

BEFORE THE COMMISSION ON JUDICIAL CONDUCT AND ETHICS

STATE OF WYOMING

An inquiry concerning)
The Honorable Ruth Neely)
Municipal Court Judge and) No. 2014-27
Circuit Court Magistrate)
Ninth Judicial District)
Pinedale, Sublette County)

**CERTIFIED RECORD
VOLUME 3**

EXHIBIT 9

BEFORE THE COMMISSION ON JUDICIAL CONDUCT AND ETHICS
STATE OF WYOMING

An inquiry concerning)	
The Honorable Ruth Neely)	No. 2014-27
Municipal Court Judge and)	
Circuit Court Magistrate)	
Ninth Judicial District)	
Pinedale, Sublette County)	

CJCE'S RESPONSE TO REQUESTS FOR ADMISSION

COMES NOW the Commission on Judicial Conduct and Ethics, by and through its attorney Patrick Dixon, and responds to Judge Neely's Requests for Admission as follows. This response is made in accordance with the Wyoming Rules of Civil Procedure and the standards of practice in Wyoming, and not necessarily with respect to any instruction or definition put forth by the requestor.

REQUEST FOR ADMISSION NO. 1: Admit that the judicial misconduct that the Commission alleges in the Notice is solely predicated upon the statements that Judge Neely allegedly made during the conversation between her and Ned Donovan referenced in Paragraphs A(4) and (5) of the Notice.

RESPONSE: Denied. The problem the commission has with this request is the phrase "solely predicated." While the referenced statements give rise to the charge of misconduct, there are a number of factors that go into it including but not limited to the public nature of the comments, their likely effect on the LGBT community, the reputation of the Wyoming judiciary, Judge Neely's willingness to selectively perform her duties and apply Wyoming law, and her unwillingness to acknowledge that her words and conduct violate the Code of Judicial Conduct.

REQUEST FOR ADMISSION NO. 2: Admit that other than the statements that Judge Neely allegedly made during the conversation between her and Ned Donovan referenced in Paragraphs A(4) and (5) of the Notice, the Commission knows of no other instance in which Judge Neely spoke to any reporter or otherwise spoke publicly about her religious beliefs regarding same-sex marriage.

RESPONSE: The CJCE is without information upon which to admit or deny the facts set forth in Request No. 2.

REQUEST FOR ADMISSION NO. 3: Admit that Judge Neely has the legal authority to perform marriage ceremonies in her role as a circuit court magistrate, but does not have the legal authority to perform marriage ceremonies in her role as a municipal town judge.

RESPONSE: CJCE objects to Request No. 3 as calling for a legal conclusion. Without waiving the objection, CJCE's reading of the statutes is consistent with the statement set forth in Request No. 3.

REQUEST FOR ADMISSION NO. 4: Admit that circuit court magistrates are not required to perform any marriage ceremonies under Wyoming law.

RESPONSE: This request is admitted to the extent that it applies to Circuit Court Magistrates in general, but denied with respect to Judge Neely. The sole purpose of Judge Neely's appointment was to perform ceremonies.

REQUEST FOR ADMISSION NO. 5: Admit that the Commission has not received any complaint's regarding Judge Neely's performance as a municipal town judge.

RESPONSE: Admitted.

REQUEST FOR ADMISSION NO. 6: Admit that the Commission has not received any complaint's regarding Judge Neely's performance as a circuit court magistrate.

RESPONSE: Admitted.

REQUEST FOR ADMISSION NO. 7: Admit that Wyoming state judges, judicial officials, or magistrates did not receive any formal notice or guidance regarding any adjustments to their respective marriage-related duties in the wake of the decision in *Guzzo v. Mead*, 2014 WL 5317797 (E. Wyo. 2014).

RESPONSE: This request is admitted to the extent that neither the CJCE nor the Wyoming Judicial Advisory Committee propounded any formal notice or guidance in the wake of *Guzzo v. Mead* and denied to the extent that Judges have resources available to them which may have provided guidance in the wake of the decisions in *Guzzo v. Mead*.

REQUEST FOR ADMISSION NO. 8: Admit that the Commission has not received any complaint's regarding Judge Neely since Ned Donovan published the article referenced in Paragraphs A(4) and (5) of the Notice.

RESPONSE: Denied. Shortly following publication of the article, the Commission's Executive Director, Wendy Soto, received an oral complaint from a Pinedale resident, Ana Cuprill. Ms. Cuprill followed up the oral complaint with an email to Ms. Soto attaching the newspaper article in question.

REQUEST FOR ADMISSION NO. 9: Admit that before this proceeding, the Commission has never disciplined Judge Neely in her capacity either as a municipal town judge or as a circuit court magistrate.

RESPONSE: Admitted.

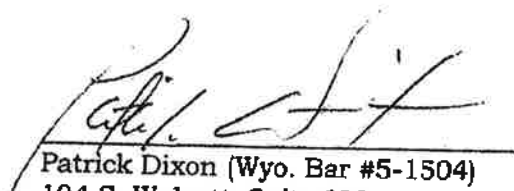
REQUEST FOR ADMISSION NO. 10: Admit that since the ruling in *Guzzo v. Mead*, 2014 WL 5317797 (E. Wyo. 2014), no same-sex couple in Wyoming has been unable to access a state judge, judicial official, or magistrate willing to perform their wedding ceremony.

RESPONSE: The Commission is unable to admit or deny this request based upon lack of information.

REQUEST FOR ADMISSION NO. 11: Admit that no complaints alleging sexual-orientation discrimination have been filed with the Commission.

RESPONSE: This request is admitted with respect to the period of time from June 1, 2012 to the present. This request is objected to as being unreasonably burdensome and not reasonably calculated to lead to the discovery of admissible evidence with respect to the period of time prior to June 1, 2012. The Commission has literally thousands of files regarding complaints lodged against judges, dating back to the formation of the Commission. It would be unreasonably burdensome to be required to search these files to respond to this request.

DATED this 27 day of July, 2015.



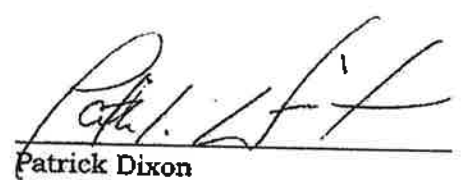
Patrick Dixon (Wyo. Bar #5-1504)
104 S. Wolcott, Suite 600
Casper, Wyoming 82601
(307) 234-7321
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Disciplinary Counsel

CERTIFICATE OF SERVICE

I, Patrick Dixon, do hereby certify that on the 27 day of July, 2015, I served the above and foregoing ***CJCE's Response to Requests for Admission*** by placing a true and correct copy in the United States mail, duly postmarked and addressed to:

Herbert K. Doby
Attorney at Law
P.O. Box 130
Torrington, Wyoming 82240

James A. Campbell
Kenneth J. Connelly
Douglas G. Wardlow
Alliance Defending Freedom
15100 N. 90th Street
Scottsdale, Arizona 85260



Patrick Dixon

EXHIBIT 10

1 BEFORE THE COMMISSION ON JUDICIAL CONDUCT AND ETHICS

2 STATE OF WYOMING

3

4

5 An inquiry concerning) Commission on Judicial
6) Conduct and Ethics

7 The Honorable Ruth Neely) No. 2014-27

8 Municipal Court Judge and)
9 Circuit Court Magistrate)
Ninth Judicial District)
Pinedale, Sublette County)

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DEPOSITION OF

14

THE HONORABLE RUTH NEELY
Friday, September 18, 2015

15

16

17

TAKEN AT

Sublette County Library Board Room
Pinedale, Wyoming

18

19

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21

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23

COURT REPORTER:
Michelle L. Cunningham
Deputy and Freelance Reporter
Notary Public

24

25

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2
APPEARANCES:

3
FOR COMMISSION ON JUDICIAL CONDUCT AND ETHICS:

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11
FOR THE HONORABLE RUTH NEELY:

12 ALLIANCE DEFENDING FREEDOM
13 BY: Jim Campbell, Attorney at Law
14 15100 North 90th Street
15 Scottsdale, Arizona 85260
16 (480) 444-0200
17 E-mail: jcampbell@ADFlegal.org

18
ALSO PRESENT:

19 Wendy Soto

20
21
22
23
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25
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5
BE IT REMEMBERED that, pursuant to

2 Notice of Deposition, and on Friday,
3 September 18, 2015, commencing at the hour
4 of 12:26 p.m., thereof, at the Sublette
5 County Library Board Room, Pinedale,
6 Wyoming, before me, MICHELLE L. CUNNINGHAM,
7 a Freelance Shorthand Reporter and Notary
8 Public in and for the County of Sublette,
9 State of Wyoming, there personally appeared
10 THE HONORABLE RUTH NEELY,
11 called as a witness by the Commission on
12 Judicial Conduct and Ethics, and who, being
13 first duly sworn, was thereupon examined
14 and testified as hereinafter set forth.

15
**EXAMINATION OF THE HONORABLE RUTH NEELY
16 BY MR. DIXON**

17 Q. In -- in addition to that, Rule 11(c) of
18 the -- the Rules of Judicial Conduct for the
19 State of Wyoming presides that "any witness
20 testifying in a deposition shall be informed
21 of the confidentiality of the proceedings and
22 such witness shall be required to swear or
23 affirm as part of the oath that such"
24 witnesses -- "such witness shall not disclose
25 the existence of the proceeding, identity of

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1 the judge, or the subject of the testimony or
 2 the evidence."
 3 Do you so swear or affirm?
 4 A. Yes, I do.
 5 Q. Okay. Thank you.
 6 Would you state your name, please?
 7 A. Ruth Neely.
 8 Q. And -- and you are municipal court judge;
 9 is that correct?
 10 A. Yes, it is.
 11 Q. And how should I address you today?
 12 Should I call you Judge? Should I call you
 13 Ms. or Mrs. Neely? Or Ruth? Or -- what's
 14 your preference?
 15 A. My preference is whatever's comfortable
 16 for you.
 17 Q. Okay. So I'm gonna call you
 18 Judge Neely --
 19 A. That's just fine.
 20 Q. -- if you don't mind.
 21 I've heard -- it's nice to meet you.
 22 I've -- I've heard a lot of nice things about
 23 you before this and in the last couple of
 24 days. And I'm sorry that we're here under
 25 these circumstances.

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1 That having been said, where do you
 2 reside?
 3 A. In Pinedale, Wyoming.
 4 Q. Do you have an address?
 5 A. 407 West Jade Street, Pinedale,
 6 Wyoming.
 7 Q. Okay.
 8 I'm 100 percent sure you've had an
 9 opportunity to talk to your lawyers and you
 10 understand what we're -- the process of
 11 doing this deposition here today; right?
 12 A. Yes.
 13 Q. Okay.
 14 I'll do my best to make sensible
 15 questions, but if I don't, please let me
 16 know.
 17 A. Thank you.
 18 Q. What I'd like to just do is start with
 19 some general background.
 20 Are you -- are you married?
 21 A. Yes.
 22 Q. Okay. And to whom are you married?
 23 A. Gary Neely.
 24 Q. And how long have you been married to
 25 Mr. Neely?

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1 A. 38 years.
 2 Q. Okay.
 3 Is this your -- is he your first
 4 husband, as they say?
 5 A. First and last.
 6 Q. Okay.
 7 A. Yes, sir.
 8 Q. I have a friend that goes around and
 9 introduces his wife as his "first wife."
 10 Do you have children?
 11 A. Yes.
 12 Q. How many?
 13 A. One.
 14 Q. And where does this child live?
 15 A. She lives in St. Louis, Missouri.
 16 Q. Okay. What's her name?
 17 A. Given name is Katherine. We call her
 18 Katie.
 19 Q. Okay. And how old is -- is Katie?
 20 A. Thirty-one.
 21 Q. Do you have grandchildren?
 22 A. Yes, I do.
 23 Q. Congratulations.
 24 A. Thank you.
 25 Q. How many?

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1 A. Two.
 2 Q. And -- and do you mind if I ask you when
 3 you graduated from high school?
 4 A. 1971.
 5 Q. Okay. Very good.
 6 The -- the grandchildren -- you said you
 7 have two?
 8 A. Yes.
 9 Q. Okay.
 10 How old are they?
 11 A. One is six and one is three.
 12 Q. Boys or girls?
 13 A. Two boys.
 14 Q. Okay. Get a chance to see them often?
 15 A. Not often enough.
 16 Q. I'll bet. I'll bet.
 17 Can you -- can you -- Judge Neely, can
 18 you describe to me your -- your education?
 19 A. I graduated from high school. I
 20 graduated from college. And then as a
 21 judge, I have attended conferences, one or
 22 more every year that I have been a judge.
 23 Q. Okay. We'll talk about that in a minute.
 24 You graduated high school in 1971 from
 25 where?

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1 A. From St. Peter High School in
 2 St. Peter, Minnesota.
 3 Q. Okay. And from college?
 4 A. Graduated from college at Gustavus
 5 Adolphus College in St. Peter, Minnesota.
 6 Q. Good. And what year was that?
 7 A. 1975.
 8 Q. And what degree did you earn?
 9 A. My -- it was a Bachelor of Arts and
 10 Sciences, and my majors were -- I studied
 11 history, science, and education.
 12 Q. Okay.
 13 Gustavus Adolphus, is that -- isn't
 14 that a music -- isn't that kind of...
 15 A. A wonderful music program.
 16 Q. That's my recollection. I've had friends
 17 that go there that studied music there.
 18 But you took more of a liberal arts
 19 course?
 20 A. Yes.
 21 Q. Okay.
 22 And that would describe the extent of your
 23 formal college education?
 24 A. Yes, but I was not four years at
 25 Gustavus. I don't know if you need to know
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1 that.
 2 Q. You can explain.
 3 A. I was two year -- two middle years were
 4 in Laramie, Wyoming --
 5 Q. Oh, okay.
 6 A. -- at the university there.
 7 Q. What years were those?
 8 A. 1972 to 1974.
 9 Q. Okay. I'd have been down there, but I
 10 don't remember you.
 11 You don't have any formal legal
 12 education; is that correct?
 13 A. What do you mean by "formal legal
 14 education"?
 15 Q. Training at a law school -- an
 16 accredited --
 17 A. No.
 18 Q. -- law school.
 19 A. No.
 20 Q. And as I understand it, you do not have a
 21 law degree?
 22 A. That is correct.
 23 Q. Nor are you licensed to practice law?
 24 A. That is correct.
 25 Q. All right.
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1 After you graduated from college, what
 2 did you do for a living?
 3 A. I was a schoolteacher.
 4 Q. Okay. And where did you teach school?
 5 A. In Fulda, Minnesota.
 6 Q. And how long did you do that?
 7 A. Two years.
 8 Q. Okay.
 9 And after that?
 10 A. Gary and I were married --
 11 Q. Okay.
 12 A. -- in St. Peter, and then I moved to
 13 Pinedale, Wyoming.
 14 Q. And so what year did you come to Pinedale?
 15 A. 1977.
 16 Q. All right. Long before the boom; correct?
 17 A. Yes.
 18 Q. So you've seen lots of changes?
 19 A. Yes.
 20 Q. What does your husband do?
 21 A. He works at Bucky's Outdoors.
 22 Q. Okay. And what's -- what's that?
 23 A. That is a small engine sales and
 24 service. Sales of Polaris snowmobiles,
 25 ATVs, side-by-sides, Toro snowblowers and
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1 lawn mowers, steel chainsaws, all kinds
 2 of -- those kinds of things and all of the
 3 accessories that go with them.
 4 Q. All right.
 5 Who owns that business?
 6 A. Right now, Sandy Slevin.
 7 Q. Okay.
 8 And before Sandy, who owned it?
 9 A. Gary and I did.
 10 Q. Okay. And -- and when did you sell or
 11 convey or transfer to -- to Sandy?
 12 A. Four years ago.
 13 Q. Okay.
 14 But Gary has stayed on to work for the
 15 business?
 16 A. Yes.
 17 Q. Make sure it continues to be a success, I
 18 suppose, huh?
 19 A. Yes.
 20 Q. All right.
 21 Did you work when you were here in
 22 Pinedale?
 23 MR. WARDLOW: What time do you -- is
 24 there --
 25 Q. (By Mr. Dixon) When you came to Pinedale,
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1 did you work here?
 2 **A.** Yes.
 3 **Q.** And what kind of jobs did you do here?
 4 **A.** I did many. I cleaned motel rooms for
 5 about four-and-a-half months. I worked for
 6 the Chamber of Commerce. I worked for the
 7 local veterinary clinic. I worked for the
 8 *Pinedale Roundup*. I worked for a CPA and
 9 justice of the peace.
 10 **Q.** Okay.
 11 **A.** And I worked for the Sublette County
 12 Court, and then the Town of Pinedale, and
 13 that's where I am.
 14 **Q.** All right.
 15 Now, I -- I -- well, I know that -- you to
 16 be a municipal court judge here in Pinedale.
 17 When did you -- you begin that job?
 18 **A.** May 1994.
 19 **Q.** Okay.
 20 And how did you get that job?
 21 **A.** The mayor at the time was Miriam
 22 Carlson. She came to me and asked me if I
 23 would be willing to serve as the municipal
 24 judge for the Town of Pinedale because the
 25 prior municipal judge resigned so that he
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1 could run for county commissioner.
 2 **Q.** Okay.
 3 Who was that?
 4 **A.** Who was who?
 5 **Q.** Oh, never mind. It's not important
 6 anyway.
 7 **A.** I didn't -- didn't know who "who" was.
 8 **Q.** I was gonna ask who -- who you succeeded;
 9 who the other municipal judge was that you --
 10 that you --
 11 **A.** William Cramer.
 12 **Q.** Okay.
 13 So that -- the then-mayor asked you to
 14 take this position; is that right?
 15 **A.** That's correct.
 16 **Q.** And it's not an elected position; is that
 17 true?
 18 **A.** Yes. Yes.
 19 **Q.** I'm sorry. I got old ears, you know?
 20 **A.** It's okay. I'm dry, so I'm drinking.
 21 **Q.** All right. All right. We'll get there.
 22 **MR. CAMPBELL:** And just let the record
 23 reflect, Ruth was referring to drinking
 24 water.
 25 **THE WITNESS:** Oh, sorry. Sorry.
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1 **MR. DIXON:** I think that's a reasonable
 2 request, Counsel. I've had some witnesses
 3 where that wasn't the case.
 4 **Q.** (By Mr. Dixon) Okay. So you were asked
 5 by the mayor to serve. And then I'm guessing
 6 you were appointed by the Town Council;
 7 correct?
 8 **A.** The municipal judge for the Town of
 9 Pinedale is appointed by the mayor with the
 10 consent of the Town Council.
 11 **Q.** Right. Right.
 12 **A.** And that happened, yes.
 13 **Q.** Okay. And it's not an elective office;
 14 correct?
 15 **A.** Yes.
 16 **Q.** You don't -- I was correct; you don't run
 17 for that office?
 18 **A.** That's correct.
 19 **Q.** Okay.
 20 And -- and as you understand it, is it
 21 a partisan or nonpartisan position?
 22 **A.** It is nonpartisan.
 23 **Q.** So your affiliation as a Republican,
 24 Democrat, Independent, whatever party, is not
 25 a consideration in that job; is that right?
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1 **A.** Yes.
 2 **Q.** Okay.
 3 When -- when you took the job, did you
 4 receive any kind of training, education,
 5 orientation, training to -- to -- as to your
 6 duties and responsibilities?
 7 **A.** Every year there is a judges
 8 conference -- judges and clerks conference
 9 back then. I attended those.
 10 Prior to my appointment as the Town
 11 judge, I had worked for several years in
 12 the court system and was aware of what all
 13 was necessary to do a good job.
 14 **Q.** So you had a fundamental understanding of
 15 how courts work?
 16 **A.** Yes, I do -- did.
 17 **Q.** Okay.
 18 But just for example, I understand that
 19 when a circuit court or district court judge
 20 is appointed here in Wyoming, they ship them
 21 off to Reno, Nevada, to the judges college.
 22 Did you go to any kind of a training like
 23 that?
 24 **A.** No.
 25 **Q.** You also hold the position of circuit
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1 court magistrate; is that true?
 2 A. Yes.
 3 Q. And when were you first appointed in that
 4 capacity?
 5 A. In the early 2000s --
 6 Q. Okay.
 7 A. -- 2001, maybe.
 8 Q. Have you got any -- any orders or -- or
 9 records that confirm that original
 10 appointment?
 11 A. No.
 12 Q. All right.
 13 When you -- and -- and who appointed
 14 you to that position?
 15 A. John Crow.
 16 Q. Okay. He was the -- the then-sitting
 17 circuit court judge?
 18 A. At that time, he was a county court
 19 judge, yes.
 20 Q. That's right. That was before they
 21 changed to circuit courts?
 22 A. Correct. Yes.
 23 Q. Okay.
 24 When you received that appointment, did
 25 you get any formal training?
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19

1 A. No.
 2 Q. And I -- well, I'll just make sure I know
 3 this: When you're appointed on the municipal
 4 court, do you have a term of office?
 5 A. Yes.
 6 Q. What is that?
 7 A. The appointment is for whatever the
 8 mayor makes it to be. My appointments have
 9 all been four years at a time.
 10 Q. Okay. Is it a fair statement that you
 11 serve at the will of the mayor?
 12 MR. CAMPBELL: Objection. Vague.
 13 Q. (By Mr. Dixon) Or at the pleasure of the
 14 mayor?
 15 Can the mayor limit your term or remove
 16 you from office, as you understand?
 17 A. At the -- at the time of appointment,
 18 the mayor can make the appointment be
 19 one year, two years, three or four, and the
 20 only way that I can be removed -- the
 21 municipal judge can be removed from office
 22 is for cause.
 23 Q. Okay. Why do you understand that to be
 24 the case? Where -- where do you think that
 25 authority is?
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1 A. That is in our Town ordinances.
 2 Q. All right.
 3 A. And I believe it's also in the State
 4 statutes.
 5 Q. So that's at least pursuant to Town
 6 ordinance?
 7 A. Yes.
 8 Q. And have you been -- so your -- so your
 9 first term of appointment was -- in -- in '94
 10 was for how long?
 11 I don't always listen good. I thought you
 12 said all your appointments were four years?
 13 A. Well, they are from -- they are, but
 14 this one was a midterm appointment --
 15 Q. Okay.
 16 A. -- because he -- because the prior
 17 judge resigned, and I won't be able to tell
 18 you if that was --
 19 Q. Fair.
 20 A. -- if there was one year left of his
 21 term or two.
 22 I don't -- I don't recall.
 23 Q. Okay.
 24 Have -- have -- other than the first
 25 initial appointment, have all of your
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1 appointments been coincident with the term
 2 of office of the mayor?
 3 A. Yes.
 4 Q. And -- and in Pinedale, the mayor serves
 5 how many years?
 6 A. Four.
 7 Q. Four.
 8 So after each succeeding four years,
 9 you've always been reappointed?
 10 A. Yes.
 11 Q. And there's never been a time there was a
 12 gap in your service?
 13 A. That's correct.
 14 Q. Very good.
 15 Now, you indicated that you went
 16 annually to judicial conferences; is that
 17 true?
 18 A. Yes.
 19 Q. And -- and who holds those conferences?
 20 A. The Wyoming Conference of Municipal
 21 Courts now.
 22 Q. Okay.
 23 A. And --
 24 Q. And -- and who goes to those conferences?
 25 A. Municipal judges and clerks statewide.
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24

1 Q. All right. And -- and those are not mixed
2 with other judges, like circuit court and
3 district court?

4 A. Now, no, but it used to be the practice
5 that all of them, all of the judges and
6 clerks met together early on.

7 Q. All right.

8 And when did that practice end?

9 A. I don't recall.

10 Q. Okay.

11 And -- and at those conferences --
12 let's -- well, let's -- let's talk about
13 the municipal court conferences now.

14 Do you receive training?

15 A. Yes.

16 Q. What kind of training?

17 A. Judge training.

18 Q. Could you be more specific?

19 A. We meet for about three days and have
20 classes related to the work that we do.

21 Q. Okay. What kind of classes would there
22 be?

23 A. We have updates from -- we have
24 legislative updates that Judge Campbell
25 gives us. We have -- usually, we have an

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1 ethics class. We have search-and-seizure
2 classes. We have, oftentimes,
3 presentations from a member of law
4 enforcement relating to traffic accidents
5 and reconstruction, those kinds of things.

6 Q. Okay.

7 Specifically relating to ethics, who
8 teaches -- when was the last time you went
9 to one of these conferences?

10 A. May of 2015.

11 Q. Okay. And -- and who -- did you study
12 ethics at that conference?

13 A. Yes.

14 Q. And who taught the ethics course?

15 A. I don't recall.

16 Q. You don't remember who did that?

17 Who -- who would I get in touch with to
18 find the agenda and the curriculum at that
19 conference? Where -- where would I look?
20 Who should I write to?

21 A. The best one -- I don't know if it's
22 out of line. I can give it to you. But --
23 probably Peggy Yeager in Cheyenne would
24 have the information.

25 Q. And Peggy's with the Association of

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1 Municipal Courts?

2 A. Yes.

3 Q. Okay.

4 A. She would have it. I would --
5 Judge Hupy, in Buffalo, would have it.

6 Q. Judge who?

7 A. Hupy, H-U-P-Y.

8 Q. Okay.

9 A. Municipal court judge in Buffalo.

10 Q. And did you go to one of these conferences
11 in 2014?

12 A. Yes.

13 Q. Okay. And were -- was ethics taught that
14 year?

15 A. Yes.

16 Q. Do you remember who taught the ethics
17 portion then?

18 A. No. It's a different person each time.

19 Q. Okay.

20 A. Sometimes it's someone from Laramie.

21 Sometimes it's someone from out of state.

22 And I don't recall year to year who does
23 those.

24 Q. All right.

25 But you -- and you go every year to those;
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1 correct?

2 A. Yes.

3 Q. Has the subject of same-sex marriage been
4 a topic of any ethics presentation --

5 A. No.

6 Q. -- you've attended?

7 A. Sorry.

8 No.

9 Q. Not in any of the ones that you've been
10 to?

11 A. No.

12 Q. Okay.

13 Is there some kind of a requirement, to
14 your knowledge, that you get so many hours
15 of training in order to maintain your
16 position?

