

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF BLUE EARTH

FIFTH JUDICIAL DISTRICT

James Michael McConnell and
Pat Lyn McConnell a/k/a
Richard John Baker,

Case Type: Other Civil
Court File No.: 07-CV-16-4559

Petitioners/Plaintiffs,

v.

Blue Earth County, Karen Myers in her
official capacity as Deputy
Director/License Center, and John and
Jane Doe,

Respondents/Defendants.

**FINDINGS OF FACT,
CONCLUSIONS OF LAW AND
ORDER FOR PARTIAL
SUMMARY JUDGMENT**

This matter came on for hearing before the undersigned on September 17, 2018, on the motion of Petitioners/Plaintiffs James Michael McConnell and Pat Lyn McConnell for partial summary judgment on the declaratory relief sought in Paragraph 38 of their Amended Verified Petition for Alternative Writ of Mandamus and Complaint for Declaratory and Injunctive Relief. Richard D. Snyder, Esq. and Kristy Rogers, Esq. appeared on behalf of Petitioners/Plaintiffs. Joseph M. Bromeland appeared on behalf of Respondents/Defendants Blue Earth County (“County”), Karen Myers in her official capacity as Deputy Director/License Center, and John and Jane Doe.

The Court, having considered the arguments of counsel, the joint stipulations submitted by the parties, and being duly advised in the premises, hereby makes the following:

FINDINGS OF FACT

1. Petitioners/Plaintiffs James Michael McConnell and Pat Lyn McConnell a/k/a Richard John Baker (collectively “the McConnells”) are Minnesota residents. They are both male. They are not blood relatives.
2. Respondent/Defendant Blue Earth County (the “County”) issues marriage licenses pursuant to Minn. Stat. ch. 517, *et seq.* and records marriage certificates.
3. Respondent/Defendant Karen Myers is the Deputy Director/License Center for the County and is currently responsible for overseeing the issuance of marriage licenses and the recording of marriage certificates.
4. On August 9, 1971, James Michael McConnell appeared in the office of the clerk of the Blue Earth County District Court to apply for a license to marry Pat Lyn McConnell. A deputy clerk of the Blue Earth County District Court assisted James Michael McConnell with completing the marriage license application.
5. On August 16, 1971, the clerk of the Blue Earth County District Court issued a marriage license to James Michael McConnell and Pat Lyn McConnell based on the August 9, 1971 application (the “Marriage License”).
6. The Marriage License has never been annulled or decreed to be invalid by any court of competent jurisdiction.
7. On September 3, 1971, a minister of the United Methodist Church authorized to perform marriages in the state of Minnesota performed a marriage ceremony for James Michael McConnell and Pat Lyn McConnell.

8. Following the marriage ceremony, the minister prepared the marriage certificate appearing on the bottom portion of the Marriage License (the “Marriage Certificate”). The Marriage Certificate was duly signed by the minister and two witnesses.
9. The Marriage Certificate has never been annulled or decreed to be invalid by any court of competent jurisdiction.
10. The McConnells’ marriage has never been dissolved or annulled by any court of competent jurisdiction.

CONCLUSIONS OF LAW

1. Minnesota’s Uniform Declaratory Judgment Act, Minn. Stat. § 555.01, authorizes the Court to determine the rights, status, and legal relations of parties.
2. This case presents a justiciable controversy. The McConnells’ claim involves an assertion of concrete rights emanating from two legal sources, the marriage statute and the United States Constitution. It is not a hypothetical claim. A genuine conflict exists because, to date, the County has refused to recognize the validity of the McConnells’ marriage and has refused to record their marriage certificate, creating uncertainty as to whether a valid marriage exists. The dispute is capable of resolution by a declaration from the Court.
3. Under Minnesota law, once a marriage has occurred, as it has here, the marriage cannot be deemed a “nullity” or “void” unless the legislature, by statute, has expressly declared that type of marriage “void.” *In re Kinkead’s Estate*, 57 N.W.2d 628, 633 (Minn. 1953) (“[T]he far-reaching ramifications of treating a marriage as

a nullity forbid that it should be held invalid without a decree of dissolution unless it is expressly declared void by statute.”).

4. When the McConnells were married in 1971, nothing in the marriage statute declared same-sex marriage to be “void.”
5. Without a legislative declaration that a prohibited marriage is void, it remains voidable until such time as an injured party seeks to have the marriage annulled or dissolved, which has never occurred in this case. *State v Yoder*, 130 N.W. 10, 12 (Minn. 1911).
6. Accordingly, the McConnells’ marriage is not void and should be declared by the Court to be valid.

ORDER

The September 3, 1971 marriage of James Michael McConnell and Pat Lyn McConnell, a/k/a Richard John Baker, has never been dissolved or annulled by judicial decree and no grounds currently exist on which to invalidate the marriage. The marriage is declared to be in all respects valid.

Plaintiffs are, therefore, entitled to summary judgment for the relief sought in Paragraph 38 of the Amended Verified Petition for Alternative Writ of Mandamus and Complaint for Declaratory and Injunctive Relief.

THERE BEING NO JUST REASON FOR DELAY, LET JUDGMENT ENTER ACCORDINGLY.



Anderson, Gregory (Judge)
Sep 18 2018 9:50 AM

Gregory J. Anderson
Judge of District Court