Domestic partnership does not allow us both to adopt these children as marriage would.
6. Michelle and I spend our time outside of work caring for our children and offering our support to community groups. We regularly volunteer at our children's schools and completed six months of training run by the Wisconsin Department of Public Instruction to learn to support, educate and advocate for better treatment and services for special needs children and their parents. I have received awards for community service volunteering in outreach programs for youths.
7. I have worked for the Wisconsin Department of Transportation for sixteen years. I am currently an Engineering Specialist Advanced and have over twenty-seven years of experience in civil engineering. In January 2010, I was determined to be permanently disabled by the Federal Social Security Disability program, and released due to my declining health conditions. I had to go on a three year Leave of Absence from my employment as a Maintenance Coordinator. I have since applied for and have been determined to be permanently disabled by the Federal Social Security Disability program and am eligible for Social Security Disability benefits at this time. Because we are not married, Social Security will not pay any benefits to Michelle when I die.


8. Michelle and I share household expenses and have shared bank accounts and jointly pay bills. We jointly make decisions regarding our children. I have named Michelle as my beneficiary for my Statement of Wisconsin pension benefits and Michelle and I have named each other as beneficiaries on our respective life insurance policies.
9. Michelle's parents are actively engaged grandparents to all our children. We anticipate that as they age we will need to care for them when they are ill, which may, if I am able to return to work, require me to take Family Medical Leave time. Our registration as domestic partners helps ensure that I will be able to take leave to care for one or both of them if and when it becomes necessary.
10. Michelle and I have each prepared power of attorney for health care documents in which we each appointed the other as our health care decision-maker. We have not yet prepared wills to protect our desire that each of us be the primary beneficiary of the other's property, because we have not had the financial resources to pay a lawyer to draft our wills. The domestic partnership law will assist us in the event that either of us were to die before completing a will, since the intestacy provisions in it will guarantee that at least one-half of our estate passes to the other. I also understand that even after I complete a will, Michelle will have additional rights in the probate process, such as her ability to seek temporary support during the estate administration process, because of the fact that we are domestic partners.
11. Michelle is the person who knows me best, including my health history, medical conditions, and views about end-of-life decisions. If for some reason my power of attorney were to be unavailable to Michelle or a medical provider were to refuse to follow it, the legal protections to us as domestic partners make me feel safer. For example, I understand that Michelle could consent to my admission to a hospice for end-of-life care and could agree to my transfer from a hospital to a nursing home or community-based residential facility. Having consented to my admission to one of these facilities, Michelle would be able to make medical decisions for me during my stay there. Since there is no one in my family better suited to make those decisions, these protections are very important to me.
12. Wisconsin's Domestic Partner law does not change the deep personal commitment Michelle and I feel to one another, and it does not affect the ways in which our friends and family support our relationship. However, the limited legal protections for us as domestic partners make me feel more secure about my future with Michelle.

13. Marriage, however, is different from a domestic partnership in very important ways. There are hundreds of state and federal protections that come from marriage, while domestic partnership provides just a few. The most important protection that Michelle and I would secure if we could marry would be my ability through a step-parent adoption to protect my parental relationship with our child born in April 2008. In addition, Michelle and I could jointly adopt our teenage girls. I intend to name Michelle as guardian for our two newest daughters should I become incapacitated or die, but adoption would provide much more security for them.
14. In addition to the numerous important differences between the protections available to married couples in comparison to domestic partners, marriage would be understood and respected by people outside of our group of friends and family much more than is a domestic partnership. Marriage is something that others understand without our having to explain it. Our inability to marry in order to gain the esteem that society reserves for that relationship is something that would especially benefit our children who would no longer have to struggle to explain our relationship to their friends and acquaintances. Michelle and I work hard to make our family a secure and loving place for our children and we believe that marriage would reinforce our children's well being much more than our registration as domestic partners.
15. I was married from 1989 until 1997, so I know from first-hand experience ~~that marriage is treated differently than is my domestic partnership.~~ People understood my marriage, while I often have to explain to others what it means or doesn't mean to be in a domestic partnership. When I was married, people respected that relationship and assumed that it fulfilled a certain model, even though my marriage did not always live up to that idea.

Dated September 30, 2010

  
Diane Schermann

Subscribed and sworn to before me  
This 30<sup>th</sup> day of September, 2010.

  
Notary Public, State of Wisconsin  
My commission expires: 10/02/11