17 A. No.

18 Q. Is there any kind of a requirement that
19 you get so many hours of ethics training to
20 maintain your position?

21 A. No.

22 Q. Okay.

23 Other than the annual Wyoming
24 conference, have you attended any other --
25 any other conference that would address

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1 judicial ethics?
 2 A. Yes.
 3 Q. And where has that been?
 4 A. The last one was in Albuquerque,
 5 New Mexico, in July of 2015.
 6 Q. Okay. Last two -- six months -- or six
 7 weeks ago?
 8 A. Yes.
 9 Q. Two months ago?
 10 A. Two months ago.
 11 Q. Okay.
 12 And who put that conference on?
 13 A. The National Judges Association.
 14 Q. Do you know if -- if that -- I don't --
 15 I'm not familiar with that group, but are
 16 they affiliated with the American Judicature
 17 Society?
 18 A. No.
 19 Q. Different group than that?
 20 A. Yes.
 21 Q. And did you have ethics training at that
 22 conference?
 23 A. Yes.
 24 Q. Was the subject of same-sex marriage
 25 addressed at that time?

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1 A. No.
 2 Q. Okay.
 3 Before the Albuquerque conference, when
 4 was the last time you attended a
 5 conference, other than the annual Wyoming
 6 conference?
 7 A. In 2014.
 8 Q. Do you do that annually?
 9 A. Yes.
 10 Q. Okay.
 11 Have you ever had any training on
 12 same-sex marriage --
 13 A. No.
 14 Q. -- at those conferences?
 15 A. No.
 16 Q. All right.
 17 Do you receive the -- the biweekly
 18 materials from Cindy Gray with the American
 19 Judicature Society?
 20 A. I don't know Cindy Gray, so no.
 21 Q. Okay.
 22 Bear with me just one minute.
 23 MR. DIXON: When did your last one go
 24 out, Wendy; do you recall?
 25 MS. SOTO: Wednesday.

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1 MR. DIXON: Wednesday?
 2 Q. (By Mr. Dixon) Have you ever seen these
 3 kind of publications?
 4 (Indicating.)
 5 A. Yes.
 6 MR. CAMPBELL: Let the record reflect
 7 that Mr. Dixon is showing Judge Neely a
 8 copy of an e-mail on the cell phone.
 9 MR. DIXON: I'll make my record,
 10 Counsel, but I appreciate the assistance.
 11 Q. (By Mr. Dixon) You don't get these weekly
 12 by e-mail?
 13 A. Yes.
 14 Q. And you do get them?
 15 A. Yes.
 16 Q. And by "them," I'm referring to the
 17 National Center for State Courts Center for
 18 Judicial Ethics biweekly updates, and that's
 19 an adjunct to the American Judicature
 20 Society.
 21 And that's on the LISTSERV that Miss Soto
 22 with the Commission puts out; correct? If
 23 you know.
 24 A. I --

25 MR. CAMPBELL: Objection. Lacks
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1 foundation.
 2 THE WITNESS: I don't know --
 3 Q. (By Mr. Dixon) That's fine.
 4 A. -- what list it's on.
 5 I do receive those from Wendy Soto.
 6 Q. All right. Good.
 7 And do you read them?
 8 A. Not all of them.
 9 Q. Okay. Why not?
 10 A. I don't have time to read them all.
 11 Q. I understand. I don't either.
 12 Have you ever seen -- did -- did you
 13 happen to read the one that's marked as
 14 Exhibit 18?
 15 A. (Reviewing document.)
 16 No. No.
 17 Q. Have -- have you read any publications
 18 from the American Judicature Society
 19 respecting the subject of same-sex marriage?
 20 A. No. From the American Judicature
 21 Society...
 22 Q. Or on that LISTSERV that we looked at on
 23 my phone.
 24 A. The National Center for State Courts --
 25 Q. Yes.

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1 A. -- is where the things come from that I
 2 receive --
 3 Q. Okay.
 4 A. -- where they come from prior to that,
 5 I don't know.
 6 Q. Let me restate my question.
 7 A. Thank you.
 8 Q. So from -- from the National Center for
 9 State Courts, have you seen any literature or
 10 guidance on the subject of same-sex marriage?
 11 A. Yes.
 12 Q. And when and where? Tell me the
 13 circumstances.
 14 A. On -- from things that Wendy has sent.
 15 Q. Okay.
 16 A. And I may have read one or two.
 17 Q. All right. Before or after December 8th,
 18 2014?
 19 A. Before.
 20 Q. Before.
 21 And do you recall what you read on that
 22 topic?
 23 A. Not in detail, no, I don't.
 24 Q. Do you remember what kind of ethical
 25 guidance was put out by the National Center
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1 for State Courts?
 2 A. I have never seen ethical guidance from
 3 the National Center for State Courts.
 4 Q. Okay. Maybe I'm -- maybe I'm
 5 misunderstanding.
 6 You said you had seen some publications
 7 that addressed the subject of same-sex
 8 marriage.
 9 A. Yes.
 10 Q. Did it address the ethics that surround
 11 that?
 12 A. Yes.
 13 Q. And -- and what -- what guidance did it
 14 give on the ethics?
 15 A. What guidance did the article --
 16 Q. Yes.
 17 A. -- give --
 18 Q. Yes.
 19 A. -- on the -- okay.
 20 The -- anything that I would have read
 21 would have been a -- a brief reading. And
 22 it was -- I didn't spend a lot of time with
 23 it because the situation was -- whatever it
 24 was, was nothing that I would -- that would
 25 have come to me. And so I -- it was -- the
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1 articles were more in the line of -- of --
 2 of misconduct on the bench.
 3 Q. Yeah. Most of the articles that come in
 4 that publication do deal with misconduct on
 5 the bench or off the bench in private lives
 6 or that sort of thing.
 7 Were there any articles that you saw that
 8 addressed the ethics of refusing to perform
 9 same-sex marriages?
 10 A. No.
 11 Q. Okay.
 12 We are here today for -- what has
 13 precipitated this proceeding was an article
 14 in the *Sublette Examiner* on December 11,
 15 2014, which has been marked as Exhibit 4.
 16 Are you familiar with that?
 17 (Indicating.)
 18 A. (Reviewing document.)
 19 Generally, yes.
 20 Q. Okay.
 21 And -- and did you, at that time, in
 22 December of 2014, state your position with
 23 regard to the performance of same-sex
 24 ceremonies?
 25 A. Yes.
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1 Q. And what was your position then?
 2 A. That, due to my sincerely held
 3 religious beliefs about what marriage is, I
 4 would be unable to perform -- to officiate
 5 at same-sex marriages.
 6 Q. Okay. Is that still your position today?
 7 A. Yes.
 8 Q. Okay.
 9 My understanding is that this article
 10 or one very much like it appeared in three
 11 other publications in this area?
 12 A. I have no idea.
 13 Q. You don't know?
 14 A. No.
 15 Q. Did you not tell Judge Haws that it
 16 appeared in three other publications?
 17 A. No.
 18 Q. You didn't say that to him?
 19 A. I did not.
 20 Q. And -- and if he recalled your
 21 conversation to that effect, he'd be
 22 mistaken; is that right?
 23 A. If that is what he thought, yes, he
 24 would be mistaken.
 25 However, I will clarify that
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1 conversation. I did not tell Judge Haws
2 that that article appeared in three other
3 publications. I told him that article or
4 similar appeared in the *Sublette Examiner*
5 and there -- and then appeared in the
6 *Pinedale Roundup*; they are owned by the
7 same company. *Examiner* is published on
8 Tuesday. *Roundup* is published on Friday.
9 The same article appeared in the *Examiner*
10 as appeared in the *Roundup*.

11 And there were another two articles
12 written by Ned Donovan that were not that,
13 and those were the three that I referred to
14 when I told Judge Haws that there may be
15 three other articles: The *Roundup* and the
16 editorial from Ned and another editorial
17 from Ned.

18 Q. Okay. So -- so the -- the exact news
19 story that we looked at in Exhibit 4 appeared
20 in the *Pinedale Roundup*?

21 A. I believe so.

22 Q. Okay.

23 And then -- but to your knowledge, did
24 not appear in any other publication?

25 A. That is correct.

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1 Q. All right. But there was subsequently, on
2 different days, other articles on this topic
3 written by Mr. Donovan?

4 A. Two editorials.

5 Q. Two editorials?

6 A. I believe there's a difference between
7 an editorial and a news article.

8 Q. I definitely will agree with you.

9 And then which publications -- in which
10 publications did those appear?

11 A. One was in the *Sublette Examiner*, and
12 one was in the *Pinedale Roundup*.

13 Q. Was it the same editorial or -- published
14 in both papers?

15 A. No.

16 Q. So it was two editorials?

17 A. Correct.

18 Q. Do you remember -- I haven't -- I
19 haven't -- I've seen one -- when in time
20 those appeared?

21 A. Sometime between the middle of December
22 and the end of January.

23 Q. Okay.

24 What was Mr. Donovan's position in those
25 editorials?

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1 MR. CAMPBELL: Objection. Lacks
2 foundation.

3 Q. (By Mr. Dixon) As you recollect.

4 A. I -- his position in the editorials as
5 what?

6 Q. What was the thrust of his editorial?

7 As I understand what an editorial is -- we
8 agreed that an editorial's different than a
9 news article. My thinking about an editorial
10 is it's some -- the editor or writer of the
11 editorial takes a position on the issue.

12 A. Yes.

13 Q. What was his position on -- what was the
14 issue that he editorialized, and what was his
15 position?

16 MR. CAMPBELL: Objection. Lacks
17 foundation.

18 Answer to the extent you know.

19 Q. (By Mr. Dixon) Did you read them?

20 A. Yes.

21 Q. Okay. And your best recollection of what
22 was his position.

23 A. He was disturbed because there was a
24 judge who had told him she would be unable
25 to perform -- to officiate at same-sex

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1 weddings.

2 Q. He didn't think that was proper for that
3 judge to take that position?

4 A. He did not think so.

5 Q. That was his opinion?

6 A. Yes.

7 Q. Okay.

8 And -- and the judge he referred to was
9 you?

10 A. Yes.

11 Q. Okay.

12 Let's talk generally about your duties as
13 a municipal judge. What are your duties?

14 A. To hold court and to deal with all
15 citations that come before the Court.

16 Q. Okay.

17 Is it your understanding and thinking
18 that you are bound by the Wyoming Code of
19 Judicial Ethics in the discharge of those
20 duties?

21 A. Yes.

22 Q. Okay.

23 What are your duties as municipal court
24 judge?

25 A. I just answered that.

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1 MR. CAMPBELL: Asked and answered.
 2 Q. (By Mr. Dixon) Sorry, sorry.
 3 A. I just answered that one.
 4 Q. I just looked at the wrong question on my
 5 outline.
 6 A. All right.
 7 Q. Your duties as circuit court magistrate.
 8 Sorry.
 9 A. To serve at the will of the sitting
 10 judge and do whatever is asked of me.
 11 Q. Okay. And in the discharge of those
 12 duties, is it your belief that you're bound
 13 by the Wyoming Code of Judicial Ethics?
 14 A. Yes.
 15 Q. Show you Exhibits 2007 and 2008.
 16 MR. CAMPBELL: Exhibit?
 17 MR. DIXON: I'm sorry.
 18 MR. CAMPBELL: That's okay.
 19 MR. DIXON: I looked at the date. 38
 20 and 45.
 21 MR. CAMPBELL: 42. Yeah, they're 38
 22 and 42.
 23 MR. DIXON: Thank you.
 24 Q. (By Mr. Dixon) Yeah, are you familiar
 25 with those documents?
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1 A. (Reviewing documents.)
 2 Yes.
 3 Q. Okay. The earlier one is 2007; right?
 4 A. Yes.
 5 Q. And that would be Exhibit 40- --
 6 A. 42.
 7 Q. 42. And what -- what was -- those are the
 8 documents that constitute your appointment as
 9 magistrate; right?
 10 A. Yes.
 11 Q. What was the scope of your employment in
 12 2007?
 13 A. Limited to the purpose of performing
 14 weddings.
 15 Q. Okay.
 16 Then did the scope of your appointment
 17 change in 2008?
 18 A. Yes.
 19 Q. And how did it change?
 20 A. (Reviewing document.)
 21 MR. CAMPBELL: Objection. Calls for a
 22 legal conclusion.
 23 You can answer.
 24 Q. (By Mr. Dixon) Well, as you understood it
 25 as -- as the appointee.
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1 A. That it was an unlimited magisterial
 2 position.
 3 Q. Okay. So am I right in thinking that in
 4 2007, you were appointed for the sole purpose
 5 of doing marriages?
 6 A. Yes.
 7 Q. And in 2008, then, your appointment could
 8 include other duties, other tasks for the
 9 circuit court?
 10 A. Yes.
 11 Q. And -- and did you, in fact, perform other
 12 assignments after 2008 for the circuit court?
 13 A. Other than --
 14 MR. CAMPBELL: Objection. Vague.
 15 Other than what?
 16 Q. (By Mr. Dixon) Did you do other judicial
 17 functions as a magistrate of the circuit
 18 court?
 19 A. Other than what?
 20 MR. CAMPBELL: Other than what?
 21 Q. (By Mr. Dixon) Other than doing
 22 marriages.
 23 A. Yes.
 24 Q. Okay. What other functions did you
 25 perform under your general appointment?
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1 A. I held -- I held bond hearings. I did
 2 a felony warrant and -- and set bond
 3 several times with the sheriff's office
 4 over the phone.
 5 Q. Okay. Thank you.
 6 Now, tell us what -- what is a bond
 7 hearing?
 8 A. A bond hearing is held to ascertain
 9 what the least restrictive terms are to get
 10 an incarcerated person out of jail and
 11 still assure that the public is safe and
 12 that the person will appear when ordered.
 13 Q. Okay. So the typical process is someone's
 14 arrested; they have a right to apply to the
 15 Court for a bond as a condition of their
 16 release from jail. Is that a fair statement?
 17 A. Yes.
 18 **(Whereupon, Deposition Exhibit 43 was**
 19 **marked for identification.)**
 20 Q. (By Mr. Dixon) Let me show you
 21 Exhibit 43; all right?
 22 A. (Reviewing document.)
 23 MR. CAMPBELL: This is a new exhibit?
 24 MR. DIXON: Yes.
 25 MR. CAMPBELL: Okay.
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1 Q. (By Mr. Dixon) Judge Neely, do you know
 2 what that is?
 3 A. Do I know what what is?
 4 Q. This document.
 5 A. This top page? This? Or this whole
 6 thing?
 7 Q. Well, let's start with Page 1. What's
 8 Page 1 of Exhibit 43?
 9 A. Page 1 is a bill that I submitted to
 10 circuit court for work done in April 2009
 11 as a circuit court magistrate.
 12 Q. Okay.
 13 Your attorneys gave that to me. I -- I
 14 assume you gave it to them?
 15 A. I did.
 16 Q. And is that how your -- I guess I didn't
 17 ask this: Were you -- were you compensated
 18 for your services as a circuit court
 19 magistrate?
 20 MR. CAMPBELL: Objection. Vague.
 21 In what capacity? When she does what?
 22 Q. (By Mr. Dixon) In any -- in any capacity.
 23 Do you receive compensation for your
 24 services as a circuit court magistrate?
 25 A. In this capacity, yes.

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1 were gonna get paid or not paid for a given
 2 wedding?
 3 A. Are we done with this?
 4 (Indicating.)
 5 Q. Not yet.
 6 A. Okay.
 7 Tell me again.
 8 Q. How would you figure out which wedding you
 9 were gonna get paid for and which wedding you
 10 were gonna do pro bono?
 11 A. I didn't figure anything out.
 12 Q. Well, how'd that work?
 13 A. If they paid me, they paid me, and if
 14 they didn't pay me, they didn't pay me.
 15 Q. So if the would-be Mr. and Mrs. Smith
 16 called you and said, "Would you do a
 17 wedding?" would you say, "Yes, but there's a
 18 fee of 'X' dollars"?
 19 A. No.
 20 Q. What would you say to them? If you were
 21 willing to do the wedding.
 22 A. If everything worked out and I was
 23 going to do the wedding, if they pay me,
 24 they pay me, and if they don't, they don't.
 25 I don't charge -- if you're getting to

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1 Q. Okay. In -- in the capacity --
 2 A. In the capacity of this bill here, yes.
 3 Q. All right.
 4 And is there another capacity that you
 5 serve that you don't get compensation?
 6 A. Yes.
 7 Q. And that would be what?
 8 A. Sometimes weddings.
 9 Q. Doing weddings?
 10 A. Yes.
 11 Q. Okay. Do you do those -- when you were --
 12 when you did weddings, you were not
 13 compensated by the State of Wyoming; is that
 14 true?
 15 A. That's correct.
 16 Q. Were you compensated by the celebrants of
 17 the wedding?
 18 A. Sometimes.
 19 Q. Sometimes. Okay.
 20 And when were you and when were you not?
 21 What -- what would make that happen?
 22 A. Well, when they paid me, I was
 23 compensated, and when they didn't pay me, I
 24 wasn't.
 25 Q. And how did you figure out whether you

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1 this: I do not charge a fee. I don't
 2 charge a flat fee.
 3 Q. Okay. So if they paid you, it was
 4 voluntary on their part?
 5 A. Yes.
 6 Q. Okay. Very good.
 7 So back to our Exhibit 43. The first
 8 page would be a bill for the year
 9 April 2009 -- the month of April 2009;
 10 right?
 11 A. Yes.
 12 Q. And the first entry is "Eduardo Vargas,"
 13 and then what you list: DUI, reckless
 14 endangering, roadway, lane for traffic."
 15 Were those, like, the charges --
 16 A. Yes.
 17 Q. -- that -- that Mr. Vargas was -- was
 18 arrested for?
 19 A. Yes.
 20 Q. And then you tell what you did, and the
 21 last thing that you did is set bond.
 22 A. Yes.
 23 Q. So you set bond for Mr. Vargas on April 9,
 24 2009?
 25 A. Yes.

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1 Q. All right.
 2 And on April 11, 2009, you set bond for,
 3 looks like one, two -- four people?
 4 A. (Reviewing document.)
 5 Yes.
 6 Q. Okay. And then it looks like you took
 7 some phone calls. True?
 8 A. (Reviewing document.)
 9 Yes.
 10 Q. Were you -- would this have been a
 11 situation where you were sitting in for the
 12 circuit court judge? He would be
 13 unavailable?
 14 A. Yes.
 15 Q. Okay.
 16 Then the second page of 42 -- 43,
 17 Exhibit 43, can you tell me what that is?
 18 A. That is an oath of office for Robert M.
 19 Jones as the mayor of Pinedale, Wyoming.
 20 Q. Okay.
 21 And -- and it's signed by Ruth --
 22 Ruth L. Neely as circuit court magistrate.
 23 A. Yes.
 24 Q. On June 2nd, 2014.
 25 A. Yes.

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1 Q. And this -- the third and fourth pages are
 2 similar; right?
 3 A. (Reviewing document.)
 4 MR. CAMPBELL: Objection. Vague.
 5 THE WITNESS: (Reviewing document.)
 6 The second and third?
 7 Q. (By Mr. Dixon) Second, third, and fourth.
 8 The -- the next page is -- has the name Julie
 9 Early on it and the page after that has the
 10 name Jennifer -- can you tell me that name?
 11 A. Goeke.
 12 Q. Goeke.
 13 And -- and those look like -- and both
 14 signed by yourself, and they appear to be
 15 oaths; correct?
 16 A. They are oaths; correct.
 17 Q. Right. And why were you -- what are these
 18 and what -- why are you doing this?
 19 A. Julie Early and Jennifer Goeke were
 20 municipal officers for the Town of
 21 Pinedale --
 22 Q. Okay.
 23 A. -- and the mayor asked if I would
 24 please swear them in to their respective
 25 offices.

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1 Q. Okay. And -- and you did that in your
 2 capacity as circuit court magistrate?
 3 A. Yes.
 4 Q. All right. Very good.
 5 Are there other bills like Page 1 of
 6 Exhibit 43 that you would have?
 7 A. No.
 8 Q. No? This -- this is the only bill you
 9 ever sent the circuit court?
 10 A. Yes.
 11 Q. Okay.
 12 Why is that? Why is that the case?
 13 A. Because that was all I was called to
 14 do.
 15 Q. You get a salary from the Town as a
 16 municipal court judge?
 17 A. Yes.
 18 Q. What's your salary?
 19 It's a matter of public information, isn't
 20 it?
 21 A. It certainly is, but I'm gonna have to
 22 have a calculator to tell you.
 23 Q. Okay.
 24 A. Can I use your -- I can tell you my
 25 take-home.

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1 Q. Tell me how it works.
 2 A. I have a salary --
 3 Q. Okay.
 4 A. -- and I have my take-home.
 5 Q. All right.
 6 A. I know what my take-home is. I don't
 7 know what the --
 8 Q. Just tell me what your take-home is.
 9 A. Take-home is \$1,668 and change.
 10 Q. A month?
 11 A. Yes.
 12 Q. And how many hours a month do you serve as
 13 municipal court judge?
 14 A. On average, 96.
 15 Q. Roughly 20, 25 hours a week?
 16 A. In office, yes.
 17 Q. Okay.
 18 Like any committed public servant, you
 19 probably put in more time than that; right?
 20 A. Yes.
 21 Q. Okay.
 22 (Whereupon, Deposition Exhibit 44 was
 23 marked for identification.)
 24 MR. DIXON: I don't have copies of
 25 this, Counsel. It's Chief Justice Barton

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1 Voigt's December 21st, letter.
 2 Q. (By Mr. Dixon) And is the number of that
 3 44?
 4 A. Yes.
 5 Q. Judge Neely, I believe that your lawyers
 6 produced that to me as part of their
 7 disclosures in the case. Do you know what
 8 that document is?
 9 A. Yes.
 10 Q. What is it?
 11 A. (Reviewing document.)
 12 It's a letter from Chief Justice Voigt
 13 notifying committee members that he has
 14 received the final report of the select
 15 committee to review the Code of Judicial
 16 Conduct, and he is thanking the committee
 17 members for their participation.
 18 Q. Do you know why that was produced or -- or
 19 what that has to do with this proceeding
 20 we're dealing with?
 21 A. Yes.
 22 Q. Tell me, please.
 23 A. I was a member of that committee.
 24 Q. Okay, so you were on the -- the Board of
 25 Judicial Policy and Administration?
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1 A. No.
 2 Q. No. You're on the select committee to
 3 review the Code of Judicial Conduct?
 4 A. Yes.
 5 Q. And when did you -- when were you
 6 appointed to that select committee?
 7 A. I think 2008.
 8 Q. And how long did the committee sit?
 9 A. About one year.
 10 Q. And how many meetings did it have?
 11 A. I don't remember.
 12 Q. More than one?
 13 A. Many.
 14 Q. Many. That -- that's usually the case
 15 with these kind of committees.
 16 By phone and in person?
 17 A. By phone.
 18 Q. And what was the purpose of that
 19 committee?
 20 A. To go through the Code of Judicial
 21 Conduct --
 22 Q. Okay.
 23 A. -- and -- and review it and make
 24 changes as necessary.
 25 Q. And -- and did that then result in a
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1 revised Code of Judicial Conduct?
 2 A. Yes.
 3 Q. And was that published and adopted by the
 4 Wyoming Supreme Court, to your knowledge?
 5 A. Yes.
 6 Q. Okay.
 7 And that code is still in effect today?
 8 A. Yes.
 9 Q. And that was the code that was in effect
 10 in December of 2014; correct?
 11 A. Yes.
 12 Q. May I fairly conclude that if you sat on
 13 this select committee, you are intimately
 14 familiar with the Code of Judicial Conduct?
 15 MR. CAMPBELL: Objection. Vague.
 16 THE WITNESS: No.
 17 Q. (By Mr. Dixon) No? Why would that be the
 18 case?
 19 A. I will say I'm familiar with the code.
 20 I would not say intimately so.
 21 Q. Okay.
 22 Were you, as of December 2014, familiar
 23 with Canon A -- or Canon 1, which holds "a
 24 judge shall uphold the integrity and
 25 independence of the judiciary"? Was that a
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1 code provision that you read and studied on
 2 as a member of that select committee?
 3 A. Yes.
 4 Q. Same question with regard to Rule 1.1,
 5 which addresses "compliance with the law."
 6 MR. CAMPBELL: Objection. The
 7 question's vague as to "read and studied."
 8 You can answer.
 9 Q. (By Mr. Dixon) Is that a code provision
 10 that was reviewed by this committee?
 11 A. Reviewed by this committee, yes.
 12 Q. Okay.
 13 Same question as to Rule 1.2,
 14 "promoting confidence in the judiciary."
 15 Was that read and studied by this
 16 committee?
 17 A. Yes.
 18 Q. Same question regarding Canon 2, which
 19 says that "a judge shall perform the duties
 20 of judicial office."
 21 Was that a code provision that was
 22 addressed by the select committee?
 23 A. Yes.
 24 Q. Same question for Rule .2 [sic], dealing
 25 with "impartiality and fairness."
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1 Did the select committee discuss that
 2 provision?
 3 A. Yes.
 4 Q. Okay.
 5 Same question with regard to Rule 2.3
 6 addressing "bias, prejudice, and harassment."
 7 Did the committee consider that code a
 8 provision?
 9 A. Yes.
 10 Q. Rule 2.4 addressing "external influences
 11 on judicial conduct," is that one that was
 12 addressed by the Commission -- the select
 13 committee?
 14 A. Yes.
 15 Q. Canon 3: "A judge shall conduct the
 16 judge's personal and extrajudicial activities
 17 to minimize the risk of conflict with the
 18 obligations of judicial office."
 19 Was that canon addressed by this
 20 Commission -- this committee?
 21 A. Yes.
 22 Q. All right.
 23 And -- and so you had some working
 24 knowledge of those code provisions in
 25 December of 2014? Is that -- is that true?
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1 Q. I mean, if you want to split hairs with
 2 me, we'll split hairs.
 3 A. Tell me the question about this
 4 article, then.
 5 MR. CAMPBELL: Counsel, don't -- don't
 6 get argumentative with the witness. She's
 7 trying to be clear in her response.
 8 Q. (By Mr. Dixon) Is Exhibit 4, whatever it
 9 might be, a result of a conversation with Ned
 10 Donovan?
 11 A. (Reviewing document.)
 12 Yes.
 13 Q. Did you consult the Code of Judicial
 14 Conduct before you made the statements to
 15 Mr. Donovan that resulted in Exhibit 4?
 16 A. No.
 17 Q. All right. Why not?
 18 A. I don't consult the code every time I
 19 talk to somebody.
 20 Q. When you spoke to Mr. Donovan, you were --
 21 about the subject of same marriage --
 22 same-sex marriage, you were speaking in your
 23 capacity as a circuit court magistrate;
 24 correct?
 25 MR. CAMPBELL: Objection. It's a vague
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1 A. Yes.
 2 Q. All right.
 3 The -- the newspaper article, which is
 4 marked as Exhibit 4, was a result of a
 5 conversation with Ned Donovan; is that
 6 true?
 7 A. I don't have 4.
 8 Q. We looked at it earlier.
 9 A. (Reviewing document.)
 10 Ask me again, please.
 11 MR. DIXON: You want to read it back?
 12 (Whereupon, the record was read
 13 back as follows: Question:
 14 The newspaper article, which
 15 is marked as Exhibit 4, was a
 16 result of a conversation with
 17 Ned Donovan; is that true?)
 18 THE WITNESS: This isn't the newspaper
 19 article. This is the online article.
 20 So do you want to address the newspaper
 21 article or the online article?
 22 Q. (By Mr. Dixon) Were either the newspaper
 23 article or the online article as a result of
 24 your conversation with Ned Donovan?
 25 A. Okay. So -- so --
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1 question.
 2 THE WITNESS: Yes.
 3 Q. (By Mr. Dixon) okay.
 4 Could I get 4 back, because that's my
 5 copy?
 6 Let me give this to you.
 7 A. (Reviewing document.)
 8 Q. I'm gonna -- I just handed you a document
 9 which we marked this morning as Exhibit 41.
 10 Do you recognize that?
 11 A. (Reviewing document.)
 12 Yes.
 13 Q. Okay. This is a three-page document. And
 14 the first two pages -- what are the first two
 15 pages?
 16 MR. CAMPBELL: Just -- I just want to
 17 make sure something's clear. Can we go off
 18 the record?
 19 MR. DIXON: You bet.
 20 (Whereupon, a discussion was held off
 21 the record.)
 22 Q. (By Mr. Dixon) So now that we have that
 23 sorted out, what is Exhibit 41?
 24 A. (Reviewing document.)
 25 Exhibit 41 is a letter that I wrote to
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1 the Judicial Ethics Advisory Committee on
 2 January 6, 2015, asking for guidance in
 3 performing marriages.
 4 Q. Okay. And that's addressed to the
 5 attention of Lily Sharpe at the Wyoming
 6 Supreme Court; right?
 7 A. Yes.
 8 Q. And -- and I assume that's the contact
 9 person for the Ethics Advisory Commission, as
 10 you understood it?
 11 A. That is the name given to me, yes.
 12 Q. Okay.
 13 In -- in that letter -- and I'm gonna
 14 direct your attention to the last sentence
 15 of the first paragraph, that's the
 16 paragraph starting "discussions"; all
 17 right?
 18 A. Um-hum. Yes.
 19 Q. It -- it says: "Although I have not yet
 20 been asked to officiate at a same sex
 21 wedding, I will not be able to do so if,"
 22 slash, "when asked."
 23 Did I read that correctly?
 24 A. Yes, you did.
 25 Q. Those are your words; is that right?

