

NOTICE OF PROPOSED SETTLEMENT OF BILATERAL CLASS ACTION LAWSUIT  
CONCERNING ISSUANCE OF MARRIAGE LICENSES TO INDIVIDUALS WHO SEEK,  
OR WILL IN THE FUTURE SEEK, TO MARRY SOMEONE 18 YEARS OF AGE OR  
OLDER WHO IS UNABLE TO APPEAR IN PERSON BEFORE A RECORDER OF DEEDS  
BECAUSE OF INCARCERATION, MILITARY SERVICE, OR DISABILITY

This notice gives information about the proposed settlement of a lawsuit challenging Missouri Recorders of Deeds' actions that prevent individuals from marrying because one or both marriage license applicants are unable to comply with the in-presence requirement under Missouri Revised Statutes § 451.040.2.

BACKGROUND

In January 2014, a lawsuit, *Kennard v. Kleindienst*, No. 14-4014, was filed challenging Recorders of Deeds' enforcement of policies or customs that prevent individuals from marrying because one or both of the marriage license applicants could not comply with the in-presence requirement under § 451.040.2. The lawsuit claims that such enforcement violates the fundamental right to marry secured by the Fourteenth Amendment to the United State Constitution.

The Court has certified a Plaintiff Class of those who seek, or will in the future seek, to marry an individual 18 years of age or older who is unable to appear in person before a Recorder of Deeds because of incarceration, military service, or disability. The Court has certified a Defendant Class of all Missouri Recorders of Deeds.

The parties have now agreed to a settlement in the form of a consent judgment. The Court must approve the settlement after a fairness hearing.

PROPOSED CONSENT JUDGMENT

You can see the entire proposed consent judgment at the website of the American Civil Liberties Union of Missouri Foundation, [www.aclu-mo.org/marriage-consent-judgment](http://www.aclu-mo.org/marriage-consent-judgment)

The basic terms of the proposed consent judgment are:

- The Court declares the statutory requirement that both parties to a prospective marriage execute and sign a marriage license in the presence of the recorder of deeds significantly interferes with the fundamental right to marry where it is impossible for a future spouse to appear as a result of incarceration, military service, or disability.
- The Court orders that Recorders of Deeds shall, upon reasonable written proof as to the authenticity of the signature of an applicant on a marriage license application, reasonable proof of the fact that the applicant is unable to appear in their presence at the time the application is completed, and receipt of all required fees and documents, issue marriage licenses to any member of the plaintiff class.

## RIGHT TO OBJECT

Any plaintiff or defendant class member has the right to let the court, the attorneys, and the parties know if he or she objects to the proposed settlement. The court has set a hearing for this purpose on January 26, 2015, at 10:00 a.m. at the following address:

Honorable Matt J. Whitworth, United States Magistrate Judge  
United States District Court for the Western District of Missouri  
80 Lafayette Street  
Jefferson City, Missouri 65101

Class members may also object to the settlement by sending a letter marked “Kennard v. Kleindienst Settlement” before January 21, 2015, to the court at the address listed above. Plaintiff class members may also call Grant Doty at the American Civil Liberties Union of Missouri Foundation, which represents the plaintiff class in this lawsuit, with any questions, at: (314) 652-3114; Defendant class members may also call Sherry A. Mariea, at Mariea, Sigmund, & Browning, LLC, who represents the defendant class in this lawsuit, with any questions, at (573) 635-7699.