

IN THE CIRCUIT COURT FOR THE CITY OF ST. LOUIS  
STATE OF MISSOURI

STATE OF MISSOURI,	)	
	)	
Plaintiff,	)	
v.	)	No. _____
	)	
SHARON QUIGLEY CARPENTER,	)	
Recorder of Deeds and Vital Records )	)	
Registrar, City of St. Louis,	)	
	)	
Defendant.	)	

**VERIFIED PETITION FOR TEMPORARY RESTRAINING ORDER  
AND PRELIMINARY AND PERMANENT INJUNCTIVE RELIEF**

The State of Missouri, by and through the Attorney General, petitions this Court under § 526.010 RSMo<sup>1</sup> and Mo. Sup Ct. Rule 92.02(a)-(b) to grant temporary and permanent injunctive relief, in support of which it states the following:

**Parties, Jurisdiction, and Venue**

1. Chris Koster, the duly elected, qualified, and acting Attorney General of the State of Missouri, is authorized “to institute, in the name and on the behalf of the state, all civil suits and other proceedings at law or in equity requisite or necessary to protect the rights and interests of the state, and enforce any and all rights, interests or claims against any and all

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<sup>1</sup> All references are to Missouri Revised Statutes 2013 Cumulative Supplement.

persons, firms or corporations in whatever court or jurisdiction such action may be necessary.” § 27.060, RSMo.

2. Defendant Sharon Quigley Carpenter is the duly elected Recorder of Deeds and Vital Records Registrar for the City of St. Louis.

3. This Court has subject matter jurisdiction under Art. V, § 1, Mo. Const.

4. Venue is proper in this Court under § 508.010, RSMo, because Carpenter is an official of the City of St. Louis and maintains her office within this judicial circuit.

### **Facts**

5. As Recorder of Deeds and Vital Records Registrar for the City of St. Louis, Carpenter’s authority to issue marriage licenses is limited by § 451.022, which provides:

1. It is the public policy of this state to recognize marriage only between a man and a woman.
2. Any purported marriage not between a man and a woman is invalid.
3. No recorder shall issue a marriage license, except to a man and a woman.
4. A marriage between persons of the same sex will not be recognized for any purpose in this state even when valid where contracted.

6. On information and belief, on June 25, 2014, Carpenter issued marriage licenses for couples in which both persons were of the same sex.

7. Carpenter's issuance of marriage licenses to couples of the same sex is contrary to § 451.022.3.

8. Carpenter's issuance of marriage licenses to couples of the same sex is also contrary to Article I, § 33 of the Missouri Constitution.

9. Regardless of her personal views regarding the validity of these provisions of Missouri law, Carpenter is bound by them unless and until they are declared unconstitutional by a court of competent jurisdiction.

10. On information and belief, Carpenter will issue additional marriage licenses to same-sex couples unless specifically enjoined from doing so.

**COUNT I – Temporary Restraining Order and Preliminary  
Injunction**

11. Plaintiff's obligation to enforce the provisions of the Missouri Constitution and statutes will be immediately and irreparably harmed if Carpenter is permitted to issue marriage licenses to same-sex couples in violation of state law.

12. Plaintiff is likely to succeed on the merits of this action to permanently enjoin Carpenter from issuing marriage licenses to same-sex because she is expressly prohibited from doing so under § 451.022.3, RSMo.

13. The potential harm to the State from having municipal officials decide for themselves which laws to follow, as well as the potential harm to same-sex couples who receive and rely on marriage licenses of uncertain validity, substantially outweighs any potential harm to Carpenter from having to continue following the law as written unless and until it is invalidated by a court of competent jurisdiction.

14. It is in the public's interest to require public officials to obey the laws they have sworn to uphold rather than make their own independent determinations as to which laws they will follow.

### **Count II – Permanent Injunction**

15. Every statute duly enacted by the legislative branch is presumed to be constitutional and must be enforced by officials in the executive branch unless and until the judicial branch holds a particular statute to be invalid.

16. Carpenter's decision to issue marriage licenses to same-sex couples is contrary to duly enacted provisions of § 451.022.3, RSMo, as well as Art. I, § 33 of the Missouri Constitution.

17. Plaintiff has no remedy at law if municipal officials take it upon themselves to decide not to comply with state laws.

WHEREFORE the State, asks the Court to issue a temporary restraining order—and, when necessary, preliminary and permanent injunctions—barring defendant Carpenter from issuing marriage licenses to

same-sex couples in violation of § 451.022.3, RSMo, and Article I, § 33 of the Missouri Constitution.

Respectfully submitted,

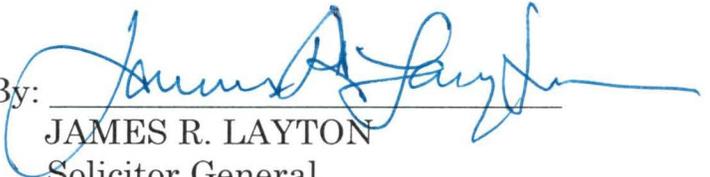
**CHRIS KOSTER**  
Missouri Attorney General

*/s/ James R. Layton* \_\_\_\_\_  
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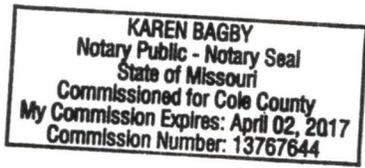
**ATTORNEYS FOR PLAINTIFF  
STATE OF MISSOURI**

STATE OF MISSOURI        )  
  ) ss.  
COUNTY OF COLE         )

James R. Layton, of lawful age, being duly sworn, state that I am the Solicitor General for the Office of Attorney General, that I am authorized to make this verification, and that I have read the foregoing Verified Petition for Temporary Restraining Order and Preliminary and Permanent Injunctive Relief, that I have personal knowledge of the facts set forth herein, and that each of which is true to the best of my knowledge, information, and belief.

By:   
JAMES R. LAYTON  
Solicitor General  
Office of Missouri Attorney  
General

Subscribed and sworn to before me, a notary public, this 25<sup>th</sup> day of June, 2014.



  
NOTARY PUBLIC, in and for the  
County of Cole, State of Missouri

My commission expires: April 2, 2017