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1 A. Yes.
 2 Q. Okay. But that was, then, your position
 3 on same-sex marriages?
 4 A. Yes.
 5 Q. And continues to be at this time?
 6 A. Yes.
 7 Q. Okay.
 8 Then in the first sentence of -- of
 9 the -- of the second paragraph, you say,
 10 and I quote: "Without getting too deeply
 11 here," comma, "homosexuality is" named --
 12 "is a named sin in the Bible," comma, "as
 13 are drunkenness," comma, "thievery," comma,
 14 "lying, and the like," period, closed
 15 quote."
 16 Did I read that accurately?
 17 A. Close.
 18 Q. Why don't you --
 19 A. You left out a word, but it's all
 20 right.
 21 Q. Which word did I leave out?
 22 A. "In." "Without getting in too deeply."
 23 Q. "Without getting in too deeply." Thank
 24 you for correcting me.
 25 Then it -- toward the middle of that

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1 paragraph, you say: "Does -- does that
 2 mean I can't be impartial on the bench when
 3 that homosexual or habitual liar or thief
 4 comes before me with a speeding ticket,"
 5 question mark.
 6 Did I read that one right?
 7 A. Yes, you did.
 8 MR. CAMPBELL: Just want the record to
 9 reflect there were sentences in the middle
 10 that were deleted.
 11 Go ahead.
 12 Q. (By Mr. Dixon) And -- and then at the
 13 bottom of that paragraph, the last sentence
 14 that appears on the first page -- well, the
 15 next to last sentence on the first page, you
 16 say, quote: "Not the homosexual, not the
 17 alcoholic, not the liar, not the thief."
 18 Are those your words?
 19 MR. CAMPBELL: Objection. The document
 20 speaks for itself, and Counsel's
 21 mischaracterizing it.
 22 You may answer it.
 23 THE WITNESS: (Reviewing document.)
 24 Q. (By Mr. Dixon) Judge Neely, do you equate
 25 a gay individual with a drunk, a thief, and a

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1 liar in your mind?
 2 MR. CAMPBELL: Objection. Vague
 3 question.
 4 You may answer.
 5 THE WITNESS: Homosexual conduct,
 6 drunkenness, stealing, and lying are named
 7 sins in the Bible. Those people are
 8 sinners, as am I. They are no worse
 9 sinners than I am.
 10 Q. (By Mr. Dixon) If -- do you have any
 11 perception of how a homosexual individual
 12 might be -- might feel about being equated
 13 with a drunk, a thief, or a liar?
 14 MR. CAMPBELL: Objection. Lacks
 15 foundation.
 16 THE WITNESS: (Moving head from side to
 17 side.)
 18 How -- tell me the first part of the
 19 question.
 20 MR. DIXON: Read the question back,
 21 please.
 22 (Whereupon, the record was read
 23 back as follows: Question:
 24 Do you have any perception of
 25 how a homosexual individual

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1 might be -- might feel about
 2 being equated with a drunk, a
 3 thief, or a liar?)
 4 MR. CAMPBELL: Objection. Lacks
 5 foundation.
 6 How would Judge Neely know what other
 7 people would think?
 8 MR. DIXON: No, I didn't ask her to --
 9 I asked her for her perception of what they
 10 might think.
 11 THE WITNESS: I don't know.
 12 Q. (By Mr. Dixon) Do you know -- do you have
 13 any thought about how a homosexual litigant
 14 might feel about coming in front of a judge
 15 who equated him or her with drunks, liars,
 16 and thieves?
 17 MR. CAMPBELL: Objection. Assumes
 18 facts in evidence.
 19 Judge Neely has not made such an
 20 equation.
 21 You may answer it.
 22 THE WITNESS: I don't know.
 23 Q. (By Mr. Dixon) Did you even consider that
 24 before you made this statement to the -- to
 25 the Ethics Commission? Did you consider any
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1 of those things?
 2 MR. CAMPBELL: Objection. Assumes
 3 facts in evidence, again.
 4 You're asking her to assume something
 5 she never said.
 6 Q. (By Mr. Dixon) You can answer.
 7 A. I don't think I can answer that. I --
 8 I don't know the answer.
 9 Q. On the next page, toward -- toward the
 10 bottom of the first paragraph, you make this
 11 statement, and please correct me if I
 12 misquote you: Quote, "While I have no bias
 13 or prejudice concerning the parties, I do
 14 recognize a bias or prejudice in myself
 15 concerning the act of same-sex marriage."
 16 Did I read that accurately?
 17 A. Yes.
 18 Q. So you do admit that you have a bias
 19 regarding the act of same-sex marriage?
 20 MR. CAMPBELL: Objection. The document
 21 speaks for itself.
 22 You may answer.
 23 Q. (By Mr. Dixon) Okay.
 24 A. Yes.
 25 Q. Then you go on to state in Exhibit, still,
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1 41: Quote, "And because I am fully aware of
 2 that predisposition in me, I must recuse
 3 myself from those proceedings. To not do so
 4 would be a flagrant violation of 2.11."
 5 Did I get that read correctly?
 6 A. Yes.
 7 Q. So -- and -- and the references to "those
 8 proceedings" would be same-sex marriage.
 9 True?
 10 A. Yes.
 11 Q. All right.
 12 Was it your opinion or belief on
 13 January 6, 2015, that you could ethically
 14 recuse yourself from performing same-sex
 15 marriages?
 16 MR. CAMPBELL: Objection. Calls for a
 17 legal conclusion.
 18 Q. (By Mr. Dixon) You may answer.
 19 THE WITNESS: Would you please read the
 20 question to me?
 21 (Whereupon, the record was read
 22 back as follows: Question:
 23 Was it your opinion or belief
 24 on January 6, 2015, that you
 25 could ethically recuse
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1 yourself from performing
 2 same-sex marriages?)
 3 THE WITNESS: No, that was not my
 4 opinion at the time. I was trying to get
 5 direction to see if that -- if that were
 6 allowed.
 7 Q. (By Mr. Dixon) Okay. So you didn't --
 8 you didn't have an opinion about whether
 9 recusal would solve this problem?
 10 A. I thought that it would solve the
 11 problem.
 12 Q. You did think it would solve the problem?
 13 A. But I didn't know if I could -- if --
 14 if I would be allowed to recuse, so I'm
 15 asking for an opinion --
 16 Q. Sure.
 17 A. -- I'm asking for help.
 18 Q. Fair enough.
 19 You did not ultimately get a -- an
 20 opinion from the Advisory Commission on
 21 that; correct?
 22 A. Correct.
 23 Q. What's your thinking about that issue now?
 24 MR. CAMPBELL: Objection. Vague.
 25 Which issue?
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1 MR. DIXON: The issue of recusal.
 2 THE WITNESS: What's my opinion about
 3 it now?
 4 Q. (By Mr. Dixon) Do you think you could
 5 ethically recuse yourself from performing
 6 same-sex marriages?
 7 MR. CAMPBELL: Objection. Calls for a
 8 legal conclusion.
 9 Q. (By Mr. Dixon) And you are a judge.
 10 A. I think that recusal would be the
 11 ethical way to deal with a request for a
 12 same-sex marriage in this situation.
 13 Q. Let me ask you hypothetically: Do you
 14 believe that you could ethically refuse to
 15 perform a wedding ceremony for a heterosexual
 16 Hispanic couple?
 17 MR. CAMPBELL: Objection. Improper
 18 hypothetical. Calls for speculation.
 19 Q. (By Mr. Dixon) You may answer.
 20 A. No.
 21 Q. Okay. If -- and -- and I'm betting every
 22 dollar I have in my back pocket right now you
 23 had a bias -- that you don't, but if you had
 24 a -- hypothetically, if you had a bias
 25 against Hispanic people, do you think you
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1 could ethically recuse yourself from any type
 2 of proceeding involving a Hispanic person?
 3 MR. CAMPBELL: Objection. Calls for
 4 speculation and a legal conclusion.
 5 MR. DIXON: Yeah, she needs to answer
 6 the question, please.
 7 THE WITNESS: Repeat the question,
 8 please.
 9 (Whereupon, the record was read
 10 back as follows: Question:
 11 If -- and -- and I'm betting
 12 every dollar I have in my back
 13 pocket right now you had a
 14 bias -- that you don't, but if
 15 you had a -- hypothetically,
 16 if you had a bias against
 17 Hispanic people, do you think
 18 you could ethically recuse
 19 yourself from any type of
 20 proceeding involving a
 21 Hispanic person?)
 22 THE WITNESS: If a judge has a bias, a
 23 judge needs to recuse.
 24 Q. (By Mr. Dixon) Okay. And -- and if --
 25 and that would include recusing themselves from
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1 any Hispanic that appeared before you,
 2 assuming you had that bias?
 3 MR. CAMPBELL: Objection. Calls for
 4 speculation.
 5 You can answer.
 6 THE WITNESS: Yes.
 7 Q. (By Mr. Dixon) Do you believe a person
 8 with that type of broad class bias could
 9 serve as a judge?
 10 MR. CAMPBELL: Objection. Calls for
 11 speculation.
 12 THE WITNESS: I don't know. I --
 13 Q. (By Mr. Dixon) Do you need -- do you want
 14 to take a break? We've been going a while.
 15 A. I'm fine.
 16 Q. Are you feeling well?
 17 A. I am very well.
 18 MR. WARDLOW: I need to take a break.
 19 MR. DIXON: I think it's a good time to
 20 take a break.
 21 (Whereupon, a break was taken from
 22 1:42 p.m. to 1:53 p.m.)
 23 (Whereupon, Deposition Exhibit 45 was
 24 marked for identification.)
 25 Q. (By Mr. Dixon) Miss Neely, can you
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1 identify 45?
 2 A. (Reviewing document.)
 3 Yes.
 4 Q. And what is it?
 5 A. It is a -- I'm sorry.
 6 MR. CAMPBELL: No, no, that's fine.
 7 THE WITNESS: It is a letter that I
 8 wrote to Dr. Burman in response to the
 9 Committee's letter to me that was in
 10 response to my January 6th letter.
 11 Q. (By Mr. Dixon) Okay. And in the next to
 12 last paragraph you state: "As we all await
 13 the outcome of HB 26," comma, "I continue the
 14 process with the Commission and hope for the
 15 best."
 16 What is -- what is -- is or was HB 26?
 17 A. House Bill 26 had to do with --
 18 something with, I don't know -- I -- I
 19 can't recall exactly what it was, but it
 20 was pertinent at the time in February.
 21 Q. Did it have anything to do with the
 22 gay-marriage issue?
 23 A. More than likely, yes --
 24 Q. Did --
 25 A. -- but I don't recall what.
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1 Q. Did you take any position for or against
 2 that bill?
 3 A. No.
 4 Q. Let -- I'm gonna ask you one more
 5 hypothetical question and then I'm gonna move
 6 on. Let -- let me ask you to assume that a
 7 same-sex couple called you to do a marriage
 8 and -- and you refused to do that, and then
 9 one or the other of them appeared before you
 10 the next day on a bond hearing, do you think
 11 you could impartially set that bond?
 12 MR. CAMPBELL: Objection. Calls for
 13 speculation.
 14 THE WITNESS: Can I answer?
 15 MR. CAMPBELL: You can answer.
 16 THE WITNESS: Without question.
 17 Q. (By Mr. Dixon) Now let's walk on the
 18 other side of the bench and let me ask you:
 19 How do you think that litigant would feel
 20 about you setting his or her bond?
 21 MR. CAMPBELL: Objection. Calls for
 22 speculation.
 23 There's no way Judge Neely can know
 24 what is in someone else's mind.
 25 Q. (By Mr. Dixon) Do you believe that that

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1 litigant would feel you could be impartial to
 2 him or her?
 3 A. Yes.
 4 MR. CAMPBELL: Same objection.
 5 Q. (By Mr. Dixon) After you, the day before,
 6 refused to perform a same-sex marriage
 7 because homosexuality is a sin?
 8 MR. CAMPBELL: Whoa, objection.
 9 Objection. Same -- assumes -- sorry.
 10 Calls for speculation and assumes facts in
 11 evidence.
 12 Judge Neely's never indicated that she
 13 would say that to anyone.
 14 THE WITNESS: Do I answer that?
 15 Q. (By Mr. Dixon) Do you understand my
 16 question?
 17 A. I do.
 18 MR. CAMPBELL: You may answer.
 19 THE WITNESS: The day before I --
 20 Q. (By Mr. Dixon) Yeah.
 21 A. No. Just listen to me.
 22 The day before I would have explained
 23 to the couple that I would be unable to
 24 perform their wedding, but I would very
 25 kindly give them names and phone numbers of

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1 other magistrates who could do that
 2 wedding. And so the next day, I don't
 3 believe that the party would consider any
 4 problem at all -- would find any problem at
 5 all.
 6 Q. Is it -- is it your belief as a judge and
 7 a magistrate that -- that the litigants have
 8 a right to be, expect to be treated
 9 impartially by the judge or magistrate?
 10 A. Yes.
 11 Q. Okay.
 12 And they should have a right to feel
 13 that they're being treated impartially --
 14 MR. CAMPBELL: Objection. Calls for
 15 speculation and a legal conclusion.
 16 Q. (By Mr. Dixon) Is that true? As a judge
 17 and a magistrate?
 18 MR. CAMPBELL: Objection. Calls for a
 19 legal conclusion.
 20 THE WITNESS: They have a right to be
 21 treated fairly. How they feel, I don't
 22 know because I'm not an attorney.
 23 Q. (By Mr. Dixon) That's probably a fair
 24 answer.
 25 A. I don't -- I'm --

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1 Q. Rule 1.1 requires a judge to comply with
 2 the law; correct?
 3 A. Yes.
 4 Q. Okay.
 5 I'm -- I'm gonna give you another -- I
 6 told you I wasn't, but I'm going to give you
 7 another hypothetical.
 8 What -- what if you, as a municipal court
 9 judge, had a sincere conviction that this
 10 25-mile-an-hour speed limit is ridiculous?
 11 Could you ethically ignore that law?
 12 MR. CAMPBELL: Objection. Calls for
 13 speculation and legal conclusion.
 14 You can answer.
 15 THE WITNESS: 25-mile-an-hour speed
 16 limit and the question is what?
 17 MR. DIXON: Read the question back.
 18 (Whereupon, the record was read
 19 back as follows: Question:
 20 I'm gonna give you another --
 21 I told you I wasn't, but I'm
 22 going to give you another
 23 hypothetical. What -- what if
 24 you as a municipal court judge
 25 had a sincere conviction that

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1 this 25-mile-an-hour speed
 2 limit is ridiculous? Could
 3 you ethically ignore that
 4 law?)
 5 THE WITNESS: No.
 6 Q. (By Mr. Dixon) Okay.
 7 Now, after the *Guzzo versus Mead*
 8 opinion came down from Judge Skavdahl's
 9 court, same-sex marriage became the law of
 10 the State of Wyoming; correct?
 11 MR. CAMPBELL: Objection. Calls for a
 12 legal conclusion.
 13 Q. (By Mr. Dixon) Well, you're a judge.
 14 Isn't that true?
 15 A. Same-sex marriages are now legal in
 16 Wyoming as a result of that decision.
 17 Q. From a judicial standpoint, what's the
 18 difference between the law announced by
 19 *Guzzo v. Mead* and the 25-mile-an-hour
 20 ordinance of the Town of Pinedale?
 21 MR. CAMPBELL: Objection. Improper
 22 hypothetical. Calls for speculation and a
 23 legal conclusion.
 24 THE WITNESS: I don't know. I can't --
 25 I can't answer that one. I don't know.
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1 a problem.
 2 Q. Do you believe it would be ethical to
 3 recuse because you don't agree with the law?
 4 MR. CAMPBELL: Objection. Calls for
 5 speculation and a legal conclusion and
 6 assumes facts not in evidence.
 7 Q. (By Mr. Dixon) Do you have an answer?
 8 A. I'm working on it. No.
 9 Q. I forgot the question.
 10 MR. DIXON: What was the question?
 11 (Whereupon, the record was read
 12 back as follows: Question:
 13 Do you believe it would be
 14 ethical to recuse because you
 15 don't agree with the law?)
 16 MR. DIXON: Thank you.
 17 THE COURT REPORTER: You're welcome.
 18 Q. (By Mr. Dixon) *Guzzo versus Mead* came
 19 down somewhere in late October; correct?
 20 A. Yes.
 21 Q. You had a conversation with Judge Haws
 22 about that?
 23 A. I did.
 24 Q. Do you remember when?
 25 A. Shortly after that decision on
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1 Q. (By Mr. Dixon) The -- the ethical -- your
 2 ethical obligation is to enforce all laws;
 3 correct?
 4 MR. CAMPBELL: Objection. It's -- it's
 5 a vague question.
 6 THE WITNESS: Actually, no. A judge
 7 does not enforce anything.
 8 Q. (By Mr. Dixon) Apply. Let's -- I don't
 9 know if that's correct what you said, but
 10 I'll change my question.
 11 You have an ethical obligation to apply
 12 all the laws of this country; correct?
 13 MR. CAMPBELL: Objection. Calls for a
 14 legal conclusion.
 15 THE WITNESS: Yes.
 16 Q. (By Mr. Dixon) And you may not ethically
 17 pick and choose which you want to apply --
 18 MR. CAMPBELL: Objection --
 19 Q. (By Mr. Dixon) -- correct?
 20 MR. CAMPBELL: -- calls for a legal
 21 conclusion.
 22 Q. (By Mr. Dixon) Do you have -- do you have
 23 an answer?
 24 A. A judge will recuse if there is a
 25 problem. A judge should recuse if there is
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1 October 20th, within a matter of a couple
 2 of weeks I think.
 3 Q. Okay. And what was the nature of the
 4 conversation, as you recollect?
 5 A. I called him. Went to see him to
 6 explain to him that I would not be able to
 7 officiate same-sex marriages due to my
 8 sincerely held religious beliefs about what
 9 marriage is. We had that conversation.
 10 Q. Okay. And what did he tell you about
 11 that?
 12 A. He told me that he had the same
 13 convictions about marriage, to wait until
 14 things kind of shake out and see how it all
 15 works.
 16 Q. Okay.
 17 Did -- did he tell you specifically not
 18 to talk to anyone about this or make any
 19 comments about this?
 20 A. Yes.
 21 Q. And I'm gonna quote Judge Haws' testimony
 22 this morning as best as I can. Didn't he say
 23 something to the effect that, quote, "Until
 24 we hear more, keep your head down and your
 25 mouth shut," closed quote?
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1 A. I don't recall those exact words, but
 2 that may be the -- an idea of what he said.
 3 Q. That was kind of the thrust of what he was
 4 telling you?
 5 A. I recall him saying if I'm contacted,
 6 the proper response is no comment.
 7 Q. And did you respond to him, "I'm not sure
 8 I could do that"?
 9 A. I don't recall saying that.
 10 Q. If he said so, would you disagree with
 11 him?
 12 A. I'd probably have to have a
 13 conversation with him --
 14 Q. Okay.
 15 A. -- so he could refresh my memory.
 16 Q. Fair enough.
 17 A. I -- I can't say whether I said it or
 18 not.
 19 Q. Fair enough.
 20 So while I'm kind of on this general idea,
 21 did you talk to anyone else, other than Ned
 22 Donovan and Judge Haws, about your -- in this
 23 time frame, after *Guzzo versus Mead*, about
 24 your position on same-sex marriage?
 25 A. I suppose I did.

