

# **EXHIBIT 2**

## **DECLARATION OF TERREL L. POCHERT**

I, Terrel L. Pochert, hereby declare that the following facts are true under penalty of perjury.

I also have been known as “Terry” to my friends, co-workers, and family.

I was born on June 18, 1948, near my boyhood home in Port Hope, Michigan. I went to grade school and high school in neighboring communities. I left for the military in December 1966, returning to Michigan in 1970 to attend school and begin my career in broadcasting. After meeting Joseph “Joe” Connolly in 1995, we began our life together



and new careers by moving to Arizona in 1997. Arizona is where we now reside and plan to finish our lives as long as we can fulfil our marriage obligations to each other.

### **Early Years**

I was raised in a very loving family, but knew from a very early age that I was different from most kids—not in my scholarly and sports pursuits, but my craving for being close to other guys. While my friends were constantly talking about girls, I wanted to have a close sexual relationship with my other guys. Knowing that my immediate culture did not permit this, I never felt complete as a young man. I always dreamed about the guys in the Joe Weider ads that were on the last pages of my comic books. Oh, to want more and feel tremendous guilt while I hid these feelings. There was nobody to talk to.

### **High School**

Many of my encounters during grade school and high school were always with males. I felt complete and loved, and spent the days following these encounters on a sensual high. How could I find a life partner to give me this happiness?

Then came the dances and proms—my parents encouraged heterosexual dating. I was always nervous and uncomfortable “invading” these girls’ space. I even presented a small broach to one of the girls, who cherished it during the last six months of my senior year. I felt as though I did something very, very wrong because I never had any real feelings for her. My dreams and desires always reverted back to my male encounters during my younger years.

## **College**

College grants, scholarships, speech contests, and jobs generated lots of money. College was at my doorstep; finances were no problem. University of Michigan Engineering School Avionics accepted me with open arms. But I just wanted to run away—as far as I could.

## **Military**

When I told my mom and dad that I joined the Air Force, their jaws dropped. Although they were somewhat supportive, they made it clear to me what I was throwing away. But all I wanted to do was escape. I’m not sure what I was escaping from. I just wanted to run.

Military life was safe. I always seemed to be among friends. There was structure. There were guys I could talk to and spend time with. During my time in the service, even though being gay was taboo, I had no problem meeting guys with whom I could have relations, hang out, and explore the many cities and nations that we visited. I once again felt complete, even though I could never talk with my parents, commanding officers, and clergy about this incredible feeling of freedom that I felt. I started feeling comfortable in my own skin. I spent many hours pondering whether I should make the military my career, but having discovered who I really was, I felt comfortable leaving the military and going back to school.

Just two years into college, one professor encouraged me to apply for a job at a local TV station since I had a First Class FCC License and tons of training from the military. I spent the next 25 years of my life working for ABC and Scripps



Howard Broadcasting. I could be myself, I was accepted as a gay man, and I was t happy with my career. But, I could not talk with my parents, members of my church, or my relatives. I led a double life. I loved my family, but it always seemed like I was looking through a screen door. Everything I did and talked about had to be filtered through that screen. That screen door was always there. My Dad never saw me as who I really was because he died when I was young; my Mother may have had glimpses.

### **Life with Joe**

About the only place to meet other gay guys was at a private social club or gay bar. This is where I met my partner, Joe. People ask, “How’d you meet?” and I reply, “at a bar.” We were forced to live “underground” and meet at “safe” places such as private social clubs or gay bars.



### **Engagement**

Our engagement during the fall of 1995 was exchanging onion rings at a Big Boy Restaurant in Novi, Michigan. How romantic? But it was incredibly serious. Joe moved into my condo. We started merging assets and coming up with creative ways to make the process fair.

### **Merging Assets**

How can you merge assets and be fair? We finally decided to merge all of our assets. What’s yours is mine; what’s mine is yours. Wow, relief and another step towards being free.

All matters of running the household and spending money on major assets are shared. We have agreed on small amounts of petty cash which are ours to spend as we wish. Depending on the monthly budget, this generally is about \$200 each month.

### **Our New Life**

Our new bold life meant making new bold decisions. Joe quit his Job and I quit my job of 25 years. A remote job opened up for Joe through a previous associate. I had a small retirement benefit with the hopes of starting a few entrepreneur

projects. Our future income was a bit uncertain, but our commitment and plans for a new life were not uncertain. We were off to Arizona.

## **Moving to Arizona**

With our merged assets, we created our home. A home built from scratch in Gilbert, Arizona. What a blast! A \$25 down payment to start building a new life together. We decorated, we landscaped, we painted, we bought dishes, we cleaned, and we did all things a married couple would do—except we weren't married.

## **Finding freedom in religion**

Faith Lutheran Church in Phoenix, Arizona, along with Pastor Dick Staats and his wife, Linda Staats, encouraged us to really study the Bible and learn what Christ said about love, care and respect. We learned that the Bible actually says nothing about loving committed same-sex relationships. Misinterpretation and social culture has led to destroying many lives. Such misinterpretation and social culture has led to social unrest in the 1960s, finding justification for slavery, finding ways to frown upon mixed race marriages, finding ways for the KKK to burn crosses, and today, finding ways to force loving gay relationships into the underground. Thank goodness for our current pastor and his wife, Pastor Gary McCluskey and Mary Beth, and thousands of other progressive Christ-centered clergy to support all loving relationships.

## **Creating Estate Plans**

Our estate plans are now in place. We made sure that each one of us is taken care of in case of death. We created e powers of attorney and health care powers of attorney. We established a trust has to insure that our assets are taken care of appropriately. How many other married couples are required to go through this process?

We now have in place:

- Last Wills and Testaments
- Durable Powers of Attorney
- Health Care Powers of Attorney

- Living Wills
- The Trust Agreement of the Pochert and Connolly Revocable Trust, May 21, 2003

It would have been wonderful to create these documents simply because we wanted to rather than being forced to by the State of Arizona. It's so sad that the law discriminates and forces us to create these documents.

### **Move to the City of Maricopa, Pinal County**

Now that we are getting older, we decided to move to a smaller home in an over 55 year old community in the City of Maricopa. Both of our names are on the mortgage, the title, and the monthly bills.

### **California Here We Come**

Arizona: we want to live here, we want to retire here, we want to die here, but we can't get married here.

We took advantage of the opportunity to get married in California during the summer of 2008. Our drive to Riverside, California, resulted in the first step of getting the marriage license. (Local Registration Number: 4200833004975)



On July 4, 2008, we were married in St. Mark's Lutheran Church, 1111 O'Farrell St., San Francisco, CA 94109. Our former pastor, Rev. Richard "Dick" Staats, officiated at the ceremony along with Nancy Nipper, our witness. It was unfortunate that the Church was empty except for our Pastor, our witness, Joe,

me, and the janitor.

### **The Pinal County Clerk in Casa Grande**

Since our marriage is not recognized in the State of Arizona, we wanted to see if we could get remarried



here in the State of Arizona. On Friday, January 31, 2014, we went to the clerk's office with our check and printout of steps for filing. After calling her supervisor, the clerk told us that they would not give us an application. It was disappointing, but it was nice to hear from the clerk that she said, "I wish I could, but the law doesn't permit me to." Kind words, but hurtful at the same time.

We simply want the State of Arizona to allow us the same civil rights as every other Arizona resident and citizen of the United States.

*Pursuant to 28 U.S.C., section 1746, I declare under penalty of perjury that the foregoing is true and correct.*

Executed on 3.27.2014



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Terrel L. Pochert

