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UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA

Joseph R. Diaz; Beverly Seckinger; Stephen Russell; Deanna Pflieger; and Corey Seemiller; on behalf of themselves and all others similarly situated,

Plaintiffs,

v.

Janice K. Brewer, personally and in her official capacity as Governor of the State of Arizona; et al.,

Defendants.

No. CV09-2402-PHX-JWS

**[PROPOSED] ORDER  
VACATING ORDER  
REGARDING DISSOLUTION OF  
PRELIMINARY INJUNCTION  
AND CASE DISMISSAL, AND  
MODIFYING PRELIMINARY  
INJUNCTION**

After considering Plaintiffs’ Motion To (i) Vacate Order Regarding Dissolution Of Preliminary Injunction And Case Dismissal, And (ii) Modify Preliminary Injunction, and for good cause appearing,

IT IS HEREBY ORDERED that the Court’s order at Doc. 139 is VACATED; and

IT IS FURTHER ORDERED that the preliminary injunction entered at Doc. 47 is modified to provide as follows:

- 1) Defendants are required to make family health insurance coverage available for a State employee’s same-sex domestic partner, or same-sex domestic partner’s children, to the same extent such family health insurance coverage is made available to a State employee’s different-sex spouse, or different-sex spouse’s children. Defendants must comply with this requirement by doing at least one of the following:

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a) As long as Arizona makes marriage available to same-sex couples and recognizes marriages that have been validly entered by same-sex couples, Arizona may comply with this order by providing family health coverage to same-sex spouses and their children on the same terms that it provides family health coverage to different-sex spouses and their children;

b) In the event that Arizona no longer makes marriage available to same-sex couples or no longer recognizes marriages that have been validly entered by same-sex couples, Defendants are enjoined from enforcing A.R.S. § 38-651(O) to eliminate family insurance eligibility for a State employee's same-sex domestic partner, or same-sex domestic partner's children, who satisfy the criteria set forth in Ariz. Admin. Code § R2-6-101; and Defendants must provide family coverage to each such partner or partner's children to the same extent family coverage is made available for State employees' different-sex spouses and their children.

2) This modified preliminary injunction shall take effect immediately upon entry and shall remain in effect through at least the disposition of the petitions for certiorari in any of the underlying cases decided in *DeBoer v. Snyder*, Nos. 14-1341, 14-3057, 14-3464, 14-5291, 14-5297, 14-5818, 2014 U.S. App. LEXIS 21191 (6th Cir. Nov. 6, 2014). If any of the petitions for certiorari are granted in those cases, or in any other case involving access to or recognition of marriage for same-sex couples, this injunction shall remain in effect through the Supreme Court proceedings. This injunction shall not be terminated absent further order of the Court.