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1 as to "part of a group that is" --
 2 Q. (By Mr. Dixon) Have you ever been a
 3 member of a group that has advocated publicly
 4 against same-sex marriage?
 5 A. Advocated? I don't think so.
 6 Q. Okay. Or lobbied for or against --
 7 A. No, no, no.
 8 Q. -- laws that address that subject?
 9 A. No.
 10 Q. Okay.
 11 Why -- why do you think Judge Haws told
 12 you to the effect that you should keep --
 13 keep your head down and your mouth shut?
 14 MR. CAMPBELL: Objection. Lacks
 15 foundation.
 16 Q. (By Mr. Dixon) In -- in your mind, why
 17 did he tell you that?
 18 THE WITNESS: Tell me the question again,
 19 please.
 20 (Whereupon, the record was read
 21 back as follows: Question:
 22 In your mind, why did he tell
 23 you that?)
 24 THE WITNESS: Okay. Back up one more.
 25

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1 Q. Who would you have talked to about it?
 2 A. Family --
 3 Q. Okay.
 4 A. -- but not public.
 5 Q. And -- and that's -- that's what I want to
 6 know: Did you talk to anybody publicly
 7 about --
 8 A. No.
 9 Q. -- about this subject?
 10 A. Not that I recall.
 11 Q. Do you do Facebook?
 12 A. No.
 13 Q. Twitter, or any of those other things?
 14 A. No.
 15 Q. I don't either. These guys can have it.
 16 MR. CAMPBELL: I'd like the record to
 17 reflect that I don't do Twitter and all
 18 that stuff.
 19 (Whereupon, a discussion was held off
 20 the record.)
 21 Q. (By Mr. Dixon) And -- and let me ask you
 22 this: Are you or at any time have you been a
 23 member of any group that has advocated or
 24 actively opposed same-sex marriage?
 25 MR. CAMPBELL: Objection. It's vague

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1 (Whereupon, the record was read
 2 back as follows: Question:
 3 Why do you think Judge Haws
 4 told you to the effect that
 5 you should keep -- keep your
 6 head down and your mouth
 7 shut?)
 8 THE WITNESS: It was not a good idea to
 9 publicize personal opinions --
 10 Q. (By Mr. Dixon) Okay.
 11 A. -- personal beliefs.
 12 Q. Did -- and -- and is that because there
 13 are ethical implications to doing so?
 14 A. I don't know.
 15 MR. CAMPBELL: Objection.
 16 Q. (By Mr. Dixon) Did you and Judge Haws
 17 discuss the ethical implications of making
 18 your beliefs known to the public?
 19 A. Not that I recall.
 20 Q. Okay.
 21 Did you, in this time frame, before this
 22 Ned Donovan article came out, become aware
 23 that there was a same-sex couple that wanted
 24 to be married in Pinedale?
 25 A. No. I knew -- I know several same-sex

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1 couples.
 2 Q. Did -- did you anticipate that they might
 3 want to become legally and officially married
 4 after this ruling?
 5 A. I hadn't thought about it.
 6 Q. You didn't think about it?
 7 A. No.
 8 Q. And did anybody indicate to you that might
 9 be the case?
 10 A. Not that I recall.
 11 Q. Did you tell anyone or put the word out
 12 that if that were to come to pass, you would
 13 not be able to do the ceremonies, before the
 14 Donovan article came out?
 15 A. No.
 16 Q. For example, did you talk to the county
 17 clerk and say, "I won't do these ceremonies"?
 18 A. No, I did not.
 19 Q. Okay.
 20 So then it came to pass that you did
 21 have a conversation with Ned Donovan;
 22 correct?
 23 A. Yes.
 24 Q. And tell me how that came about.
 25 A. In December, I was working on a project
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1 *Roundup.*"
 2 Q. Okay.
 3 A. That's all I know.
 4 Q. Do you -- do you go to council meetings
 5 routinely?
 6 A. Yes.
 7 Q. Did --
 8 MR. CAMPBELL: What kind of council
 9 meetings?
 10 Q. (By Mr. Dixon) Town Council meetings.
 11 THE WITNESS: I'm sorry, Jim.
 12 Town Council meetings, yes, I do.
 13 Q. (By Mr. Dixon) And did Mr. Donovan, in
 14 those days, go to those meetings? If he did,
 15 you didn't know him?
 16 A. If he was there, I did not know who --
 17 Q. Okay.
 18 A. -- he was.
 19 I don't know what he looked like.
 20 Q. I just wondered if you'd encountered him
 21 in those kind of meetings.
 22 A. Early on, no.
 23 Q. Okay. Later on, did you?
 24 A. After the article came out, I
 25 recognized his face from the picture in the
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1 at home, outside, and I was outside for an
 2 extended amount of time.
 3 I came in the house and looked at my
 4 cell phone, which was on the kitchen table.
 5 I saw that I had missed a call, and as is
 6 my practice, I called that number back. It
 7 was an unfamiliar number to me, but it was
 8 a local number. And so I called that
 9 number back, and -- from my house phone in
 10 my kitchen. And I said who I -- I
 11 identified myself. I said, "Someone at
 12 this number called me, and I'm returning
 13 the call."
 14 A male voice at the other end said,
 15 "That was me. I called you. I'm Ned
 16 Donovan."
 17 And that's how it began.
 18 Q. Okay. Did you know Mr. Donovan?
 19 A. I did not.
 20 Q. Well, did you know who he was?
 21 A. No.
 22 Q. Or where he worked?
 23 A. Only when I returned the call and then
 24 whoever answered the -- the male at the
 25 other end of the phone said "*Pinedale*
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1 paper. He was at council meeting. When
 2 the council meeting was over, I followed
 3 him outside and introduced myself to him.
 4 Q. Okay. Did you have a conversation with
 5 him then?
 6 A. No.
 7 Q. Just introduced yourself?
 8 A. Yes.
 9 Q. All right.
 10 But when he -- when you called him back,
 11 he did tell you he was with the *Pinedale*
 12 *Roundup*?
 13 A. Yes.
 14 Q. And, obviously, you know that's the local
 15 paper; right?
 16 A. Yes.
 17 Q. And you understood he to be a reporter?
 18 A. Yes.
 19 Q. Okay.
 20 What did -- what -- tell me about the
 21 conversation with Mr. Donovan. Do you
 22 remember the date?
 23 A. The exact date, no. It was a Friday,
 24 December -- Friday in December.
 25 Q. Okay.
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1 Sometime before -- Friday sometime
 2 before December 11th; correct?
 3 **A.** Yes.
 4 **Q.** December 11th being the day the article
 5 came out.
 6 **A.** Yes.
 7 **Q.** So what was your conversation with
 8 Mr. Donovan?
 9 **A.** He asked me procedural questions and
 10 questions involving same-sex marriages.
 11 **Q.** Like, what do you mean "procedural
 12 questions"?
 13 **A.** Several procedural questions on how a
 14 person obtains a marriage license --
 15 **Q.** Okay.
 16 **A.** -- and what the procedure is to find
 17 someone to do the wedding.
 18 **Q.** All right. And I assume you answered
 19 those questions?
 20 **A.** Yes.
 21 **Q.** Do you remember what you told him?
 22 **A.** Yes.
 23 **Q.** What did you tell him?
 24 **A.** I told him that in order to get a
 25 marriage license, a person goes to the
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1 county clerk's office, fills out the
 2 papers, pays the fee, and the county
 3 clerk's office, circuit court and the
 4 district court would be able to give the
 5 couple names and phone numbers of people
 6 who would be able to -- or were authorized
 7 to do weddings.
 8 **Q.** Okay.
 9 And -- and then he asked you about your
 10 position on same-sex marriage?
 11 **A.** He did.
 12 **Q.** Tell -- tell me how that works.
 13 **A.** When I answered the phone, very first
 14 thing -- when he introduced himself, his
 15 first question to me was something to the
 16 effect of, "Aren't you excited now that
 17 you'll be able to do same-sex marriages?"
 18 **Q.** Okay.
 19 **A.** And my instant answer was the truth,
 20 and I said, "No."
 21 He changed course. We talked about
 22 procedural stuff and then my personal views
 23 on same-sex marriages. I made it clear to
 24 him that the issue is not at all about the
 25 people; that it's solidly about the
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1 marriage.
 2 And the conversation was approximately
 3 ten minutes long, and it was done, and I
 4 ended it.
 5 **Q.** Okay.
 6 And how did you end it?
 7 **A.** "Goodbye," I guess.
 8 **Q.** Okay. Ask a dumb question.
 9 So back to our Exhibit 4. He quotes you
 10 in two different places, and I've highlighted
 11 those.
 12 **A.** (Reviewing document.)
 13 **Q.** Did he accurately quote you?
 14 **A.** (Reviewing document.)
 15 The two quotes highlighted, yes.
 16 **Q.** Okay.
 17 Can I have that back since that is my
 18 copy? The actual --
 19 **MR. CAMPBELL:** Would you mind reading
 20 those in? The two that are highlighted.
 21 **MR. DIXON:** Yes, I will. The first
 22 quote is: Quote, "I will not be able to do
 23 them," closed quote, "Neely told the
 24 *Examiner,*" period. Quote, "We have at
 25 least one magistrate who will do same-sex
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1 marriages, but I will not be able to,"
 2 closed quote.
 3 **Q.** (By Mr. Dixon) And that was accurately
 4 quoted?
 5 **A.** Yes.
 6 **Q.** And then below that he quoted you as
 7 saying: Quote, "When law and religion
 8 conflict," comma, "choices have to be made,"
 9 period. "I have not been asked to perform a
 10 same-sex marriage," comma, closed quote,
 11 "Neely said," period.
 12 Was that an accurate quote?
 13 **A.** Yes.
 14 **Q.** Thank you.
 15 Between -- between those two quotes,
 16 Ned Donovan writes: "But Neely's
 17 inability to perform the marriages has
 18 nothing to do with her schedule," comma,
 19 "rather, her religious beliefs."
 20 Did you tell him something to that
 21 effect?
 22 **A.** I don't recall that.
 23 **Q.** You don't remember that?
 24 **A.** No.
 25 **Q.** Okay.
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1 You wouldn't have any reason to
 2 disagree that -- that he accurately
 3 reported what you said?
 4 **A.** I have no reason to agree, either.
 5 **Q.** Fair enough.
 6 **A.** I don't recall.
 7 **Q.** That's fair. If you don't remember, you
 8 don't.
 9 Have you seen Exhibit 19?
 10 **A.** (Reviewing document.)
 11 **Q.** And I -- and, specifically, have you seen
 12 that document? Have your lawyers given you a
 13 copy that one?
 14 **A.** (Reviewing document.)
 15 Yes.
 16 **Q.** Okay.
 17 The fourth page starts with the caption
 18 "Process." And you've read that before
 19 today?
 20 **A.** Yes.
 21 **Q.** All right. Do you know what that is?
 22 **A.** Do I know what --
 23 **Q.** What the --
 24 **A.** -- process is.
 25 **Q.** What this document is?
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1 **MR. CAMPBELL:** Objection. Lacks
 2 foundation.
 3 **MR. DIXON:** I asked if she knew.
 4 **THE WITNESS:** (Reviewing document.)
 5 I understand that it's a -- possibly a
 6 typed-out paper of Ned's notes.
 7 **Q.** (By Mr. Dixon) Okay. If -- you know
 8 what? I don't think that's a fair question
 9 and I'm not gonna ask it.
 10 But I will ask this and I will represent
 11 to you that Mr. Donovan told me this and gave
 12 this to me and said that these were his notes
 13 on your conversation you have just described.
 14 And he says, quoting you: "Gently, I
 15 would like people not to know that I" -- let
 16 me start over.
 17 "Gently, I would like people not to know
 18 that I can't do them. I would gently direct
 19 them to Steve Smith," comma. "I would gently
 20 tell them that I am not available that day."
 21 Closed quote.
 22 Did you say something like that to
 23 Mr. Donovan? And I -- I highlighted it
 24 there.
 25 **A.** (Reviewing document.)
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1 My recollection of this quote is this:
 2 "Gently, I would like people to know that I
 3 can't do them."
 4 **Q.** Okay.
 5 **A.** "I would gently direct them to Steve
 6 Smith."
 7 And I don't recall saying I would
 8 gently tell them I'm not available that
 9 day. He put in one more note in that first
 10 part that I don't recall.
 11 **Q.** He put in one more what?
 12 **A.** In the first -- in the first sentence,
 13 he has: "Gently, I would like people not
 14 to know that I can't do them."
 15 **Q.** Yeah.
 16 **A.** My recollection of that sentence is
 17 this: "Gently, I would like people to know
 18 that I can't do them."
 19 **Q.** Okay. All right.
 20 My concern is with the statement, quote,
 21 "I would gently tell them I'm not available
 22 that day."
 23 Did you say something like that to him?
 24 **A.** I don't recall saying that to him.
 25 **Q.** Mr. Donovan says you did say that. You
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1 would disagree with that?
 2 **A.** I'm saying I don't recall saying that
 3 to him.
 4 **Q.** If you were to tell a same-sex couple that
 5 you couldn't do their ceremony because you
 6 were not available that day when you were, in
 7 fact, available, that would be a lie,
 8 wouldn't it?
 9 **A.** Yes.
 10 **MR. CAMPBELL:** Object --
 11 **THE WITNESS:** Sorry.
 12 **Q.** (By Mr. Dixon) Did you have more than one
 13 conversation with Mr. Donovan on this day?
 14 **A.** Yes.
 15 **Q.** How many conversations did you have?
 16 **A.** We were on the phone three different
 17 times.
 18 **Q.** Was there a reason you didn't tell the
 19 Commission that you had three conversations
 20 with Mr. Donovan that day?
 21 **MR. CAMPBELL:** Objection. It's
 22 argumentative.
 23 **THE WITNESS:** Is there a reason I did
 24 not tell them --
 25 **Q.** (By Mr. Dixon) That --
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1 A. No.
 2 Q. -- you had three conversations --
 3 A. No.
 4 Q. -- with Mr. Donovan?
 5 Bear with me for a moment.
 6 Let me show you Exhibit 21. Do you
 7 recognize that?
 8 A. (Reviewing document.)
 9 Yes.
 10 Q. Okay. I've highlighted that one sentence.
 11 You stated to the Commission: "But at the
 12 time of the phone call, I was at home and was
 13 completely distracted with another matter,"
 14 closed quote.
 15 Is that -- is that accurate?
 16 A. Yes.
 17 Q. So go back to the question: Why didn't
 18 you tell us there were three calls that day?
 19 A. It wasn't -- didn't matter. Wasn't
 20 pertinent to my --
 21 Q. Okay.
 22 A. -- to my --
 23 Q. Were you distracted during the first call?
 24 A. Somewhat, yes.
 25 Q. By what?

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1 A. I had come in from outside. That time
 2 of year is Christmas light time at the
 3 Neely house. I had come in from outside.
 4 I had armloads of lights. I had a jacket
 5 and my snow boots. And I saw I missed a
 6 call, and I had an armload of lights, and
 7 called the person back.
 8 Q. Okay.
 9 A. And so when I was talking to him, yes,
 10 I was trying to untangle some lights, take
 11 off a hot jacket, and yes, I was
 12 distracted.
 13 Q. Were you distracted at the time of the
 14 second and third calls with Mr. Donovan?
 15 A. Second one, no -- no.
 16 Q. Who made the second call?
 17 A. I did.
 18 Q. And you called him the sec- -- actually,
 19 you called him both times, the first time and
 20 the second time. You returned his call the
 21 first time and then called him back the
 22 second time; correct?
 23 A. I returned an unknown call, yes, and it
 24 was him.
 25 Q. Yes.

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1 A. It was him the first time.
 2 Q. Yes. Yes.
 3 A. And, yes, the second time, I called him
 4 back.
 5 Q. And why did you call him back?
 6 A. Because when I hung up the phone the
 7 first time, I had the impression that Ned
 8 Donovan knew my beliefs and that he was
 9 trying to stir things up.
 10 Q. Okay.
 11 At the time of that call, you knew that
 12 he was a newspaper reporter too?
 13 A. At the time of which call?
 14 Q. The first call -- very first call.
 15 A. First call.
 16 Q. That's a yes?
 17 A. I think --
 18 Q. You knew he was a newspaper reporter;
 19 right?
 20 A. First -- yes.
 21 Q. You knew he was likely to publish your
 22 comments; correct?
 23 MR. CAMPBELL: Objection. Lacks
 24 foundation.
 25 THE WITNESS: I don't know. He could

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1 have or could not have. That would be his
 2 choice.
 3 Q. (By Mr. Dixon) Well, that's what
 4 newspaper reporters do, don't they?
 5 A. Not all the time, but, yes, that's
 6 their job.
 7 Q. All right.
 8 And you knew that Judge Haws had asked you
 9 not to go public with this; correct?
 10 MR. CAMPBELL: Objection. Assumes
 11 facts not in evidence.
 12 You can answer.
 13 THE WITNESS: Judge Haws told me to
 14 respond, "No comment."
 15 Q. (By Mr. Dixon) Okay.
 16 So why -- I -- I don't get -- I didn't
 17 get why you called Mr. Donovan back the
 18 second time. Tell me that.
 19 MR. CAMPBELL: Objection. Asked and
 20 answered.
 21 You can answer again.
 22 THE WITNESS: When I hung up after the
 23 first call, I was left with the impression
 24 that he already knew or was aware of my
 25 beliefs and he was making an effort to stir

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1 things up.
 2 Q. (By Mr. Dixon) Yes, you told me.
 3 A. Yes. And then you asked me again, and
 4 I told you again.
 5 Q. So why -- what about that caused you to
 6 call him a second time?
 7 A. I asked him at the second call if he
 8 would replace the comments that I made to
 9 him with just a summary of the comments.
 10 Q. And what did he say to you?
 11 A. I don't recall exactly what he said.
 12 Q. How long did that conversation last?
 13 A. The second one?
 14 Q. Yeah.
 15 A. Three minutes.
 16 Q. Did he agree to your request?
 17 A. He said that he would check with other
 18 people and let me know.
 19 Q. Okay. And -- and then did he call you
 20 back to let you know?
 21 A. No.
 22 Q. Did you have a third conversation with
 23 Mr. Donovan?
 24 A. Yes.
 25 Q. How -- and did you call him?
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1 A. No.
 2 Q. Have you read an opinion regarding the
 3 ethics of performing same-sex marriage
 4 anywhere else, other than the sources I
 5 showed you earlier today? From any other
 6 source?
 7 MR. CAMPBELL: Objection. Vague.
 8 You can answer.
 9 THE WITNESS: No.
 10 Q. (By Mr. Dixon) Okay.
 11 When did you last perform a wedding of any
 12 kind?
 13 A. December 31, 2014.
 14 Q. Okay.
 15 Do you have some kind of relationship with
 16 Mayor Jones, other than your official
 17 municipal-mayor relationship?
 18 MR. CAMPBELL: Objection. Vague you
 19 can answer.
 20 THE WITNESS: What relationship?
 21 Q. (By Mr. Dixon) A social, familial,
 22 business? Any other type of relationship?
 23 A. Bob Jones is a customer of Bucky's
 24 Outdoors.
 25 Q. Okay.
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1 A. No.
 2 Q. How did that occur?
 3 A. He called me back, but it was not to
 4 let me know.
 5 Q. Oh, okay. All right.
 6 Why did he call you back?
 7 A. He called me back and told me that if I
 8 would agree to change my mind, he would not
 9 publish any of that.
 10 Q. Okay. And -- and what did you say to him
 11 in response?
 12 A. "No comment."
 13 Q. No comment? That --
 14 A. Correct.
 15 Q. -- was all you said to him?
 16 A. Yes, but I said it about six times.
 17 Q. Okay. Okay.
 18 But you did not agree to change your
 19 position; right? You just said, "No
 20 comment?"
 21 A. Correct.
 22 Q. Okay.
 23 Did you have any other comments --
 24 conversations with Ned Donovan on this
 25 topic after the ones we've just discussed?
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1 A. That's --
 2 Q. Did he ever work for Bucky's Outdoors?
 3 A. Did he ever work for Bucky's Outdoors?
 4 Q. Yes.
 5 A. He volunteered a couple of times to
 6 help put together snowmobiles in a pinch,
 7 but he didn't ever get a paycheck or any --
 8 it was a volunteer thing.
 9 Q. Okay.
 10 Neither you nor your husband ever worked
 11 for him --
 12 A. No.
 13 Q. -- other than in the -- the Town
 14 business -- the Town arena?
 15 A. Correct.
 16 Q. Okay.
 17 I understand there was a contested
 18 mayoral race last time around; correct?
 19 A. Yes.
 20 Q. Did you support him in that election;
 21 Mayor Jones?
 22 MR. CAMPBELL: Objection. Vague as to
 23 "support."
 24 Q. (By Mr. Dixon) In any -- in any form?
 25 I'm not asking how you voted.
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1 A. Then I will tell you no.
 2 Q. Are -- are you aware that there are -- are
 3 rumors in Pinedale that you did support his
 4 election?
 5 MR. CAMPBELL: Objection. Lacks
 6 foundation.
 7 You can answer.
 8 THE WITNESS: I'm not aware of any
 9 exact rumors, but it doesn't surprise me
 10 one bit knowing Pinedale, Wyoming.
 11 Q. (By Mr. Dixon) Okay.
 12 Do you -- do you know -- well, let me see
 13 how to phrase this question. Do you have any
 14 idea why those kind of rumors would be
 15 circulating?
 16 A. Yes.
 17 Q. And that would be?
 18 A. When Bob Jones took office in June of
 19 2014, he essentially cleaned house at the
 20 Town Hall. I was the only survivor --
 21 that's not true. I was one of two
 22 survivors. I was the longest term
 23 survivor. Everybody else was let go --
 24 Q. Okay.
 25 A. -- so I suppose the assumption would be
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1 answer.
 2 MR. DIXON: I wasn't aware there was a
 3 First Amendment association privilege.
 4 MR. CAMPBELL: There is.
 5 MR. DIXON: Okay.
 6 Q. (By Mr. Dixon) Is -- is the -- we'll call
 7 them the ADF, providing you with a legal
 8 defense in this proceeding?
 9 A. Yes.
 10 Q. And is that pro bono?
 11 A. Yes.
 12 Q. In other words, they're not charging you
 13 for your defense; is that correct?
 14 A. Yes.
 15 Q. Do you see any ethical problems with that?
 16 A. No.
 17 Q. If you are sanctioned in this proceeding
 18 by the Commission and/or by the Wyoming
 19 Supreme Court under Rule 16(d), has the ADF
 20 agreed to pay your sanctions?
 21 MR. CAMPBELL: Hold on.
 22 Objection. Calls for privileged
 23 information. Calls for communication
 24 between attorney and client.
 25 Q. (By Mr. Dixon) Have you received anything
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1 that we stayed because we supported him.
 2 That is incorrect.
 3 Q. Okay.
 4 You didn't contribute financially to his
 5 campaign?
 6 A. No.
 7 Q. You didn't go door to door for him?
 8 A. No.
 9 Q. You didn't put on his bumper sticker?
 10 A. No.
 11 Q. Did you have a yard sign?
 12 A. No.
 13 Q. Did you have a three-color yard sign?
 14 A. No.
 15 Q. Are you a member of the Alliance Defending
 16 Freedom?
 17 A. No.
 18 Q. Have you ever paid dues or made
 19 contributions to that organization?
 20 MR. CAMPBELL: Objection.
 21 Wait. Can I have a second?
 22 MR. DIXON: Sure.
 23 MR. CAMPBELL: I'm gonna object on that
 24 First Amendment associational-privilege
 25 ground and instruct the witness not to
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1 from the ADF, other than from one of their
 2 attorneys, that says that if you are
 3 sanctioned under Rule 16(d), ADF will pay
 4 your sanctions?
 5 A. No.
 6 Q. Are -- are you aware that you could be
 7 made to pay all of the Commission on Judicial
 8 Conduct and Ethics' costs of this matter?
 9 MR. CAMPBELL: Objection. It's
 10 irrelevant.
 11 You can answer.
 12 Q. (By Mr. Dixon) Are you aware of that?
 13 MR. CAMPBELL: Plus it assumes facts
 14 not in evidence.
 15 Can you read the question back?
 16 (Whereupon, the record was read
 17 back as follows: Question:
 18 Are you aware that you could
 19 be made to pay all of the
 20 Commission on Judicial Conduct
 21 and Ethics' costs of this
 22 matter?)
 23 THE WITNESS: Yes.
 24 Q. (By Mr. Dixon) And are you aware that
 25 those costs are now into the tens of
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1 thousands of dollars?
 2 MR. CAMPBELL: Objection. Lacks
 3 foundation. Assumes facts not in evidence.
 4 THE WITNESS: No.
 5 Q. (By Mr. Dixon) Have you ever been made
 6 aware that it may not be legal for a third
 7 party to pay those kind of sanctions imposed
 8 by a Commission before the Court?
 9 MR. CAMPBELL: Objection. Calls for
 10 privileged communications.
 11 MR. DIXON: I'm not asking what you
 12 told her. I'm just saying has she been
 13 made aware of that fact or that law.
 14 MR. CAMPBELL: Could you read it back,
 15 please?
 16 (Whereupon, the record was read
 17 back as follows: Question:
 18 Have you ever been made aware
 19 that it may not be legal for a
 20 third party to pay those kind
 21 of sanctions imposed by a
 22 Commission before the Court?)
 23 MR. DIXON: I don't think you quite got
 24 that right.
 25 Q. (By Mr. Dixon) Have you ever been made
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1 aware that it may be illegal for a third
 2 party to pay the type of sanctions that could
 3 be imposed by the Commission on Judicial
 4 Conduct and Ethics or the Supreme Court? In
 5 other words, that you may have to pay those
 6 personally?
 7 A. No.
 8 Q. Have -- have you approved and ratified the
 9 conduct of your attorneys in defense of this
 10 proceeding?
 11 MR. CAMPBELL: Objection.
 12 This is just harassing the witness.
 13 We're not -- we're not asking anything.
 14 MR. DIXON: Well, I don't think that's
 15 right, Counselor.
 16 Q. (By Mr. Dixon) Do you approve of the way
 17 these people have conducted your defense in
 18 this case?
 19 MR. CAMPBELL: Objection. Objection.
 20 You're asking for communications between
 21 attorney and client.
 22 MR. DIXON: No, I'm not.
 23 Q. (By Mr. Dixon) I'm not asking what they
 24 told you or what they -- what you told them.
 25 I'm asking you if you approve of what they
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1 are doing in your defense?
 2 MR. CAMPBELL: But how -- how can you
 3 ask if she approved it without asking the
 4 communications between her and counsel?
 5 That's the only way she could approve it is
 6 by talking to her counsel.
 7 MR. DIXON: Well, let --
 8 Q. (By Mr. Dixon) You haven't attended any
 9 depositions in this proceeding, have you?
 10 A. No.
 11 Q. Why not?
 12 A. I just didn't come. I didn't --
 13 Q. If -- if I told you that your lawyers'
 14 strategies appear to be to personally attack
 15 the executive director of the Commission,
 16 would you approve of that behavior?
 17 MR. CAMPBELL: Objection.
 18 Don't answer the question. Don't
 19 answer the question.
 20 Counsel is simply asking questions to
 21 annoy, embarrass, or oppress the deponent
 22 or the party here, which is a violation of
 23 Rule 30(d).
 24 Q. (By Mr. Dixon) Have you read the rules on
 25 judicial conduct and ethics?
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1 A. Yes.
 2 Q. Specifically, have you read Rule 8,
 3 sub (d), sub (F) [sic], which states -- I'll
 4 just show it to you. I've got it
 5 highlighted.
 6 A. (Reviewing document.)
 7 MR. CAMPBELL: And was that
 8 Rule 8(d)(2)(F)?
 9 MR. DIXON: Yeah. I must have read it
 10 wrong. Thank you.
 11 THE WITNESS: (Reviewing document.)
 12 MR. CAMPBELL: I'm sorry. Was there a
 13 question? I think there might have been.
 14 I just don't recall what it was.
 15 Q. (By Mr. Dixon) My -- my question is: Are
 16 you familiar with that rule?
 17 A. Yes.
 18 Q. And -- and do you understand from your
 19 familiarity with that rule that your response
 20 to these proceedings can be a factor in the
 21 discipline and sanctions imposed on a finding
 22 of breach of ethics?
 23 MR. CAMPBELL: Objection. Assumes
 24 facts in evidence.
 25 You can answer it.
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1 Assumes facts not in evidence. Sorry.
 2 THE WITNESS: (Reviewing document.)
 3 Read the question, please.
 4 (Whereupon, the record was read
 5 back as follows: Question:
 6 Do you understand from your
 7 familiarity with that rule
 8 that your response to these
 9 proceedings can be a factor in
 10 the discipline and sanctions
 11 imposed on a finding of breach
 12 of ethics?)
 13 THE WITNESS: Yes.
 14 Q. (By Mr. Dixon) Do you believe it would be
 15 appropriate for a judge to receive benefits
 16 from an organization such as the ACLU?
 17 MR. CAMPBELL: Objection. Lacks
 18 foundation.
 19 I don't even know if Judge Neely knows
 20 anything about the ACLU.
 21 Q. (By Mr. Dixon) Do you know what the ACLU
 22 is?
 23 A. I know what ACLU means, and that's all
 24 I'm gonna say about that.
 25 Q. Okay.

1 a discussion about getting a judicial
 2 advisory opinion?
 3 A. On the fourth one, yes.
 4 Q. On the fourth one?
 5 A. Yes.
 6 Q. That would have been early January?
 7 A. That would have been January 15th.
 8 Q. Mid January? But you'd already sent in a
 9 letter; correct?
 10 A. Yes, I had.
 11 Q. Okay.
 12 All right. That's all.
 13 MR. CAMPBELL: I have nothing.
 14 So, Judge, you're able to read and
 15 sign.
 16 Send to us. Judge Neely will read and
 17 sign.
 18 (Whereupon, the deposition of The
 19 Honorable Ruth Neely was ended at
 20 3:00 p.m.)
 21
 22
 23
 24
 25

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1 (Whereupon, a discussion was held off
 2 the record.)
 3 (Whereupon, Deposition Exhibit 46 was
 4 marked for identification.)
 5 THE WITNESS: (Reviewing document.)
 6 MR. DIXON: While -- while you read
 7 that, let's take a break, and I think we
 8 can wrap this up.
 9 (Whereupon, a break was taken from
 10 2:48 p.m. to 2:59 p.m.)
 11 Q. (By Mr. Dixon) Judge, have you ever seen
 12 Exhibit 46?
 13 A. No.
 14 Q. Okay.
 15 A. I have not.
 16 Q. All right.
 17 One -- one other question. You recall --
 18 recall your meeting -- your first meeting
 19 with Judge Haws, was there a discussion about
 20 getting a judicial advisory opinion on this
 21 question?
 22 A. On the first conversation?
 23 Q. Yes.
 24 A. No.
 25 Q. On the subsequent conversation, was there

1 STATE OF: _____)
 2)
 3 COUNTY OF: _____)
 4
 5 I, the undersigned, declare under penalty
 6 of perjury that I have read the foregoing
 7 transcript, and I have made any corrections,
 8 additions or deletions that I was desirous of
 9 making; that the foregoing is a true and
 10 correct transcript of my testimony contained
 11 herein.
 12 Executed this ____ day of _____, 2015
 13 at _____)
 14)
 15 (Deponent's Name- please print)
 16 _____)
 17 (Deponent's Signature)
 18 Subscribed and sworn before me _____)
 19 This ____ day of _____, 2015
 20 _____)
 21 Notary Name Notary Signature
 22 Seal
 23
 24 My Commission expires: _____)
 25

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1 STATE OF WYOMING)

)

2 COUNTY OF SUBLETTE)

3 I, Michelle L. Cunningham, Deputy and
 4 Freelance Shorthand Reporter and notary Public
 5 in and for the State of Wyoming, do hereby
 6 certify that the foregoing proceeding was
 7 reported by me and was thereafter transcribed
 8 under my direction into typewriting consisting
 9 of pages 1 to 114; that the foregoing is a
 10 full, complete and true record of said
 11 proceedings to the best of my ability.

12 I further certify that I am not of counsel
 13 or attorney for either or any of the parties in
 14 the foregoing proceeding and caption named, or
 15 in any way interested in the outcome of the
 16 cause named in said caption.

17 In witness whereof, I have hereunto set my
 18 hand and affixed my seal this day.

19 Date: _____, 2015

20 _____
 21 Michelle L. Cunningham
 Deputy and Freelance Reporter
 Notary Public

22
 23
 24
 25

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EXHIBIT 11

Upholding Marriage: God's Plan and Gift

*A statement by the Rev. Bart Day, executive director, Office of National Mission
June 26, 2013*

Today the Supreme Court issued its ruling, striking down Section 3 of the Defense of Marriage Act (DOMA), allowing for federal benefits for legally married gay couples and potentially allowing for gay marriage in all of California with regard to Proposition 8. Though the ruling is not a surprise, we are saddened for our nation, even as we call our fellow Christians to faithfulness and prayer.

As Christians, we believe and confess that God Himself instituted marriage as the life-long union of one man and one woman. Same-sex unions are contrary to God's will, and gay marriage is, in the eyes of God, no marriage at all. As Christians, we proclaim this truth, no matter what the courts or legislatures may say. We are called not to popularity but to truth. Therefore, we call on our fellow Christians to be faithful first to God's Word, knowing that another court is ultimately supreme.

Marriage is a fundamental building block of society, binding parents to their offspring. Every child benefits from the nurture of a mother and the leadership of a father. While having one mother is a blessing, having two mothers or two fathers is confusing for the child and detrimental to her well-being. The divorce culture has done great harm to the institution of marriage as well, and The Lutheran Church—Missouri Synod (LCMS) has and will continue to respond to that heartache with Christ's comfort while simultaneously working to restore a culture where marriage is upheld.

While this occasion reminds us that Scripture calls homosexuality sinful (see Lev. 18:22; 20:13; Rom. 1:24–27), the Bible also says plainly that those who "hunger and thirst for righteousness," that is to say, those who repent and show genuine sorrow over their sin, are forgiven and loved by Christ.

And so as Christ's Church, we forgive and love too, following His lead with compassion and humility. We forgive and love because we are all sinners in need of His grace and mercy; because no matter the sin, we have all rebelled against our Creator and fallen prey to unbelief; because He has justified us by grace through faith, freely given and joyfully received (Rom. 3:23–24); because Christ has reconciled us to the Father; because He has declared us righteous and we are.

In love, we will continue to teach marriage according to God's plan and gift. We will continue to proclaim marriage as a picture of Christ's love for His bride, the church. And we will continue to be a place of forgiveness, mercy and healing for all people, even as we will continue to proclaim God's truth in love. As we move forward, we offer up our prayers for the nation and particularly for marriage, family and children.

Rev. Bart Day, executive director
LCMS Office of National Mission

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EXHIBIT 12

2014 WL 5317797

Only the Westlaw citation is currently available.
 United States District Court,
 D. Wyoming.

Anne Marie GUZZO and Bonnie Robinson;
 Ivan Williams and Charles Killion; Brie Barth
 and Shelly Montgomery; Carl Oleson and Rob
 Johnston; and Wyoming Equality, Plaintiffs,

v.

Matthew H. MEAD, in his official capacity as the
 Governor of Wyoming; Dean Fausset, in his official
 capacity as Director of the Wyoming Department
 of Administration and Information; DAVE
 URQUIDEZ, in his official capacity as Administrator
 of the State of Wyoming Human Resources
 Division; and Debra K. Lathrop, in her official
 capacity as Laramie County Clerk, Defendants.

No. 14-CV-200-SWS. | Signed Oct. 17, 2014.

Attorneys and Law Firms

Tracy L. Zubrod, Zubrod Law Office, Cheyenne, WY, for
 Defendants.

ORDER GRANTING PRELIMINARY INJUNCTION AND TEMPORARY STAY

SCOTT W. SKAVDAHL, District Judge.

*1 This matter comes before the Court on Plaintiffs' Motion for Preliminary Injunction and Temporary Restraining Order. (Doc. 7.) Defendant Debra K. Lathrop filed an affidavit supporting Plaintiffs' motion. (Doc. 7-1.) The remaining defendants ("State Defendants") filed an opposition to the motion. (Doc. 26.) The Court held an evidentiary hearing on the matter on October 16, 2014. Having considered the evidence and testimony presented at the hearing, the parties' briefs, the arguments of counsel, the record herein, and being otherwise fully advised, the Court finds and concludes as follows.

BACKGROUND

This case asks whether a Wyoming statute limiting marriage to "between a male and a female person" can withstand scrutiny under the due process and equal protection guarantees of the United States Constitution. While few issues are riper for public debate and legislative action than same-sex marriage, as demonstrated by the 11 states that have approved it through state legislation or popular vote since 2009 (*United States v. Windsor*, 133 S.Ct. 2675, 2689 (2013)), a divided three-judge panel of the Tenth Circuit Court of Appeals has "place[d] the matter outside the arena of public debate and legislative action" (*Washington v. Glucksberg*, 521 U.S. 702, 720 (1997)). While the Tenth Circuit's decisions in *Kitchen v. Herbert*, 755 F.3d 1193 (10th Cir.2014), and *Bishop v. Smith*, 760 F.3d 1070 (10th Cir.2014), may be publicly debated, one thing remains undebatable: "[A] district court is bound by decisions made by its circuit court." *Dobbs v. Anthem Blue Cross and Blue Shield*, 600 F.3d 1275, 1279 (10th Cir.1990). Accordingly, the Tenth Circuit's decisions in *Kitchen* and *Bishop* demand a determination in Plaintiffs' favor.

1. The Parties

Plaintiffs consist of three groups: (1) same-sex couples who have been denied a marriage license in Wyoming solely because of their same genders, (2) a same-sex couple who was married in Canada but has been unable to have it given legal effect in Wyoming, and (3) a civil rights organization advocating for Wyoming's LGBT community. (Doc. 1 at ¶¶ 25-27.)

State Defendants include (1) the Governor of Wyoming, (2) the Director of the Wyoming Department of Administration and Information, and (3) the Administrator of the State of Wyoming Human Resources Division, all sued in their official capacities. (*Id.* at ¶¶ 28-30.) Defendant Lathrop is the elected county clerk of Laramie County, Wyoming, whose legal duties include issuing marriage licenses. (*Id.* at ¶ 31.) While she is a named defendant, Defendant Lathrop agrees with Plaintiffs' position and joins their request for relief. (Doc. 7-1.)

2. Wyoming Statutes at Issue

Wyoming's statutes define marriage as "a civil contract between a male and a female person to which the consent of the parties capable of contracting is essential." Wyo. Stat. Ann. § 20-1-101 (2013). Plaintiffs assert this statute is unconstitutional under *Kitchen* and *Bishop*.

*2 Also at issue is Wyoming Statute § 20-1-111, which states, "All marriage contracts which are valid by the laws of the country in which contracted are valid in this state." Plaintiffs argue same-sex marriages that are valid under the laws of other states and other countries are not given effect in Wyoming, despite the clear language of this statute.

Plaintiffs' civil rights action for declaratory and injunctive relief, filed under 42 U.S.C. § 1983, seeks to declare § 20-1-101 invalid under the United States Constitution. Plaintiffs allege Wyoming's prohibition on same-sex marriage violates the Due Process and Equal Protection Clauses of the Fourteenth Amendment to the federal constitution.

Several of the Plaintiffs in this case filed an earlier, similar action in Wyoming state court on March 5, 2014, in *Courage v. State of Wyoming*, Laramie County District Court Docket Number 182-262. In that action, the plaintiffs contend Wyoming Statute § 20-1-101 is unconstitutional because it violates the Wyoming Constitution.

3. *Kitchen v. Herbert and Bishop v. Smith Summaries*

The parties and the Court agree the Tenth Circuit decisions in *Kitchen* and *Bishop* control the merits of this case. In *Kitchen*, several same-sex couples challenged Utah's state statute and state constitutional amendment that restricted marriage to opposite-sex couples. *Kitchen*, 755 F.3d at 1199-1200. After finding the plaintiffs had standing to sue the defendants, *id.* at 1201-04, the Tenth Circuit determined the fundamental right to marry includes the right to marry a person of the same sex, *id.* at 1218. Having determined a fundamental liberty was at stake, the Tenth Circuit then examined the challenged state laws under strict scrutiny and found they could not pass constitutional muster. *Id.* at 1218-28. The Court held that "under the Due Process and Equal Protection Clauses of the United States Constitution, those who wish to marry a person of the same sex are entitled to exercise the same fundamental right as is recognized for persons who wish to marry a person of the opposite sex." *Id.* at 1229-30.

Similarly, in *Bishop*, several same-sex couples challenged Oklahoma's state constitutional amendment limiting marriage to opposite-sex couples. *Bishop*, 760 F.3d at 1074-75. The Tenth Circuit found the plaintiffs had sufficient standing to sue, *id.* at 1076-1079, and determined the merits of the appeal were controlled by its decision in *Kitchen*, *id.* at 1079. The Tenth Circuit stated that none of the arguments presented in *Bishop* "persuade us to veer from our core holding that

states may not, consistent with the United States Constitution, prohibit same-sex marriages." *Id.* at 1082.

DISCUSSION

With this backdrop in place, the Court turns to the issues that must be considered in determining whether a preliminary injunction in Plaintiffs' favor is warranted.

1. Standing

*3 State Defendants contend Plaintiffs lack standing in this lawsuit, at least as against State Defendants. (Doc. 26 at p. 5.) The Court first examines the issue of standing because it is a component of the Court's jurisdiction. *Dias v. City & Cnty. of Denver*, 567 F.3d 1169, 1176 (10th Cir.2009).

The requirements for standing to sue in federal court under Article III of the United States Constitution are well-known:

To establish Article III standing, a plaintiff must establish (1) that he or she has "suffered an injury in fact;" (2) that the injury is "fairly traceable to the challenged action of the defendant;" and, (3) that it is "likely" that "the injury will be redressed by a favorable decision."

Awad v. Zirriax, 670 F.3d 1111, 1120 (10th Cir.2012) (quoting *Ariz. Christian Sch. Tuition Org. v. Winn*, 131 S.Ct. 1436, 1442 (2011)).

The Court finds the Tenth Circuit's discussion of the plaintiffs' standing in *Kitchen* controls the question of standing in this case. There, the Tenth Circuit first determined the plaintiffs who had been denied marriage licenses had standing to sue the county clerk because Utah county clerks are responsible for issuing marriage licenses. *Kitchen*, 755 F.3d at 1201-02. The same is true in Wyoming, where county clerks are charged by statute with issuing marriage licenses. Wyo. Stat. Ann. 20-1-103(a) (2013). The court also agreed the plaintiffs in *Kitchen* suffered recognizable harm because they were deprived of the many benefits of a recognized marriage, financial and otherwise. *Kitchen*, 755 F.3d at 1201. Those same harms, including financial injury, exist here. (See Doc. 41-1 at pp. 2-3; Docs. 7-2 through 7-8 (plaintiffs' affidavits)).

The Tenth Circuit also concluded the plaintiffs had standing to sue the Utah governor due to his supervisory power and authority to compel lawful compliance from county clerks and other officials. *Kitchen*, 755 F.3d at 1203-04. As with

Utah, Wyoming's "executive power" is "vested in" the state's governor. Wyo. Const. art. 4, § 1; *Kitchen*, 755 F.3d at 1203 (quoting Utah Const. art. VII, § 5). Additionally, Governor Mead and the other State Defendants have demonstrated a "willingness to exercise" their duty to ensure county clerks, other state officials, and state agencies enforce Wyoming's prohibition against same-sex marriage.¹ See Doc. 41-2 at pp. 2-3; see also *Kitchen*, 755 F.3d at 1203 (quoting *Chamber of Commerce of the U.S. v. Edmondson*, 594 F.3d 742, 760 (10th Cir.2010)).

¹ See, e.g., Laura Hancock, *Mead Says Supreme Court Move Has No Impact on Wyoming's Gay Marriage Case*, Casper Star-Tribune, Oct. 6, 2014, available at http://trib.com/news/stateand-regional/govt-and-politics/meadsays-supreme-court-move-has-no-impact-onwyoming/article_e277c9c6-6d1b-590c9d8f-1096140242b7.html (last accessed October 17, 2014) (quoting Governor Mead as saying, "The attorney general will continue to defend Wyoming's constitution defining marriage between a man and a woman.").

Finally, an injunction would redress Plaintiffs' harms by prohibiting Defendants (and others) from enforcing Wyoming Statute § 20-1-101 and restricting marriage and benefits to opposite-sex couples. See *Kitchen*, 755 F.3d at 1204. Therefore, "standing issues do not prevent" the Court from considering this case. See *id.*

2. Abstention

Defendant Lathrop argued in her response to the motion for preliminary injunction that this Court should stay or abstain in the instant case to allow the state court case to proceed. (Doc. 16 at pp. 3-6.) Defendant Lathrop, however, appears to have abandoned that argument and, at the hearing, requested an immediate ruling from the Court in this case. Nevertheless, in light of the parallel and earlier-filed state case, the Court will consider whether abstention is appropriate.

*4 There are certain federal cases where withholding authorized equitable relief is the correct action because to do otherwise would cause "undue interference with state proceedings." *New Orleans Pub. Serv., Inc. v. Council of City of New Orleans*, 491 U.S. 350, 359 (1989). Even in cases where abstention is permissible, though, it is "the exception, not the rule." *Hawaii Housing Authority v. Midkiff*, 467 U.S. 229, 236 (1984) (quoting *Colorado River Water Conservation Dist. v. United States*, 424 U.S. 800, 813 (1976)).

The Court finds abstention is inappropriate in this case. The arguments advanced in the pending state case are materially different from those advanced here. Specifically, the plaintiffs in the concurrent state case challenge Wyoming Statute § 20-1-101 under the state constitution whereas Plaintiffs here challenge it under the federal constitution. This difference is important because the state court's decision will not necessarily dispose of this federal lawsuit. See *Burns v. Hickenlooper*, 2014 WL 3634834, at *5 n. 3 (D.Colo. July 23, 2014) (unpublished) (declining to abstain from deciding and deferring to state court matters of federal constitutional law). Unlike this Court, Wyoming state courts are not bound by decisions of the Tenth Circuit. *Olmstead v. American Granby Co.*, 565 P.2d 108, 113 (Wyo.1977). Accordingly, it is possible the state court could find § 20-1-101 is valid under the Wyoming Constitution while ignoring *Kitchen* and *Bishop*. Such a decision obviously would not address the federal law issues raised in the instant case. Thus, the state and federal cases are not parallel. See *Fox v. Maulding*, 16 F.3d 1079, 1081 (10th Cir.1994) (before examining abstention factors, "a federal court must first determine whether the state and federal proceedings are parallel").

The United States Supreme Court has explained the general duty of a federal court to consider cases over which it has jurisdiction:

[T]he courts of the United States are bound to proceed to judgment and to afford redress to suitors before them in every case to which their jurisdiction extends. They cannot abdicate their authority or duty in any case in favor of another jurisdiction. When a Federal court is properly appealed to in a case over which it has by law jurisdiction, it is its duty to take such jurisdiction.... The right of a party plaintiff to choose a Federal court where there is a choice cannot be properly denied.

New Orleans Pub. Serv., 491 U.S. at 358-59 (1989). The Court finds the instant case does not fit within the abstention exception to the general rule that a federal court should consider cases over which it has jurisdiction. See *Wolf v. Walker*, — F.Supp.2d —, 2014 WL 1207514, at *4, 5 (W.D.Wis. Mar. 24, 2014) (rejecting abstention under similar factual circumstances); *McGee v. Cole*, 993 F.Supp.2d 639, 646 (S.D.W.Va. Jan. 29, 2014) (same). Indeed, the Supreme

Court has affirmed there is no requirement to defer “to a state judicial proceeding reviewing legislative or executive action. Such a broad abstention requirement would make a mockery of the rule that only exceptional circumstances justify a federal court’s refusal to decide a case in deference to the States.” *New Orleans Pub. Serv.*, 491 U.S. at 368. Therefore, the Court will not defer this case in favor of the concurrent state lawsuit.

3. Preliminary Injunction

*5 The Court now turns to the merits of Plaintiffs’ request for a preliminary injunction, which would prevent Wyoming from limiting marriage to opposite-sex couples under Wyoming Statute § 20-1-101. A preliminary injunction is an extraordinary equitable remedy. *Westar Energy, Inc. v. Lake*, 552 F.3d 1215, 1124 (10th Cir.2009). For a preliminary injunction to issue, the moving party must establish four elements:

(1) a substantial likelihood that it will ultimately succeed on the merits of its suit; (2) it is likely to be irreparably injured without an injunction; (3) this threatened harm outweighs the harm a preliminary injunction may pose to the opposing party; and, (4) the injunction, if issued, will not adversely affect the public interest.

Flood v. ClearOne Commons, Inc., 618 F.3d 1110, 1117 (10th Cir.2010) (citing *Gen. Motors Corp. v. Urban Gorilla, LLC*, 500 F.3d 1222, 1226 (10th Cir.2007)). Beyond merely an extraordinary remedy in this case, though, Plaintiffs request a “disfavored” type of preliminary injunction. The three types of disfavored preliminary injunctions are “those altering the status quo, ‘mandatory’ preliminary injunctions, and those granting the moving party all the relief it could achieve at trial.” *Flood*, 618 F.3d at 1117 n. 1. Plaintiffs’ requested injunction touches on all three forms of disfavored injunctions because it would alter the status quo, constitutes a mandatory injunction (*i.e.*, it requires the nonmoving party to undertake affirmative action), and would provide Plaintiffs all the substantive relief they could recover at a full trial on the merits.² For a disfavored preliminary injunction to issue, the moving party must satisfy a heightened standard by making a “strong showing of the likelihood of success on the merits and the balance of harms.” *Id.* (quoting *Westar Energy*, 552 F.3d at 1224).

2 Plaintiffs also request attorney fees under 42 U.S.C. § 1988, but that request is a collateral matter having no bearing on the merits of the case.

3.1 Substantial Likelihood of Success on the Merits

Plaintiffs have made a strong showing that they are substantially likely to succeed on the merits of their claim. The Tenth Circuit opinions of *Kitchen* and *Bishop* control this part of the preliminary injunction analysis. Those cases establish a fundamental right to marry a person of the same gender exists, and state laws barring same-sex marriage unconstitutionally infringe upon that right. *Kitchen*, 755 F.3d at 1218, 1229–30; *Bishop*, 760 F.3d at 1079, 1082. The Court therefore concludes Plaintiffs have made a strong showing that they will succeed in establishing Wyoming Statute § 20-1-101 impermissibly violates their rights guaranteed by the Due Process and Equal Protection Clauses of the Fourteenth Amendment to the United States Constitution.

3.2 Likelihood of Irreparable Harm

Next, Plaintiffs have also shown substantial irreparable injury will likely result if a preliminary injunction is not issued. “When an alleged constitutional right is involved, most courts hold that no further showing of irreparable injury is necessary.” *Kikumura v. Hurley*, 242 F.3d 950, 963 (10th Cir.2001) (quoting 11A Charles Alan Wright, Arthur R. Miller & Mary Kay Kane, *Federal Practice and Procedure* § 2948.1 (2d ed.1995)); *see also Awad*, 670 F.3d at 1131 (finding a “violation of constitutional rights” to present a likely irreparable harm). Plaintiffs’ asserted harms are irreparable because “the court would be unable to grant an effective monetary remedy after a full trial because such damages would be inadequate or difficult to ascertain.” *Awad*, 670 F.3d at 1131 (quoting *Dominion Video Satellite, Inc. v. EchoStar Satellite Corp.*, 269 F.3d 1149, 1156 (10th Cir.2001)). Plaintiffs’ strong showing of a violation of their constitutional rights—including their fundamental liberty to marry a person of the same sex and have their same-sex marriages given legal effect—satisfies the irreparable harm factor.

3.3 Balancing of Potential Harms

*6 The third factor in the preliminary injunction analysis requires Plaintiffs to make a strong showing that their threatened injury outweighs any potential injury to Defendants. State Defendants focus their attention on this and the final preliminary injunction factor. (Doc. 26 at pp. 7–10.) State Defendants argue that an abrupt preliminary injunction

would cause considerable interference in the administration of “countless agencies and political subdivisions,” requiring them to “reform their regulations, policies, and practices to the extent those practices and regulations rely upon Wyoming’s statutory definition of marriage.” (Doc. 26 at p. 8.) The Court holds many similar concerns about the collateral consequences of a preliminary injunction. However, the fact is State Defendants failed to offer even a scintilla of evidence to support their assertion that a preliminary injunction would cause such administrative nightmares. At the preliminary injunction hearing, State Defendants offered no exhibits and called no witnesses to testify. (See Doc. 43.) The record in this case is utterly devoid of anything beyond conjecture or speculation supporting State Defendants’ claims that the State will suffer a “severe impact” and a “profound change to the State’s and the local authorities’ administration of government.” (See Doc. 26 at p. 9.)

Additionally, the Tenth Circuit has stated the interests of those represented by the government, such as voters, in a law that is likely unconstitutional simply do not outweigh the protection of a person’s constitutional rights. *Hobby Lobby Stores, Inc. v. Sebelius*, 723 F.3d 1114, 1145 (10th Cir.2013), *aff’d* 134 S.Ct. 2751; see also *Awad*, 670 F.3d at 1131–32 (citing *Coal for Econ. Equity v. Wilson*, 122 F.3d 692, 699 (9th Cir.1997)). Defendants have not established they will suffer any harm, let alone potential harm that outweighs the harm to Plaintiffs’ fundamental rights. Plaintiffs have made a strong showing that their threatened injury outweighs any potential injury to Defendants.

3.4 Effect on Public Interest

Finally, the issuance of the preliminary injunction would not be adverse to the public interest as “it is always in the public interest to prevent the violation of a party’s constitutional rights.” *Hobby Lobby*, 723 F.3d at 1147 (quoting *Awad v. Zirix*, 670 F.3d at 1132). There is undoubtedly a public interest in having the will of Wyoming’s voters and legislators carried out, but that interest is overridden by the public’s interest in protecting fundamental rights. This final preliminary injunction factor also strongly weighs in Plaintiff’s favor.

3.5 A Preliminary Injunction Shall Issue

In summary, even under the heightened standard, Plaintiffs have shown that all the factors favor a preliminary injunction. Consequently, Plaintiffs’ request for preliminary injunction will be granted.

4. Temporary Stay of Preliminary Injunction

*7 State Defendants’ primary argument was that granting a preliminary injunction would deny them the opportunity to fully defend Wyoming’s state laws. (Doc. 26 at p. 10.) Rule 62(c) of the Federal Rules of Civil Procedure provides, “While an appeal is pending from an interlocutory order or final judgment that grants ... an injunction, the court may suspend, modify, restore, or grant an injunction on terms for bond or other terms that secure the opposing party’s rights.” Fed.R.Civ.P. 62(c). “Rule 62(c) empowers a district court, in its discretion, to modify injunctions during the pendency of an appeal.” *Middle Rio Grande Conservancy Dist. v. Norton*, 294 F.3d 1220, 1231 n. 13 (10th Cir.2002); see also *Rhines v. Weber*, 544 U.S. 269, 276 (2005) (stating district courts “ordinarily have authority to issue stays, where such a stay would be a proper exercise of discretion”); *Enelow v. New York Life Ins. Co.*, 293 U.S. 379, 382 (1935) (explaining a district court may stay a case “pending before it by virtue of its inherent power to control the progress of the cause so as to maintain the orderly processes of justice”).

The purpose of a stay is to preserve the status quo pending appeal. *McClendon v. City of Albuquerque*, 79 F.3d 1014, 1020 (10th Cir.1996). The status quo is “the last peaceable uncontested status existing between the parties before the dispute developed.” *O Centro Espirita Beneficiente Uniao Do Vegetal v. Ashcroft*, 389 F.3d 973, 1006 (10th Cir.2004) (citing 11A Charles Alan Wright et al., *Federal Practice and Procedure* § 2948, at 136 n. 14 (2d ed.1995)). Here, the status quo existed before Wyoming Statute § 20–1–101 came under attack by Plaintiffs. Accordingly, the status quo in Wyoming limited marriage to opposite-sex couples.

Exercising its discretion, the Court will order a temporary stay to allow Defendants time to seek relief from the Tenth Circuit. See *Evans v. Utah*, — F.Supp.2d —, 2014 WL 2048343, at *18 (D.Utah May 19, 2014); *Burns v. Hickenlooper*, 2014 WL 3634834, at *5 (D.Colo. July 23, 2014) (unpublished). The Court is sympathetic to the mounting irreparable harms faced by Plaintiffs. However, the many changes that result from this ruling are very serious and deserve as much finality as the Court can guarantee. Given the important and fundamental issues apparent in this case, it is in the litigants’ and public’s interests to ensure the correct decision is rendered. It would only cause a great deal of harm and heartache if this Court allowed same-sex marriage to proceed immediately, only to have a reviewing court later nullify this decision (and with it, the same-sex marriages occurring in

the interim). The Court understands that every day where same-sex couples are denied their constitutional rights is another day filled with irreparable harm. But it is at least equally important that all same-sex marriages carry the same prominence and finality that attend opposite-sex marriage, including the various obligations and liabilities incumbent within the marital relationship.

*8 Therefore, in its discretion under Fed.R.Civ.P. 62(c) and applicable case law, the Court will temporarily stay the implementation of the preliminary injunction until 5:00 p.m. on Thursday, October 23, 2014, or until Defendants file a notice that they will not seek review in the Tenth Circuit, whichever occurs earlier.

CONCLUSION

This Court is bound to apply and follow Tenth Circuit precedent unless and until it is overruled by the Tenth Circuit *en banc* or superseded by a contrary United States Supreme Court decision. See *United States v. Spedalieri*, 910 F.2d 707, 709 n. 2 (10th Cir.1990); *Thierry v. Gibson*, 194 F.3d 1321 (10th Cir.1999). The Tenth Circuit's decisions in *Bishop* and *Kitchen* are binding upon this Court and determinative. Plaintiffs have standing to pursue their constitutional claims against these Defendants. Based upon *Kitchen* and *Bishop*, Plaintiffs have shown a strong likelihood of success on the merits. Because the harm in this case involves the violation of a constitutional right, it is irreparable. See *Elrod v. Burns*, 427 U.S. 347, 373 (1976). Where the moving party has shown a likelihood of success on the merits as to a constitutional violation, the balance of harms generally favors granting preliminary injunctive relief because the public is not harmed by enjoining the enforcement of a likely unconstitutional statute. *ACLU of Ill. v. Alvarez*, 679 F.3d 583, 589–90 (7th Cir.2012); *Hobby Lobby*, 723 F.3d at 1145. Preventing the violation of a party's constitutional rights is always in the public interest. *Alvarez*, 670 F.3d at 1132. Where mandatory or injunctive relief would afford the movant all the relief that he or she may be entitled to recover at the conclusion of a full trial on the merits, Plaintiffs are required to make a "strong showing" both with regard to the likelihood of success and balance of harms. See *Schrier v. Univ. of Colorado*, 427 F.3d 1253, 1258–59 (10th Cir.2005). They have done so here and therefore are entitled to preliminary injunctive relief.

"We the people of the United States, in Order to form a more perfect Union, establish Justice, insure domestic tranquility,

provide for common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity do ordain and establish this Constitution of the United States."Our Constitution is the shortest and longest surviving written charter of government. Enlightened by their past experiences, its framers wisely separated and balanced governmental powers to safeguard the interests of majority rule and minority rights, of liberty and equality, and of the federal and state governments. It is upon these principles that we live together in this Country as Americans and it is the fabric that we have chosen to weave together, in compromise of our own independent strands of existence—this is our democracy.

As noted by Justice Harlan, "[t]he powers of the federal judiciary will be adequate for the great burdens placed upon them only if they are employed prudently, with recognition of the strengths as well as the hazards that go with our kind of representative government." *Flast v. Cohen*, 392 U.S. 83, 131 (1968).

*9 The high power has been conferred on this court of passing judgment upon the acts of the state sovereignties, and of the legislative and executive branches of the Federal government, and of determining whether they are beyond the limits of power marked out for them respectively by the Constitution of the United States. This tribunal, therefore, should be the last to overstep the boundaries which limit its own jurisdiction. And while it should always be ready to meet any question confided to it by the Constitution, it is equally its duty not to pass beyond its appropriate sphere of action, and to take care not to involve itself in discussions which properly belong to other forums.

Taylor v. Beckham, 178 U.S. 548, 580–81 (1900). This restraint was employed by the United States Supreme Court in declining to recognize and therefore create a fundamental right to assistance in committing suicide:

By extending constitutional protection to an asserted right or liberty interest, we, to a great extent, place the matter outside the arena of public debate and legislative action.

We must therefore "exercise the utmost care whenever we are asked to break new ground in this field," *ibid.*, lest the liberty protected by the Due Process Clause be subtly transformed into the policy preferences of the Members of this Court, *Moore*, 431 U.S., at 502, 97 S.Ct., at 1937 (plurality opinion).

Washington v. Glucksberg, 521 U.S. 702, 720 (1997). The preferred forum for addressing the issues presented by Plaintiffs in this case is the arena of public debate and legislative action. However, that ship has sailed. It is not the desire or preference of this Court to, with the stroke of a pen, erase a State's legislative enactments. Nonetheless, the binding precedent of *Kitchen* and *Bishop* mandate this result, and this Court will adhere to its Constitutional duties and abide by the rule of law.

ORDER

IT IS THEREFORE ORDERED that Plaintiffs' Motion for Preliminary Injunction and Temporary Restraining Order (Doc. 7) is hereby **GRANTED**. Defendants are hereby enjoined from enforcing or applying Wyoming Statute §

20-1-101, or any other state law, policy, or practice, as a basis to deny marriage to same-sex couples or to deny recognition of otherwise valid same-sex marriages entered into elsewhere. Marriage licenses may not be denied on the basis that the applicants are a same-sex couple. Additionally, under Fed.R.Civ.P. 65(c), Plaintiffs shall not be required to post security for the preliminary injunction.

IT IS FURTHER ORDERED that a temporary stay is hereby **GRANTED**. The preliminary injunction shall be stayed until 5:00 p.m. on Thursday October 23, 2014, or until all Defendants have filed a notice that they will not appeal the preliminary injunction to the Tenth Circuit Court of Appeals, whichever first occurs.

IT IS FINALLY ORDERED that, in light of the Court granting the preliminary injunction affording Plaintiffs all of their requested substantive relief, Plaintiffs' request for a temporary restraining order is moot.

All Citations

Not Reported in F.Supp.3d, 2014 WL 5317797

EXHIBIT 13

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING

FBI
U.S. DISTRICT COURT
DISTRICT OF WYOMING
2014 OCT 21 AM 9 59
STEPHAN LEWIS, CLERK
CASPER

ANNE MARIE GUZZO and BONNIE ROBINSON;
IVAN WILLIAMS and CHARLES KILLION;
BRIE BARTH and SHELLY MONTGOMERY;
CARL OLESON and ROB JOHNSTON; and
WYOMING EQUALITY;

Plaintiffs,

vs.

MATTHEW H. MEAD, in his official capacity as the
Governor of Wyoming; DEAN FAUSSET, in his official
capacity as Director of the Wyoming Department of
Administration and Information; DAVE URQUIDEZ, in his
official capacity as Administrator of the State of Wyoming
Human Resources Division; and DEBRA K. LATHROP, in
her official capacity as Laramie County Clerk;

Defendants.

Case No. 14-CV-200-SWS


ORDER LIFTING TEMPORARY STAY

This matter comes before the Court upon the Defendants' notices of non-appeal. (Docs. 45, 46.) In its Order Granting Preliminary Injunction and Temporary Stay, the Court temporarily stayed enforcement of the preliminary injunction to provide State Defendants the opportunity to seek *en banc* review in the Tenth Circuit Court of Appeals. (Doc. 44.) However, all Defendants have now filed notice that they will not seek review in the Tenth Circuit, and the reason for the temporary stay no longer exists.

IT IS THEREFORE ORDERED that the temporary stay is hereby lifted and the preliminary injunction granted on October 17, 2014 (Doc. 44) is given immediate force and

effect. Defendants are immediately enjoined from enforcing or applying Wyoming Statute § 20-1-101, or any other state law, policy, or practice, as a basis to deny marriage to same-sex couples or to deny recognition of otherwise valid same-sex marriages entered into elsewhere, and marriage licenses may not be denied on the basis that the applicants are a same-sex couple. *See Swift & Co. v. Wickham*, 382 U.S. 111, 117 (1965) (“*Ex parte Young*, 209 U.S. 123, 28 S. Ct. 441, 52 L.Ed. 714 [1908], established firmly the corollary that inferior federal courts could enjoin state officials from enforcing such unconstitutional state law.”); *Buchwald v. Univ. of N.M. School of Medicine*, 159 F.3d 487, 495 (10th Cir. 1998) (“*Ex parte Young* recognizes an exception to Eleventh Amendment immunity under which a state officer may be enjoined from taking steps toward the enforcement of an unconstitutional enactment, to the injury of complainant.”) (internal citation and quotation marks omitted).

DATED this 21ST day of October, 2014.



Scott W. Skavdahl
United States District Judge

EXHIBIT 14



Wendy Soto <wendy.soto@wyboards.gov>

Re: Letter for Investigatory Panel

1 message

Wendy Soto <wendy.soto@wyboards.gov>

To: Judge Haws <

Tue, Jan 20, 2015 at 9:06 AM

Dear Judge Haws,

Thank you for your email and the attached letter. I will watch the mail for the original hard copy. If the Investigatory panel has any other questions I will let you know.

Sincerely,

Wendy J. Soto
Executive Director
Commission on Judicial Conduct and Ethics
PO Box 2645
Cheyenne WY 82003
Telephone 307-778-7792
Cell 307-421-3247
Fax 307-778-8889
wendy.soto@wyboards.gov
<http://judicialconduct.wyo.gov>

CONFIDENTIALITY NOTICE: The information contained in this message and any attachment is legally privileged and confidential information intended on for the use of the individual or entity named above. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any release, dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify the author immediately by replying to this message and delete the original message entirely from your computer.

Thank you.

On Sat, Jan 17, 2015 at 3:15 PM, Judge Haws <

Good afternoon Wendy. I hope this finds you well.

> wrote:

Attached is a PDF version of a letter I have drafted at the request of the Investigatory Panel. The hard copy was mailed on January 17, 2015.

Please let me know if you have any questions or concerns.

Curt

Curt Haws
Circuit Court Judge
P.O. Box 1796
Pinedale, WY 82941
(307) 367-2558



**Circuit Court of the Ninth Judicial District
Sublette County, Wyoming**

Capt. A. Haws
Circuit Court Judge

Anny Knotts
Clerk of Court



40 South Fremont
P.O. Box 1796
Pinedale, WY 82941
(307) 367-2556
(307) 367-2658 fax

January 17, 2015

Ms. Kerstin Connolly, Presiding Officer
Investigatory Panel
Commission on Judicial Conduct and Ethics
P.O. 2645
Cheyenne, WY 82003

CEV
1/20/15

Re: Sublette Examiner Article, December 11, 2014

Dear Ms. Connolly:

Thank you for the opportunity to provide information to the Investigatory Panel regarding the December 11, 2014 Sublette Examiner Article. Judge Neely has been a Magistrate for the Circuit Court in Sublette County for the entire time (eight years) I have been on the bench. I believe that she served in that same capacity for Judge Crow prior to my taking the bench. Judge Neely's primary responsibility as a Magistrate was to perform weddings. I suspended Judge Neely in a meeting that took place in chambers on January 15, 2015.

In order to provide some context for the foregoing response, I would like to set forth the timeline of relevant events known to me that touch on the Examiner article.

- Shortly after Judge Skavdahl ruled that all Wyoming citizens were eligible to apply for a marriage license, Judge Neely paid me a visit and expressed concern that her deeply held views would preclude her from performing marriage ceremonies for same sex couples. I told Judge Neely that I felt the Judges of Wyoming had an obligation to uphold and respect the laws of the land and that would include officiating at a wedding for any couple holding a valid wedding license and that she may not be able to function as a Magistrate if her views prohibited her from performing that duty. At

that time, I don't believe Judge Neely had any pending requests to perform wedding ceremonies of any nature for any couple.

- In the day or two prior to the publication of the Examiner article, Judge Neely called and told me that she'd had a conversation with Ned (the article's author) and that it "hadn't gone well" (or words to that effect). She told me that she had been very candid about her personal feelings on the subject of same sex marriage as well as her belief that she could not officiate as such a ceremony. My response was that I would read the article when published and that we would then talk again.
- On December 11, 2014 the article in question was published. After reading the article, I had concerns about Judge Neely's ability to continue as a Magistrate. Shortly thereafter, Judge Neely and I met again and I expressed those concerns to her and indicated my intention to seek an advisory opinion about my responsibilities as the circuit judge from which her authority to perform weddings derived. For a variety of reasons, I had not yet formulated that request for an advisory opinion prior to the time I received the Commission's January 12 letter. I also advised Chief Justice Burke of the article's existence by sending him a copy of the article.
- On January 15, 2015, I received the Commission's letter regarding the Examiner Article. That same day, I met with Judge Neely. She advised that she had requested an advisory opinion on the issue of whether a Magistrate was required to perform a wedding ceremony for a same sex couple if that ceremony would violate her personal, religious views. She provided me with a copy of her letter to the Advisory Committee dated January 6, 2015. In that conversation, Judge Neely told me of three other articles which I had not (and have not yet) seen. In the course of that conversation, I determined that it would not be appropriate for Judge Neely to continue to serve as a Magistrate whose sole responsibility was to perform wedding ceremonies and suspended her. I notified the County Clerk of that action.

Please feel free to contact me at your convenience should you have additional questions or desire any additional information. My office contact information is listed above. My mobile number is (307) 231-5680.

Curt Hays

Circuit Court Judge

EXHIBIT 15

1 BEFORE THE COMMISSION ON JUDICIAL CONDUCT AND ETHICS
2 STATE OF WYOMING

3
4

5 An inquiry concerning) Commission on Judicial
6) Conduct and Ethics
7 The Honorable Ruth Neely) No. 2014-27
8)
9 Municipal Court Judge and)
8 Circuit Court Magistrate)
9 Ninth Judicial District)
Pinedale, Sublette County)

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DEPOSITION OF

**ANA MARGARITA CUPRILL
Thursday, September 17, 2015**

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TAKEN AT

**Sublette County Library Board Room
Pinedale, Wyoming**

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23 COURT REPORTER:
Michelle L. Cunningham
24 Deputy and Freelance Reporter
Notary Public

25

Jackson Hole Court Reporting Service (307) 733-2637

2
APPEARANCES:

3
FOR COMMISSION ON JUDICIAL CONDUCT AND ETHICS:

4 DIXON & DIXON, LLP
5 BY: Patrick Dixon, Attorney at Law
6 Suite 600, First Interstate Bank Building
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8 Casper, Wyoming 82601
9 (307) 234-7321
10 E-mail: pdixon@dixonanddixonllp.com

11
FOR THE HONORABLE RUTH NEELY:

12 ALLIANCE DEFENDING FREEDOM
13 BY: Kenneth J. Connelly, Attorney at Law
14 and Douglas Wardlow
15 15100 North 90th Street
16 Scottsdale, Arizona 85260
17 (480) 444-0200
18 E-mail: kconnelly@adffegal.org

19
ALSO PRESENT:

20 Wendy Soto

21
22
23
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25
Jackson Hole Court Reporting Service (307) 733-2637

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BE IT REMEMBERED that, pursuant to Notice of Deposition, and on Thursday, September 17, 2015, commencing at the hour of 9:08 a.m., thereof, at the Sublette County Library Board Room, Pinedale, Wyoming, before me, MICHELLE L. CUNNINGHAM, a Freelance Shorthand Reporter and Notary Public in and for the County of Sublette, State of Wyoming, there personally appeared ANA MARGARITA CUPRILL, called as a witness by the Respondent, and who, being first duly sworn, was thereupon examined and testified as hereinafter set forth.

EXAMINATION OF ANA MARGARITA CUPRILL BY MR. CONNELLY

Q. Good morning, Ms. Cuprill.
A. Morning.
Q. My name is Ken Connelly. I am legal counsel with Alliance Defending Freedom, and we are counsel for Judge Neely in this matter.
Could you please state and spell your full legal name for the court reporter?
A. Ana, A-N-A, Margarita,

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6

1 M-A-R-G-A-R-I-T-A, Cuprill, C-U-P-R-I-L-L.
 2 Q. Have you ever been deposed before?
 3 A. Yes.
 4 Q. And how many times?
 5 A. Once.
 6 Q. And what did that involve?
 7 A. It involved a lawsuit towards an
 8 outfitter. A guy who had fallen off his
 9 horse was trying to sue the outfitter.
 10 Q. And what was your position in the lawsuit?
 11 A. I was a cook on the pack trip, and I
 12 was part of the group on the horses when he
 13 fell off his horse.
 14 Q. And were you -- so you weren't a party to
 15 the lawsuit?
 16 A. No.
 17 Q. Okay.
 18 And how did that lawsuit resolve? Do you
 19 recall?
 20 A. I think it was ruled that riding horses
 21 is one of those things that has dangers in
 22 it, in Wyoming, and I think there's a law
 23 that says if you're doing certain
 24 activities that are dangerous, you can't
 25 sue the person who you're having those
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7

1 activities with.
 2 Q. Okay.
 3 A. I can't remember exactly what it's
 4 called, but something like that.
 5 Q. Even though you've been deposed before --
 6 when was that, by the way?
 7 A. It would have been about 19 years ago.
 8 Q. Well, that's a fairly significant time, so
 9 I'll begin with a couple of housekeeping
 10 items and ground rules just to remind you.
 11 A. Okay.
 12 Q. The court reporter will record my
 13 questions and your responses. So as a
 14 result, please make your answers verbal
 15 rather than gestures or -- physical gestures,
 16 nods, um-hums; words if you could.
 17 A. Okay.
 18 Q. Please wait for me to finish my question
 19 before starting your answer, and I'll try to
 20 do the same. I'll wait for your answer to be
 21 complete before I start my questions. That
 22 makes it much easier for the court reporter
 23 to get a clean record.
 24 If I ever ask a question that's unclear
 25 to you, please just ask me to clarify it,
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8

1 and I'll do that.
 2 A. Okay.
 3 Q. If you need a break, just let me know and
 4 as soon as I'm done with the line of
 5 questioning, I'll go ahead and take a break.
 6 We'll take regular breaks anyway, but if you
 7 need to take a break, just let me know.
 8 If you give me an answer and then later
 9 think of something that you omitted from the
 10 answer or that you didn't remember at the
 11 time you were giving the answer, please come
 12 back to me and let me know you've remembered
 13 something about what the question was or a
 14 different part of the answer that you want to
 15 answer or modify, and we can go ahead and do
 16 that. Does that make sense?
 17 A. Yes.
 18 Q. Is there any reason today why you can't
 19 provide your best and most accurate
 20 testimony?
 21 A. No.
 22 Q. Are you currently taking any medications
 23 or drugs that might impair your ability to
 24 testify today?
 25 A. No.
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9

1 Q. Are you currently under the influence of
 2 any substances, besides drugs, that might
 3 influence your ability to testify?
 4 A. No.
 5 Q. Are you sick at all today?
 6 A. No.
 7 Q. We got into this a little bit right in the
 8 beginning, have you ever been a party to a
 9 lawsuit? I asked you whether you'd been
 10 deposed, but have you ever been a party to a
 11 lawsuit?
 12 A. No.
 13 Q. Have you ever testified in court?
 14 A. No.
 15 Q. So you didn't testify as part of that
 16 earlier suit?
 17 A. No. There were just depositions.
 18 Q. Okay.
 19 You understand you're under oath today?
 20 A. Yes.
 21 Q. Okay. And do you understand that these
 22 proceedings are confidential?
 23 A. Yes, sir.
 24 Q. And that you cannot disclose the nature of
 25 the proceedings or the name of the judge?
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1 A. Correct.
 2 Q. Okay.
 3 Are you represented by counsel today?
 4 A. Not specifically. Yes. Mr. Dixon.
 5 MR. DIXON: Well --
 6 THE WITNESS: I -- I don't know.
 7 MR. DIXON: There's -- there's always
 8 some confusion about that question. No, I
 9 don't represent you personally. I
 10 represent the Commission on Judicial
 11 Conduct and Ethics. So I'm defending your
 12 deposition on their behalf.
 13 You have a right to a lawyer to
 14 represent you individually. I don't see
 15 any reason why you would want do that, but
 16 that certainly is your right. So...
 17 THE WITNESS: Okay.
 18 So no.
 19 Q. (By Mr. Connelly) Okay.
 20 MR. DIXON: All right.
 21 (Whereupon, Deposition Exhibit 32 was
 22 marked for identification.)
 23 Q. (By Mr. Connelly) Ms. Cuprill, I'm
 24 handing you what I've marked as Deposition
 25 Exhibit 32, and I'll give you a couple

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1 seconds to review that.
 2 A. (Reviewing document.)
 3 Is this the same that I was -- that was
 4 sent to me or given to me?
 5 Q. Do you recognize the document?
 6 A. Yeah, it looks familiar.
 7 Q. What does it look like?
 8 A. A subpoena.
 9 Q. Okay.
 10 Are you here today because you received
 11 that subpoena?
 12 A. Yes, sir.
 13 Q. Turning to the first page, the -- the
 14 cover page, yes. Do you remember reading
 15 that cover page when you got the subpoena
 16 originally?
 17 A. Yes.
 18 Q. And what did you take that cover page to
 19 mean?
 20 A. That we would be having depositions.
 21 Q. Okay. And I'm -- I'm -- I'm questioning
 22 you regarding the confidentiality of the --
 23 the proceedings. Do you remember reading
 24 that?
 25 A. Yes.

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1 Q. Okay.
 2 When -- do you recall when you received
 3 the subpoena?
 4 A. I do not recall the exact date.
 5 Q. Do you recall where you received the
 6 subpoena?
 7 A. I was at my home.
 8 Q. Okay.
 9 Did you provide any documents in
 10 response to this subpoena?
 11 A. I e-mailed a copy of my e-mail with
 12 complaint to Mr. Dixon.
 13 Q. Okay.
 14 Did you do any searches of your e-mail
 15 accounts in attempt to respond to this
 16 subpoena?
 17 A. Yes, I did.
 18 Q. Okay. What -- did you search keywords?
 19 A. Yes.
 20 Q. What keywords did you search?
 21 A. I researched Wendy Jo Soto --
 22 Q. Okay.
 23 A. I researched Judge Ruth Neely. I
 24 researched Jeran Artery, and that was it.
 25 Q. Okay.

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1 Could you turn to Page 2 of the -- the
 2 substantive part of the subpoena. So it
 3 would be the next page, please.
 4 A. Okay.
 5 Q. If I could just direct your attention to
 6 Paragraphs 2 and 3.
 7 A. Okay.
 8 Q. I'm gonna go ahead and read 2: "All
 9 e-mails, correspondence, letters, or other
 10 communications sent or received by deponent
 11 that refer or relate to Judge Neely or are in
 12 any way related to the subject matter of or
 13 the facts that give rise to this proceeding."
 14 Is it your testimony today that there
 15 was only one e-mail that pertained to this
 16 proceeding?
 17 A. Yes, sir.
 18 (Moving head up and down.)
 19 Q. Okay.
 20 Turning to Paragraph 3: "All e-mails,
 21 correspondence, letters, or other
 22 communications between deponent and Jeran
 23 Artery, Wendy Soto, Ned Donovan, or Judge
 24 Neely and are related in any way to same-sex
 25 marriage, LGBT legal issues or advocacy,

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1 Wyoming Equality, or the subject matter of or
2 the facts that give rise to this proceeding."

3 So would you agree with me that that is
4 a broader category than Number 2?

5 A. Sure. Yeah.

6 Q. Did you search for documents relating to
7 same-sex marriage, generally, or LGBT legal
8 issues, generally, or Wyoming Equality,
9 generally?

10 A. I don't recall.

11 Q. Okay.

12 How many e-mail accounts do you
13 maintain?

14 A. Three.

15 Q. And what are those accounts?

16 A. I have my personal account, I have my
17 work account for here at the library, and I
18 have my chair of the Wyoming Democrats
19 account.

20 Q. Okay. Did you -- so you don't -- you
21 don't -- do you recall whether you searched
22 for those as keywords --

23 A. Yes.

24 Q. -- same-sex marriage?

25 A. I don't recall.

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1 (Moving head from side to side.)

2 Q. Okay.

3 MR. DIXON: But that's -- I mean, it's
4 limited to -- to e-mails to the named
5 people.

6 MR. CONNELLY: True.

7 MR. DIXON: Okay.

8 MR. CONNELLY: I'm just -- I'm just
9 checking.

10 MR. DIXON: All right.

11 Q. (By Mr. Connelly) Did you search paper
12 correspondence at all?

13 A. I don't do paper correspondence.

14 Q. Okay.

15 How about computers? Do you have any
16 on your hard drive?

17 A. No.

18 Q. Okay.

19 A. Well, I have things on my hard drive,
20 but you mean specific to this?

21 Q. Right.

22 A. No.

23 Q. How about social media? Did you search --

24 A. I did.

25 Q. Where'd you search there?

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1 A. I looked at my personal messages and
2 looked on my -- my personal page.

3 Q. Okay. And you -- you know you're legally
4 obligated to search for these documents?

5 A. Oh, yes.

6 (Moving head up and down.)

7 Q. What documents did you review in
8 preparation for this deposition?

9 A. None.

10 Q. Okay.

11 Who did you speak to in preparation for
12 this deposition?

13 A. Mr. Dixon.

14 Q. Okay, and when was that?

15 A. We have spoken twice, or maybe three
16 times since he first contacted me regarding
17 these issues.

18 Q. You said when Mr. Dixon "first contacted"
19 you. When -- when would you say that was?

20 A. Few months ago, earlier this summer.

21 Q. Okay. To the best of your recollection,
22 do you remember a month?

23 A. I don't. Maybe June.

24 Q. So we'll call it June for now. What
25 happened in that conversation?

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1 A. He called me, let me know that they had
2 seen my complaint and there were some
3 proceedings, things were very confidential.
4 And he wanted my statement as to how I came
5 about giving a complaint.

6 Q. Okay.

7 And when was the next time you spoke
8 with Mr. Dixon?

9 A. I don't remember. Probably a few days
10 later, maybe, because there was a question
11 about who Steve Smith was, and he wanted to
12 talk to him also. I -- but I don't
13 remember.

14 Q. After that first conversation, do you
15 remember what you sent Mr. Dixon?

16 A. I --

17 Q. Or did you -- did you speak to him a
18 second time? The second time was regarding
19 Steve Smith, you're saying?

20 A. I believe so.

21 (Moving head up and down.)

22 Q. What -- what came out of that first
23 conversation, though?

24 A. I gave him my statement as to how I
25 came about to send in a complaint, and I

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1 gave him information on how to contact Ned
 2 Donovan, who was out of the country. And
 3 he was the reporter that wrote the story.
 4 Q. Okay. Did you provide that in writing to
 5 Mr. Dixon; do you recall?
 6 A. I do not recall.
 7 Q. Okay.
 8 A. I -- I actually don't think I did. I
 9 think I contacted Ned and gave him
 10 information on how to contact Mr. Dixon.
 11 Q. And when did you contact Ned, then, would
 12 you say?
 13 A. Probably the afternoon after we first
 14 spoke.
 15 Q. And where was Mr. Donovan at the time?
 16 A. He was in England.
 17 Q. Okay.
 18 And during that conversation, what
 19 was -- what did you say to Mr. Donovan?
 20 A. I said that there was a complaint that
 21 I had filed. There was interest in the
 22 story that he was [sic] written, and he
 23 should contact Mr. Dixon.
 24 Q. Okay.
 25 Did you know Mr. Donovan before the
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1 *Casper Star-Tribune* called me asking
 2 information about this case.
 3 Q. Okay. When was that?
 4 A. I don't -- that, I don't know.
 5 Sometime this summer. I -- I called
 6 Mr. Dixon right after that, so he might
 7 have the dates.
 8 Q. Okay.
 9 What did Miss Hancock say to you at that
 10 time?
 11 A. She asked me if I had filed a complaint
 12 about Judge Neely. I said, "I don't know
 13 anything about what you're talking about."
 14 She said -- I don't know -- some other
 15 questions about the case.
 16 I said, "I don't have any comments and
 17 I don't have anything about that," so...
 18 Q. Did Miss Hancock tell you how she knew
 19 about the case?
 20 A. She did not.
 21 (Moving head from side to side.)
 22 Q. Okay.
 23 Did you ever -- when you received the
 24 subpoena, did you ever tell anybody that
 25 you received a subpoena?
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1 article?
 2 A. Yes. He worked here. It's a small
 3 town.
 4 Q. Okay.
 5 And what did Mr. Donovan say to you
 6 during that phone call?
 7 A. He said okay, he would be happy to
 8 speak to Mr. Dixon.
 9 Q. Okay. Do you know what came of that? Do
 10 you know whether he called Mr. Dixon?
 11 A. I believe he did.
 12 Q. Back to the second conversation with
 13 Mr. Dixon. What occurred on that? Did
 14 Mr. Dixon request any documents from you?
 15 What -- what was -- what was talked about
 16 there?
 17 A. I -- I don't remember. I think the
 18 conversation was just about who Stephen
 19 Smith was, and I told him he was my
 20 husband.
 21 Q. Okay.
 22 You -- you mentioned a third
 23 conversation. When did that happen?
 24 A. I think the next time we might have
 25 spoken was after Laura Hancock from the
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1 A. Other than my husband, who also had
 2 received one, we --
 3 Q. And after you filed the complaint or after
 4 you -- we'll -- we'll get into that.
 5 How did you notify -- what do you view as
 6 a complaint in this matter?
 7 A. I don't know what your question is.
 8 Q. We'll -- we'll come back to it.
 9 Has anyone shown you any of the
 10 pleadings in this matter?
 11 A. What are the pleadings?
 12 Q. Has anyone showed you the notice that the
 13 Commission filed --
 14 A. No.
 15 Q. -- with regard to Judge Neely?
 16 Has anyone showed you any discovery
 17 documents?
 18 A. No.
 19 Q. Any e-mails between counsel?
 20 A. No.
 21 Q. Okay.
 22 I'd just like to go over just general
 23 background. Where were you born?
 24 A. Germany.
 25 Q. Okay. Where'd you grow up?
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22

24

1 A. I'm an Air Force kid; I grew up
 2 everywhere. You want states? I had a lot
 3 of them.
 4 Q. We don't have to take it from one --
 5 A. Okay.
 6 Q. -- one to the present.
 7 Where'd you go to high school?
 8 A. San Antonio, Texas.
 9 Q. Okay. College?
 10 A. Ashland, Wisconsin.
 11 Q. Okay.
 12 How did you come to Wyoming?
 13 A. I came out here with my husband at the
 14 time. He had gotten a job with the Wyoming
 15 Game and Fish. He was here for about two
 16 years in Pinedale. He moved to Cody. I
 17 stayed here. We got divorced and I --
 18 Q. And what was his name?
 19 A. Brian King.
 20 Q. And where were you married?
 21 A. In Wisconsin -- actually, in St. Paul,
 22 Minnesota.
 23 Q. St. Paul.
 24 When were you married?
 25 A. 1995, maybe.

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1 Q. Okay.
 2 Do you profess or practice any
 3 particular religion?
 4 A. Yes.
 5 Q. And what is that religion?
 6 A. I'm Episcopalian.
 7 Q. Okay. Do you attend church regularly?
 8 A. Yes.
 9 Q. And which church?
 10 A. St. Andrew's in the Pines here in
 11 Pinedale.
 12 Q. This may sound like a stupid question. It
 13 might be a stupid question. But that's an
 14 Episcopal church?
 15 A. Yep.
 16 Q. Okay.
 17 I just want to get into a little bit about
 18 your community involvement. Do you belong to
 19 any charitable organizations, either here in
 20 Pinedale or in the state at large?
 21 A. Yes. I was a member of -- of lots of
 22 different nonprofit organizations and
 23 boards here.
 24 Q. Can you name them for me?
 25 A. Right now, I'm still on the board of

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23

25

1 Q. Okay.
 2 And so you stayed here -- when did you
 3 come to Pinedale?
 4 A. 1996.
 5 Q. Okay.
 6 A. I'd just turned 25.
 7 Q. Are you married now?
 8 A. Yes.
 9 Q. Okay. And who are you married to?
 10 A. Stephen Smith.
 11 Q. Okay.
 12 Would it be safe to assume you identify as
 13 heterosexual?
 14 A. Yes.
 15 Q. Okay.
 16 What does your husband do?
 17 A. He is a dispatcher with the Sublette
 18 County Sheriff's Office.
 19 Q. Okay.
 20 Do you have children?
 21 A. Yes.
 22 Q. Okay.
 23 And when did you and Mr. Smith get
 24 married?
 25 A. December of 2003.

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1 the Children's Discovery Center.
 2 Q. And what is that?
 3 A. It is a preschool/daycare.
 4 Q. And what type of things do you do for them?
 5 A. I'm a board member. I help write
 6 grants. I help with the budget. I help
 7 with fundraising.
 8 Q. Any other organizations?
 9 A. Not right now.
 10 Q. Okay.
 11 Any other organizations in the past --
 12 A. Yes.
 13 Q. -- since you've been here in Pinedale?
 14 A. Sure.
 15 Q. What were those?
 16 A. Main Street Pinedale -- main street
 17 organization.
 18 Q. And what's that?
 19 A. It's a development organization for
 20 fixing up the main street.
 21 Q. Like beautification?
 22 A. Yes, sir.
 23 Wyoming Community Foundation -- or
 24 Sublette Community Foundation, which is a
 25 group from the Wyoming Community

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1 Foundation, it's a grant-funding
 2 organization for non-profits in the
 3 community.
 4 Q. Is that separate from the Main Street?
 5 A. Yes.
 6 Q. Okay.
 7 How long have you -- how long did you do
 8 that for?
 9 A. Ten years.
 10 Q. Okay. But you don't do that now --
 11 A. No.
 12 Q. -- at present? Okay.
 13 How about your current occupation?
 14 A. I am a librarian here at the Sublette
 15 County Library.
 16 Q. And what -- do you have a specific role?
 17 A. I'm the young-adult specialist.
 18 Q. And what does that entail?
 19 A. It entails ordering young-adult books,
 20 video games, programming for young adults.
 21 Q. And how long have you done that?
 22 A. This January will be ten years -- or it
 23 was ten years.
 24 Q. Has that always been in this building, or
 25 was there a previous building?

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1 here, so I've been here almost 20 years.
 2 Q. Okay.
 3 How many people -- what was the
 4 population, would you estimate, when you
 5 came here?
 6 A. Maybe about 1100 --
 7 Q. Okay.
 8 A. -- in the town limits.
 9 Q. Sorry.
 10 What would you estimate the population is
 11 now?
 12 A. A little over 2000.
 13 Q. Okay.
 14 So would it be safe to say it's a
 15 pretty close-knit community?
 16 A. Yes.
 17 Q. Okay.
 18 Can you talk to me about what type of town
 19 it is?
 20 A. I don't know what --
 21 Q. I mean, is it a friendly town? Do people
 22 generally know a lot of the people who live
 23 in the town?
 24 A. For the most part, yes.
 25 Q. Okay.

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1 A. Always in this building.
 2 Q. Okay.
 3 Did you talk about any past occupations
 4 you've had?
 5 A. What else have I done? My husband and
 6 I owned and -- we leased and ran a
 7 restaurant here in Pinedale.
 8 Q. What was that called?
 9 A. Lakeside.
 10 Q. Just Lakeside?
 11 A. Yes. Lakeside Restaurant.
 12 Q. And when did that -- when did you --
 13 A. That was 2002 and 2003.
 14 Q. Okay.
 15 Anything else you've done here in
 16 Pinedale?
 17 A. I worked at the high school for two
 18 years.
 19 Q. What was your position there?
 20 A. I was an aid for special-needs
 21 students, paraprofessional.
 22 Q. Okay.
 23 So you've been in Pinedale, you said,
 24 since -- can you refresh my -- my memory?
 25 A. Let's see. I turned 25 when I got

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1 Let's talk about political involvement.
 2 Do you have any -- historically, when
 3 you -- when you came to Wyoming or even
 4 before, what's been your involvement in
 5 politics?
 6 A. Before I came to Wyoming, not much. I
 7 was a registered Democrat, but I did start
 8 participating in my party in 2008 here in
 9 Sublette County.
 10 Q. Okay. And what did that involve?
 11 A. Attending county party meetings. I
 12 became treasurer for the county party, then
 13 I was chair for the county party, and
 14 currently I'm the state chair for the
 15 Wyoming Democratic Party.
 16 Q. Okay, I'm gonna get to that in a second,
 17 but let's go back to your county work. What
 18 did that involve?
 19 A. Getting together and having dinner.
 20 Not a lot. It's a fairly small group with
 21 not a lot of political power.
 22 Q. And that's Sublette County?
 23 A. Yes, sir.
 24 Q. And when you say "not a lot of political
 25 power," is it because it's a county?

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1 A. Because we don't have any elected
2 Democrats in the county or anything else,
3 so it was mostly just getting together with
4 other Democrats.

5 Q. Okay.

6 Was one of the goals of the county effort
7 to get more Democrats elected?

8 A. That's the goal of any party, yes.
9 (Moving head up and down.)

10 Q. Moving to your statewide involvement --

11 A. Um-hum.

12 Q. -- in the Democratic Party, when did you
13 become involved in statewide work?

14 A. I probably started attending leadership
15 meetings in about 2010. I was elected vice
16 chair in 2013, and I was elected chair in
17 2014 and '15.

18 Q. What are your duties as the chair of the
19 party?

20 A. Mostly fundraising.

21 Q. Okay. And what does that involve on a
22 day-to-day or a week-to-week basis?

23 A. Calling people for money.

24 Q. Okay. And how do you -- how do you figure
25 out who you're gonna call?

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1 A. We have various lists and -- and
2 contacts and relationships that we have
3 built over the years, and we -- we talk to
4 people about what the party's goals are and
5 whether they would like to invest in what
6 we're doing.

7 Q. Okay.

8 Does that involve contact with
9 government -- present government officials
10 in Wyoming?

11 A. No.

12 Q. Okay.

13 So you don't con- -- you don't talk to
14 legislators as part of your work?

15 A. I do to my Democratic caucus, yes.

16 Q. And what does that involve?

17 A. Basically, just conversations about
18 what the party is doing and what their
19 plans are when the legislature's in
20 session.

21 Q. Okay.

22 Talk to me about your -- your -- your role
23 as Democratic Party chair when it comes
24 election time.

25 A. Basically, we're just there to support

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1 candidates and provide whatever
2 infrastructure we have to help them win
3 elections.

4 Q. Okay. When you say "infrastructure," what
5 do you mean?

6 A. Data information, help with
7 communications, any of that kind of stuff.

8 Q. Okay. When you say "data," what is --

9 A. We have computerized data on voters
10 that our candidates have access to.

11 Q. And when you say "voters," what does that
12 mean?

13 A. It's registered voters in Wyoming.

14 Q. Like rolls -- rolls of voters, voter
15 lists, that type of thing?

16 A. Yes.

17 Q. Do you organize rallies as part of your
18 work?

19 A. I have not yet, no.

20 Q. Okay.

21 How about issue advocacy? Can you tell
22 me the issues that you consider are
23 important as Democratic Party chair?

24 A. Sure. I advocate on any issues that
25 are part of our Wyoming Democratic

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1 platform.

2 Q. Okay, and what -- what would those be
3 specifically?

4 A. It's a long sheet of paper.

5 Q. You can just -- I mean, you can rattle
6 them off, if you would.

7 A. The environment, workers' safety,
8 families, jobs, better economy.

9 Q. When you say "families," what -- what do
10 you mean by that?

11 A. Supporting families. We do a lot of
12 advocacy on healthcare, making sure
13 families are safe, have jobs.

14 Q. Can you think of any other duties you
15 might have as -- besides fundraising?

16 A. I attend events.

17 Q. Do you have a supervisory role --

18 A. Yes, I do.

19 Q. -- as party chair?

20 Who -- who works under you?

21 A. Right now, I have three employees.

22 Q. Who are they?

23 A. My executive director is Aimee
24 Van Cleave.

25 Q. Okay.

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1 A. I have a data and digital director
 2 whose name is Kevin Urasky.
 3 Q. Okay.
 4 A. And a communications director Jordan
 5 Geiss [phonetic].
 6 Q. Okay.
 7 And is -- I might have asked this, but
 8 I don't think I did. Are these paid
 9 positions?
 10 A. Yes, sir.
 11 Q. And is your position paid as well?
 12 A. No.
 13 Q. No. Okay.
 14 I'd like to talk to you about -- as
 15 chair of the Democratic Party, are you
 16 affiliated with other advocacy groups on
 17 the basis of specific issues?
 18 A. Depends on what you mean by
 19 "affiliated." We do have other
 20 organizations that have similar interests,
 21 and we support what they do.
 22 Q. Okay. So I -- I realize we knew about
 23 affiliations. You work with, say, for
 24 instance, an environmental group here in
 25 Wyoming?

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1 A. Not specifically, no.
 2 Q. Okay.
 3 Do you work with family groups?
 4 A. Not specifically.
 5 Q. Do you work with a group called Wyoming
 6 Equality?
 7 A. I don't know what you mean by "work."
 8 Maybe it's --
 9 Q. Well, are you in contact with them? Do
 10 you -- would you consider that your platform
 11 as the Democratic Party chairwoman dovetails
 12 with the goals of Wyoming Equality?
 13 A. Sometimes.
 14 Q. Okay, and what do you mean "sometimes"?
 15 When?
 16 A. When we're advocating for families.
 17 Q. Okay. When you say "advocating for
 18 families," what type of families are you
 19 talking about?
 20 A. Any family group that people feel is a
 21 family.
 22 Q. Okay.
 23 Do you know a man named Jeran Artery?
 24 A. I do.
 25 Q. How do you know Mr. Artery?

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1 A. I knew him socially from Democratic
 2 Party work.
 3 Q. Okay. When did you first meet him, would
 4 you say?
 5 A. Probably -- maybe 2013 at an event.
 6 Q. Okay. Do you recall what event that might
 7 have been?
 8 A. It might -- it was probably a Nellie
 9 Tayloe Ross dinner down in Cheyenne. In
 10 February, we usually hold those while the
 11 legislatures in session.
 12 Q. When you say "Nellie Tayloe Ross," can you
 13 explain what that is?
 14 A. She was our first woman governor, and
 15 the Democrats have a dinner in her honor.
 16 Q. Okay. You say that's a yearly event?
 17 A. Yes.
 18 Q. Okay.
 19 **(Whereupon, Deposition Exhibit 33 was**
 20 **marked for identification.)**
 21 Q. (By Mr. Connelly) Okay, Ms. Cuprill, I'm
 22 handing you what's been marked Deposition
 23 Exhibit 33.
 24 A. Okay.
 25 Q. I'm just gonna give you a few seconds to

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1 go ahead and review that first page if you
 2 would.
 3 A. Okay.
 4 (Reviewing document.)
 5 Just the first page?
 6 Q. You can review the whole document, but I'm
 7 just gonna ask you a question about the first
 8 page.
 9 A. Okay.
 10 Q. Do you recognize this document?
 11 A. I do -- no, not the document. I
 12 recognize the one picture.
 13 Q. Okay.
 14 Do you recognize -- have you heard of Out
 15 in Wyoming?
 16 A. Out in Wyoming?
 17 Q. Yes.
 18 A. No.
 19 Q. Okay. I'll represent to you that it's
 20 Mr. Artery's blog called "Out in Wyoming."
 21 A. Okay.
 22 Q. I'll go ahead and read that third
 23 paragraph below the pictures.
 24 A. Yes.
 25 Q. "This is me and Ana with Colorado Governor

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1 Hickenlooper." That's really all I need to
 2 write [sic].
 3 A. Okay.
 4 Q. Do you recall being at the Democratic
 5 National Convention in 2012 --
 6 A. I do.
 7 Q. -- with Mr. Artery?
 8 So --
 9 MR. DIXON: You kind of talked over
 10 him.
 11 The what convention?
 12 MR. CONNELLY: The Democratic National
 13 Convention.
 14 MR. DIXON: Thank you.
 15 Q. (By Mr. Connelly) Okay, so --
 16 A. Yes.
 17 Q. -- you knew him -- did you meet him at
 18 this event or --
 19 A. Yes, I did meet him at that event.
 20 Q. Okay.
 21 A. And that probably was the first time
 22 that I had met him and -- yes.
 23 Q. Okay.
 24 Do you recall whether you had any
 25 conversations there at the event or...
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1 Q. Okay.
 2 And in what capacity do you know him?
 3 A. As a Democrat.
 4 Q. Okay. And do you know he's the chair of
 5 Wyoming Equality?
 6 A. I do.
 7 Q. Okay.
 8 Would you describe for me your views on
 9 same-sex marriage?
 10 A. I believe marriage is something that
 11 anybody should be able to enter into if
 12 that's what they would like to do.
 13 Q. And when you say "anybody," do you mean
 14 more than two people or do you mean
 15 regardless of sexual orientation?
 16 A. Regardless of sexual orientation.
 17 Q. Okay.
 18 Are those -- does your church have a
 19 particular teaching on marriage?
 20 A. I -- I believe that they are in those
 21 conversations regarding marriage.
 22 Q. Well, in other words, when you go to the
 23 Episcopal church in town, do they -- do
 24 they speak about same-sex marriage
 25 approvingly?
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1 A. Not really. We didn't spend a lot of
 2 time together. He was a delegate --
 3 Q. Okay.
 4 A. -- and I was sort of a guest.
 5 I was an alternate, so I didn't have
 6 floor seats or anything else. He actually
 7 had floor seats and a different sort of
 8 perspective at the convention than I did.
 9 There were a few events we attended
 10 together. This was one of them. I think
 11 we were invited to an event by the Colorado
 12 delegation. And we were there. I had a
 13 friend of mine is a friend of
 14 Mr. Hickenlooper's. Jeran asked if we
 15 could take a picture.
 16 Q. Okay.
 17 Do you -- do you recall whether you knew
 18 Jeran before --
 19 A. I don't think so, no.
 20 Q. -- the DNC?
 21 How many times would you say you speak in
 22 a week or a month? How much would you speak
 23 to Mr. Artery since meeting him at the DNC?
 24 A. Not -- not that often. Maybe a couple
 25 of times a year.
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1 A. Not during services.
 2 Q. Okay.
 3 Would you say that your beliefs -- your
 4 present beliefs regarding same-sex marriage
 5 are consistent with your religious beliefs?
 6 A. Yes.
 7 Q. Okay.
 8 For how long would you say you've held
 9 the view that same-sex marriage is
 10 appropriate?
 11 A. Years. I've -- I've never thought it
 12 was not appropriate.
 13 Q. Well, for instance, when you got married
 14 to Mr. Smith --
 15 You said that was in 2003?
 16 A. Correct.
 17 Q. Okay.
 18 -- did you have a position on same-sex
 19 marriage then?
 20 A. Sure. I didn't think it was an issue.
 21 Q. Do you recall advocating for it at that
 22 time?
 23 A. I probably wasn't advocating for much
 24 at that time. I didn't really become
 25 terribly political until 2008.
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1 I do remember my first marriage in
 2 St. Paul, when I went to go get my marriage
 3 license, I thought it was curious and was a
 4 little offended that it was sworn that one
 5 of us was a man and one of us was a woman.
 6 I had to swear to that when I picked up my
 7 marriage license, and I was a bit offended
 8 by that. And that would have been 1992
 9 or '93, so...
 10 Q. And why were you offended?
 11 A. Because I didn't think it was anybody's
 12 business.
 13 Q. In -- with respect to your status as
 14 Democratic Party chairwoman of Wyoming, what
 15 would you -- how would you describe the
 16 Democratic Party's Democratic Caucus's
 17 involvement in advancing the cause of
 18 same-sex marriage here in Wyoming?
 19 A. The Democratic Party believes in
 20 inclusion and opportunity, and so that
 21 would be inclusive of same-sex marriage and
 22 LGBTQ people.
 23 Q. Okay.
 24 Do you speak with candidates regarding
 25 same-sex -- did you speak with candidates
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1 A. No.
 2 Q. Did you assist in any litigation efforts
 3 on behalf of same-sex marriage --
 4 A. No.
 5 Q. -- in the state?
 6 Again, did you have contact or did you
 7 work with groups that were trying to get
 8 same-sex marriage either passed
 9 legislatively or through the courts in
 10 Wyoming?
 11 A. As chair or as a person?
 12 Q. As a person.
 13 A. No. I was in support, and I probably
 14 did have contact.
 15 Q. Do you -- do you remember who you would
 16 have had contact with? What the names of the
 17 groups were?
 18 A. Probably Wyoming Equality. They were
 19 the biggest advocate and support group for
 20 same-sex marriage.
 21 Q. Would -- who would have been your contact
 22 there?
 23 A. It was probably mostly social media, so
 24 not necessarily anything or anybody
 25 specific. I wasn't calling anybody.
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1 regarding same-sex marriage in the run up
 2 to...
 3 A. No.
 4 Q. Okay.
 5 Did you try and help elect Democratic
 6 Party candidates who believed in same-sex
 7 marriage?
 8 A. We do not tell candidates what their
 9 platform is on any subject.
 10 Q. Okay.
 11 Did you try and encourage candidates to
 12 adopt a position that was favorable to
 13 same-sex marriage?
 14 A. No.
 15 Q. Does the plat- -- does -- the Democratic
 16 Party platform of Wyoming, what is its
 17 position on same-sex marriage?
 18 A. I could not quote it off the top of my
 19 head, but we are approving of LGBT and
 20 same-sex marriage.
 21 Q. Okay.
 22 As Democratic Party chairwoman, did you
 23 spearhead or were you involved at all in any
 24 legislative efforts to pass Haws approving of
 25 same-sex marriage?
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1 Q. Specific -- so no specific person you can
 2 recall?
 3 A. No.
 4 Q. What would these -- when you say "social
 5 media," would that involve posts?
 6 A. Sure; sharing posts or liking posts.
 7 Q. Okay. And what would the posts have been?
 8 If you would give me an example.
 9 A. I can't. Just in support of what they
 10 were doing.
 11 Q. So you don't recall posting anything to
 12 your Facebook page regarding same-sex
 13 marriage?
 14 A. I probably did. I don't --
 15 Q. Do you recall what it would have been a
 16 picture of or --
 17 A. No.
 18 Q. Is your husband, Steve Smith, a circuit
 19 court magistrate?
 20 A. Yes, he is.
 21 Q. Is he willing to perform same-sex
 22 marriages?
 23 A. Yes.
 24 Q. All right. Has he performed any same-sex
 25 marriages since same-sex marriage became
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1 legal here in Wyoming?
 2 A. Yes.
 3 Q. Do you recall when that was?
 4 A. December the 6th, I believe.
 5 Q. Okay. Of 2014?
 6 A. Yes.
 7 Q. Do you know if he's done any since?
 8 A. He has not.
 9 Q. Do you know if he's -- if there's been a
 10 request from a same-sex couple for him to do
 11 so?
 12 A. I don't know. You'd have to ask him.
 13 Q. All right. But you don't know of any?
 14 A. No.
 15 Q. Okay.
 16 Do you know of any other same-sex
 17 marriages that were performed here in
 18 Pinedale?
 19 A. I think the Town attorney, Ed Wood, has
 20 performed a same-sex marriage.
 21 Q. Okay. Do you know when that was?
 22 A. I think probably around the same
 23 time --
 24 Q. Okay.
 25 A. -- maybe that first week of December.

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1 Q. And do you know of any other same-sex
 2 marriages that were performed here in town --
 3 A. I don't.
 4 Q. -- since -- since it became legal?
 5 A. No.
 6 Q. Okay.
 7 **(Whereupon, Deposition Exhibit 34 was**
 8 **marked for identification.)**
 9 Q. (By Mr. Connelly) Ms. Cuprill, I'm
 10 handing you what's been marked as Deposition
 11 Exhibit 34.
 12 A. Um-hum.
 13 Q. Do you remember -- I'll give you -- I'll
 14 give you a couple seconds to review that.
 15 A. No, that's fine.
 16 Q. Do you recognize this picture?
 17 A. I do.
 18 Q. Do you remember seeing it in the *Sublette*
 19 *Examiner*?
 20 A. I do.
 21 Q. And what does it show?
 22 A. It shows my friends, Kathy and Sharon,
 23 getting married -- or leaving after the
 24 ceremony.
 25 Q. And the caption under the picture, I'll --

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1 MR. CONNELLY: For the record, I'll
 2 read it: "Kathy Anderson and Sharon
 3 Stevens were the first same-sex couple to
 4 get married in Sublette County."
 5 Q. (By Mr. Connelly) Do you remember if
 6 that's actually true?
 7 A. We thought so at the time, but
 8 apparently Mr. Wood had already mar- -- had
 9 in a private ceremony.
 10 Q. Married someone before that?
 11 A. Correct.
 12 Q. Who married Ms. Anderson and Shannon
 13 Stevens?
 14 A. My husband, Stephen Smith.
 15 Q. So this is the marriage you were talking
 16 about when you said that --
 17 A. Yes.
 18 Q. Are you in the picture?
 19 A. I am.
 20 Q. If you could point it out to me.
 21 A. Down here next to the lady in the
 22 purple.
 23 (Indicating.)
 24 Q. And is that Mr. Smith behind you?
 25 A. Yes, it is.

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1 Q. Okay.
 2 When you say you thought at the time that
 3 it was the first marriage in -- in Sublette
 4 County or -- or Pinedale, who do you mean by
 5 "we"?
 6 A. I think the community.
 7 Q. The community thought was?
 8 A. Sure.
 9 Q. And do you remember who -- was there
 10 some -- was there a reporter who wrote an
 11 article about it? Or --
 12 A. I don't know if anybody did a -- an
 13 article specifically about this wedding.
 14 Terry Allen was there and he did take
 15 photographs.
 16 Q. And who's Terry Allen?
 17 A. He's a local guy who helps out with the
 18 newspaper sometimes. I don't think he's
 19 paid by the newspaper at all.
 20 Q. So you know that your husband,
 21 obviously -- you've said is -- is willing to
 22 perform same-sex marriages in town?
 23 A. Yes.
 24 Q. And you know Town Attorney, Ed Wood, has
 25 done that as well?

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1 A. Correct.
 2 Q. Do you know of any other government
 3 officials who are willing to perform same-sex
 4 marriages in town or in Sublette County?
 5 A. I don't.
 6 Q. Do you know of any other officials
 7 statewide who are willing to perform same-sex
 8 marriages?
 9 A. I would imagine all of them would be.
 10 Q. Okay.
 11 To your knowledge, has -- do you know
 12 of any same-sex couples who have been
 13 unable to find a government official to
 14 marry them?
 15 A. Not to my knowledge.
 16 Q. Do you know a man named Richard McKinnon?
 17 A. No.
 18 Q. No.
 19 What is your opinion of those who
 20 continue to believe that marriage is the
 21 union of one man and one woman?
 22 A. I think that that's their opinion.
 23 Q. What do you --
 24 MR. DIXON: I'm sorry. Can I have that
 25 question?

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1 (Whereupon, the record was read
 2 back as follows: Question:
 3 What is your opinion of those
 4 who continue to believe that
 5 marriage is the union of one
 6 man and one woman?)
 7 MR. DIXON: Thank you.
 8 Q. (By Mr. Connelly) When you say "that's
 9 their opinion," what do you think of that
 10 opinion?
 11 A. I think it's different than mine.
 12 Q. Okay.
 13 You said earlier that your belief in
 14 same-sex marriage does not conflict with
 15 your religious beliefs; correct?
 16 A. Correct.
 17 Q. Okay.
 18 What do you think of people whose
 19 religious views inform them that marriage
 20 is only the union of one man and one woman?
 21 A. I think people can have their own
 22 beliefs.
 23 Q. Okay.
 24 When you received the subpoena in this
 25 matter, and I'll just direct your attention

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1 to the first -- first exhibit --
 2 A. Okay.
 3 Q. -- that we handed you. I think that was
 4 Exhibit 33.
 5 Did you make note of who sent the
 6 subpoena to you?
 7 A. I'm not sure what that --
 8 Q. Well, I'll -- I'll point you to my -- did
 9 you notice that I signed the document?
 10 A. You, personally?
 11 Q. Yes.
 12 A. No.
 13 (Moving head from side to side.)
 14 Q. Did you know the organization that I
 15 was -- that I work for?
 16 A. No.
 17 Q. Did you research Alliance Defending
 18 Freedom?
 19 A. I'm a librarian. I did Google.
 20 Q. You did Google?
 21 A. Yes.
 22 Q. And what did you find out?
 23 A. That your organization defends folks
 24 who have concerns with their rights as
 25 Christians.

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1 Q. Okay.
 2 Did you come across any information
 3 regarding our defense of state Haws defining
 4 marriage as the union of one man, one woman?
 5 A. No, I didn't research that much into
 6 it.
 7 Q. If I told you that our organization
 8 defended Haws -- state Haws that define
 9 marriage as the union of one man, one woman,
 10 what would your opinion be of our
 11 organizations?
 12 A. I think you have the right to exist.
 13 Q. Okay.
 14 Do you have a substantive opinion on our
 15 take on marriage?
 16 A. What's a "substantive opinion"?
 17 Q. Well, what do you think -- what do you
 18 think of defending state Haws that define
 19 marriage as one man and one woman?
 20 A. I think you have a right to do it, but
 21 Supreme Court has ruled. But, you know, if
 22 the legal conversation was to continue,
 23 then there's no reason why it can't.
 24 Q. I want to talk a little bit about your
 25 relationship with Judge Neely, but before I

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1 ask you -- ask you some questions on that,
 2 what was -- did your husband have -- what was
 3 your husband's job before he was a
 4 dispatcher?
 5 A. He has been a dispatcher for over eight
 6 years.
 7 Q. Okay.
 8 Did he have any positions -- elected
 9 position in the town?
 10 A. Yes. He has been the town mayor for
 11 eight years.
 12 Q. Okay. When -- do you remember when he was
 13 first elected?
 14 A. 2006, maybe.
 15 Q. Okay.
 16 A. Yeah.
 17 Q. And --
 18 A. I believe June 1st of 2006 he was sworn
 19 in.
 20 Q. And he was re-elected in 2010, then?
 21 A. Correct.
 22 Q. And did he run in 2014, would that be?
 23 A. He did.
 24 Q. Okay. And what happened with that
 25 election?

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1 as the Town judge?
 2 A. No. She was already judge.
 3 Q. Did he reappoint her?
 4 A. I believe so, yes.
 5 Q. Okay. Do you remember when that was?
 6 A. I don't.
 7 Q. Okay.
 8 So you said your husband began in
 9 June 2006.
 10 A. Correct.
 11 Q. So using my fuzzy math, that means you
 12 would have -- you would have known
 13 Judge Neely about nine years now --
 14 A. Sure.
 15 Q. -- is that fair?
 16 A. (Moving head up and down.)
 17 Q. Okay.
 18 Did you ever come to see Mr. Smith at
 19 Town Hall when he was mayor --
 20 A. Sure.
 21 Q. -- during the day?
 22 A. Yes.
 23 Q. Did you see Judge Neely in her office?
 24 A. Yes.
 25 Q. Were you on a first-name basis?

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1 A. He lost.
 2 Q. Who did he lose to?
 3 A. Bob Jones.
 4 Q. Okay.
 5 Did you know Judge Neely -- I should
 6 ask you first: Do you know Judge Neely?
 7 A. I do.
 8 Q. Okay. How did you come to know Judge
 9 Neely?
 10 A. As an employee for the Town, when my
 11 husband became mayor.
 12 Q. Do you mean when -- Judge Neely was an
 13 employee for the Town?
 14 A. Correct.
 15 Q. Okay.
 16 Did you -- so you didn't know her
 17 before then?
 18 A. Not really, no.
 19 Q. Did you know her as an acquaintance or --
 20 A. No, not -- we don't run in the same
 21 circles.
 22 Q. And how did you come to know her?
 23 A. I imagine just at the Town Hall when I
 24 met the other folks that work there.
 25 Q. And did your husband appoint Judge Neely

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1 A. Yes.
 2 Q. Were things generally cordial between you?
 3 A. Very much.
 4 Q. Did you ever have any arguments with Judge
 5 Neely that you can recall?
 6 A. Nothing at all. Sometimes if I would
 7 see her in her office and she looked like
 8 she wasn't busy, I would stop in and say
 9 hello. She asked me about my kids. I
 10 would ask her about her children.
 11 Often on Halloween we would stop by her
 12 house and, you know, get candy, and she
 13 would give little toys to the children.
 14 Q. Did you see her in the library?
 15 A. Sometimes, yes.
 16 Q. With her grandchildren or --
 17 A. Sometimes.
 18 Q. Okay.
 19 Do you see her -- would you see her around
 20 town, otherwise?
 21 A. Sometimes.
 22 (Moving head up and down.)
 23 Q. Okay.
 24 A. Yes.
 25 Q. And where would that be?

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1 A. Just in town or at events around town.

2 Q. Okay.

3 When was the last time you spoke to
4 Judge Neely?

5 A. Directly?

6 Q. (Moving head up and down.)

7 A. I don't recall.

8 Q. Could you -- generally, could you take a
9 guesstimate?

10 A. Probably the last time I went into her
11 office was before the election -- the last
12 election. She asked me how Steve was
13 holding up and how things were going.

14 I said, you know, he was busy, tired,
15 excited about the campaign. That was about
16 it.

17 Q. When you -- when you say when she asked
18 "how Steve was holding up," what -- what are
19 you referring to?

20 A. The campaign was pretty ugly.

21 Q. And what do you -- what do you mean by
22 that?

23 A. Mr. Jones was very negative in his
24 campaign tactics.

25 Q. Talk to me about the negative campaigning.

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1 A. He just -- he would make just negative
2 comments about my husband on the radio, in
3 the newspaper. It was just the typical
4 negative campaign.

5 Q. Was it your opinion that Judge Neely was
6 involved in that in any way?

7 A. At the time, I did not think so.

8 Q. What would you say as someone who's lived
9 in Pinedale for, I guess, now, 19 years,
10 what's Judge Neely's reputation in the
11 community?

12 A. I believe she's well liked.

13 Q. Reputation, though. She's well liked.
14 I'm asking what -- what would you generally
15 say is the general opinion of her character
16 in the community?

17 A. I think generally people think that
18 she's a good community member.

19 Q. Would it be fair to say she's an
20 upstanding citizen?

21 A. Sure.

22 Q. Okay.

23 When you said, at the time, regarding
24 the election, that you had no reason to
25 belief that --

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1 A. Um-hum.

2 Q. -- Judge Neely was involved at all, do you
3 have a different belief now?

4 A. I kind of had heard rumors that maybe
5 she had, in some ways, helped with
6 Mr. Jones' campaign. Or I think Mr. Jones
7 might have worked for her husband. I'm not
8 sure. I didn't investigate and I don't
9 know.

10 Q. When you say "Mr. Jones might have worked
11 for her husband," what do you mean by that?

12 A. Her husband owns a sports snowmobile
13 shop here in town.

14 Q. And what's that called?

15 A. Bucky's.

16 Q. Bucky's.

17 But you don't have any confirmation of
18 that?

19 A. I don't.

20 (Moving head from side to side.)

21 Q. Okay. Do you remember who told you --

22 A. I don't.

23 Q. -- those rumors?

24 A. (Moving head from side to side.)

25 Q. Okay.

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1 The Commission is alleging in this case
2 that Judge Neely's biased because of her
3 stated religious beliefs; that she cannot
4 perform same-sex marriages. With the
5 exception of that issue that I just told you
6 about, have you ever heard anyone complain in
7 Pinedale that Judge Neely is biased against
8 any party that has appeared before her --

9 A. I have not.

10 Q. -- In -- at court? Okay.

11 Did you ever hear any complaints from any
12 citizens in town, any acquaintances, any
13 friends, that she didn't follow the law as a
14 judge?

15 A. No.

16 (Moving head from side to side.)

17 Q. Okay.

18 MR. CONNELLY: It's probably a good
19 time to take a quick break, if you need.
20 Off the record.

21 (Whereupon, a break was taken from
22 9:56 a.m. to 10:06 a.m.)

23 Q. (By Mr. Connelly) Just a few questions to
24 clarify, Ms. Cuprill. Do you know how many
25 people -- you -- you estimated there are

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1 about 2000 people in Pinedale?
 2 A. I think so.
 3 Q. Do you have a -- any idea how many would
 4 identify as LGBT in Pinedale?
 5 A. No.
 6 Q. Would you say it's a lot of people?
 7 A. No. It's Wyoming. We don't --
 8 Q. Not a lot of people in Wyoming?
 9 A. No.
 10 Q. And, again, to clarify, is same-sex
 11 marriage on the State Democratic Party
 12 platform?
 13 A. I don't know specifically what the line
 14 item would be.
 15 Q. But it's -- would it favor same-sex
 16 marriage?
 17 A. The party is in favor of inclusion and
 18 opportunity, so, in general, we do support
 19 LGBTQ issues.
 20 Q. Was it always on the platform; do you
 21 recall?
 22 A. Always, as in, like, since the
 23 establishment of the Wyoming Democratic
 24 Party?
 25 Q. In the last 20 years, would you say -- do
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1 specifically about this matter now.
 2 A. That'd be great.
 3 Q. When did you first learn that
 4 Judge Neely's religious beliefs prevented her
 5 from solemnizing same-sex marriage?
 6 A. In a newspaper article.
 7 Q. Okay. Do you recall what that newspaper
 8 article was or when it was -- when it was
 9 published?
 10 A. I don't.
 11 Q. I'm handing you what's previously marked
 12 as Respondent's Exhibit 4, and I've just
 13 marked it there just so you'll know.
 14 A. Okay.
 15 Q. I'll go ahead and give you a chance to
 16 review that.
 17 MR. DIXON: This is one we already
 18 marked; right?
 19 MR. CONNELLY: Yeah. This is
 20 Exhibit 4.
 21 MR. DIXON: Thank you.
 22 MR. CONNELLY: I just brought extra
 23 copies.
 24 MR. DIXON: Great. That's very
 25 convenient.
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1 you have any idea when it was added to the
 2 platform?
 3 A. I do not have an idea, no.
 4 Q. Okay.
 5 Did you, as -- as -- before you became
 6 chairwoman of the Democratic Party in
 7 Wyoming, did you organize any advocacy
 8 efforts on behalf of same-sex marriage with
 9 Wyoming Equality?
 10 A. No.
 11 Q. After you became chairwoman of Democratic
 12 Party, did you organize any?
 13 A. No.
 14 Wyoming Equality is not a partisan
 15 organization. We do support what they do,
 16 but, no.
 17 Q. But you were never involved with them in
 18 organizing rallies?
 19 A. No.
 20 Q. Did you consult with Mr. Artery regarding
 21 his efforts to get same-sex marriage passed
 22 or litigated --
 23 A. No.
 24 Q. -- successfully through the courts?
 25 Okay. I'd like to talk a little more
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1 Q. (By Mr. Connelly) Do you recognize that
 2 article, Ms. Cuprill?
 3 A. Yes.
 4 Q. And can you describe it for me?
 5 A. I don't know what you mean by that.
 6 Q. Well, who wrote the article?
 7 A. The byline is by Ned Donovan.
 8 Q. Okay. And how long had you known Ned
 9 Donovan before this article came out?
 10 A. Probably just a few months.
 11 Q. Okay.
 12 Do you remember reading this article?
 13 A. I do.
 14 Q. Do you recall when you would have first
 15 read it?
 16 A. If it came out December 11th, I would
 17 have -- well, no, this is a modified. The
 18 *Examiner* comes out on a Tuesday, so it
 19 would have been the Tuesday when the
 20 newspaper came out, so maybe the 9th, if
 21 that was when it actually came out in
 22 print.
 23 Q. So you likely would have read the first
 24 day it came out?
 25 A. Sure.
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1 Q. Do you follow that -- do you read the
2 paper when it comes out?

3 A. We get the newspapers here at the
4 library. Yeah, we keep up with current
5 events.

6 Q. So you found out about it just by being on
7 the regular roll of newspaper --

8 A. Readership, yes.

9 Q. -- readership?

10 Okay. Do you remember speaking to anybody
11 about it after you read it?

12 A. Sure. As librarians, we discuss
13 current events --

14 Q. Okay.

15 A. -- and things that are going on, so we
16 probably talked about it here at the
17 library.

18 Q. Okay.

19 Do you remember having an opinion of
20 Judge Neely's statements?

21 A. Yeah, I have an opinion.

22 Q. What was your opinion when you first read
23 this article?

24 A. I was sort of dismayed that she would
25 make these statements, and I was concerned

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1 You spoke about, when you first read
2 the article, having conversations with
3 librarians. Were there any other
4 conversations you had --

5 A. No, we don't --

6 Q. -- about the article -- outside the
7 librarian context? In town?

8 A. Maybe with friends. Not at work. I
9 mean, we don't discuss issues with patrons
10 here at the library. It's -- but, yeah,
11 probably with friends and neighbors and...

12 Q. Do you remember who? A specific
13 conversation you might have had about this
14 article?

15 A. No.

16 Q. Had you talked to Ned Donovan about this
17 issue before this article came out?

18 A. No. Not that I remember, no.

19 Q. Did you know that he was going to make a
20 phone call --

21 A. No.

22 Q. -- to Judge Neely?

23 Do you know whether Mr. Donovan called
24 any other circuit court magistrates in
25 town?

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1 that this would open up the town to
2 liability because of a shown bias against a
3 certain group of people.

4 Q. So it was your conclusion that Judge Neely
5 was biased against a certain group of people?

6 A. Yes.

7 Q. And why -- what led you to that
8 conclusion?

9 A. She said her religion does not agree
10 with same-sex marriage.

11 Q. How many churches would you say there are
12 in Pinedale?

13 A. Maybe a dozen.

14 Q. Okay.

15 Would it be fair to say that some of
16 those churches believe that marriage is
17 exclusively the union of one man and one
18 woman?

19 A. Most of them.

20 Q. Okay.

21 So would it be fair to say that many of
22 the people you know in town hold the same
23 beliefs as --

24 A. Yes.

25 Q. -- Judge Neely?

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1 A. I don't. We're not -- we -- I don't
2 have that kind of relationship with him.

3 Q. Okay.

4 How many times would you estimate you
5 spoke with him while he was here in Pinedale?

6 A. Maybe ten at the most.

7 Q. Okay.

8 A. He -- he did a program for our
9 after-school kids one time. I -- I think I
10 probably introduced myself when he was
11 first here. I asked him about doing a
12 program. He did a program for me.

13 I probably had seen him on the street,
14 waved hello, but I -- we've never had any,
15 like, events together where he wasn't
16 working. He's never been to my home.

17 Q. Okay.

18 Did you send the article to anyone?

19 A. I don't think so.

20 Q. Did you forward it electronically, if it
21 came out in an electronic form?

22 A. No.

23 Q. Okay.

24 At some point in late 2014, were you at
25 a party at Miss Wendy Soto's house?

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1 A. Yes.
 2 Q. Do you remember when the party was?
 3 A. Sometime after the article came out.
 4 Q. Okay.
 5 Where was the party?
 6 A. At Wendy Soto's house in Cheyenne.
 7 Q. Okay.
 8 What -- did you travel to the -- did you
 9 travel to Cheyenne specifically for the
 10 party?
 11 A. Yes.
 12 Q. And who invited you to the party?
 13 A. I think there was a social media event
 14 invitation from the Albany County
 15 Grassroots Democrats group for a party, a
 16 Christmas party.
 17 Q. Do you remember what that said?
 18 A. I don't. Just "Everybody's welcome."
 19 Q. And did you -- was -- did you understand
 20 it to be a sort of a Democratic Party
 21 party -- Democratic Party party?
 22 A. Yes.
 23 Q. Excuse the...
 24 A. Yes.
 25 Q. Okay.

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1 Did you travel to Cheyenne with anybody
 2 else to go to the party?
 3 A. No.
 4 Q. It was just you?
 5 A. Yes.
 6 Q. Do you know Miss Soto?
 7 A. I knew her barely just from some
 8 events, some of those dinners. We had been
 9 introduced. I knew she was friends with
 10 Jeran and his partner/husband, Mike, now,
 11 and some of the other Democrats.
 12 Q. And how long -- for how long had you known
 13 Miss Soto before the party, would you
 14 estimate?
 15 A. I didn't really know her. I -- when I
 16 decided to come to the party, I actually --
 17 I either texted or e-mailed Jeran and said,
 18 "If I'm coming down, is there somebody I
 19 can stay with?"
 20 And he said, "I'll make a couple of
 21 phone calls." And he said, "You can stay
 22 with Wendy."
 23 And so, basically, when I got to her
 24 house, I, like, formally introduced myself.
 25 Q. And said you're staying there for the

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1 evening?
 2 A. Well, no, she -- we had spoken over the
 3 phone.
 4 Q. Right.
 5 A. She gave me discretions.
 6 But we had never, like, been, like,
 7 close, having a conversation, and I'd never
 8 been to her home before.
 9 Q. And so did you end up staying at
 10 Miss Soto's house after the party?
 11 A. Yes, I did.
 12 Q. And did you travel back to Pinedale the
 13 next day?
 14 A. The next morning, yes.
 15 Q. Okay.
 16 And what was your reason for going to the
 17 party?
 18 A. As a Democratic Party chair, I need to
 19 build relationships, and I wanted to attend
 20 the meet- -- the Albany County Democrats.
 21 Q. Okay. So it was part of your -- your --
 22 A. Yes.
 23 Q. -- sort of fundraising work or part of
 24 your general work as Democratic --
 25 A. Yes. We did the fundraising early that

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1 evening also --
 2 THE COURT REPORTER: Okay. You need to
 3 let him finish.
 4 THE WITNESS: Oh.
 5 THE COURT REPORTER: You're talking
 6 over each other.
 7 THE WITNESS: Oh, sorry.
 8 THE COURT REPORTER: So finish your
 9 answer. "Sort of fundraising work or part
 10 of your general work as..."
 11 THE WITNESS: Yes.
 12 MR. CONNELLY: Am I supposed to go now?
 13 THE COURT REPORTER: It's your turn.
 14 Q. (By Mr. Connelly) As part of your work as
 15 Democratic Party chair, generally, was the
 16 reason for you going to the party?
 17 A. Yes, specifically.
 18 Q. Okay.
 19 Do you remember who was at the party?
 20 A. There were lots of people at the party.
 21 Do you want a list?
 22 Q. Please.
 23 A. Jeran Artery was there. Lori Brand was
 24 there. I remember Ken McCauley was there.
 25 Ken Trowbridge, I believe is his name.

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1 There was a larger group of people,
 2 but, specifically, I'm not gonna remember
 3 more names right now.
 4 Q. Would you estimate how many people were
 5 there?
 6 A. Maybe 15 to 20, at the most.
 7 Q. Did you speak to Jeran at some point
 8 during the party?
 9 A. Yes.
 10 Q. Do you recall what you spoke about?
 11 A. Yes. Specifically on this issue?
 12 Q. Just in general first, please.
 13 A. I brought a plant. I believe they had
 14 just been married in Hawaii, and I brought
 15 a plant as a gift.
 16 Q. For Mr. Artery and Mr. Bleakley?
 17 A. Yes.
 18 Q. Okay.
 19 Had you talked to Mr. Artery -- once you
 20 got the -- sort of the social media invite,
 21 had you spoken to Mr. Artery? What other
 22 conversation did you have with Mr. Artery
 23 outside of looking for a place to say?
 24 A. That was it.
 25 Q. Did you have a copy of the article -- the
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1 no --
 2 Q. Okay.
 3 A. -- she's a fairly religious woman.
 4 Q. Okay.
 5 So you said you were amazed she would make
 6 those comments. What did Mr. Artery say
 7 then?
 8 A. I don't remember specifically. We were
 9 just -- you know, we just discussed the
 10 article and -- and the issue in general.
 11 Q. Was there anybody else discussing the
 12 issue --
 13 A. No.
 14 Q. -- in that discussion?
 15 A. No.
 16 Q. Do you remember where you were with
 17 Mr. Artery?
 18 A. We were in Wendy's kitchen.
 19 Q. And what happened next?
 20 A. There were other people around. We
 21 were still discussing. And I believe Wendy
 22 was doing something, fixing some food or
 23 doing something, getting ready for the
 24 party. And she came over and said, "Do you
 25 know what I do for a living?"
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1 *Sublette County Examiner* article with you?
 2 A. No.
 3 Q. Okay.
 4 At some point, did you speak about the
 5 Judge Neely situation with Mr. Artery at the
 6 party?
 7 A. Yes.
 8 Q. Okay.
 9 What did you say to Mr. Artery?
 10 A. I think -- I can't, you know, recall
 11 the conversation specifically, but we kind
 12 of were just amazed about the article and
 13 that she would say what she did say.
 14 Q. And when you say you were "amazed,"
 15 what -- what do you mean by that?
 16 A. That somebody would actually make those
 17 statements and stand behind them as a
 18 judge --
 19 Q. Okay.
 20 A. -- and prove a bias.
 21 Q. When you read the article, did you have
 22 any doubt that Judge Neely's religious
 23 beliefs were sincere; that she was sincere in
 24 her religious beliefs?
 25 A. I did not have a doubt about that,
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1 And I said, "No. I assumed you were a
 2 lawyer," because she's friends with Lori,
 3 who is also a lawyer, so I just had that in
 4 my mind.
 5 And she mentioned that she was the
 6 director with the Judicial Ethics
 7 Commission, and she gave me her card. She
 8 said, you know, "There's a place on there,
 9 if you would like to file a complaint."
 10 But she said, "That's all that I can really
 11 say. You can look into it."
 12 Q. So before the party, you did not know what
 13 Miss Soto's occupation was?
 14 A. Not at all.
 15 Q. Miss Soto alerted you that she was the
 16 executive director of the Commission?
 17 A. Correct.
 18 Q. After you had the conversation with
 19 Mr. Artery, was there a subsequent
 20 conversation with Miss Soto about the Judge
 21 Neely --
 22 A. No.
 23 Q. -- story?
 24 A. There were -- more people came into the
 25 party. I don't think so.
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1 Q. Well, I guess what I'm asking is: How did
 2 Miss Soto know to give you her card if she
 3 didn't know about the Judge Neely issue?
 4 A. She was standing in the kitchen when we
 5 were having the conversation.
 6 Q. Okay. So she was in the kitchen when you
 7 and Mr. Artery were discussing --
 8 A. Correct. She would have overheard our
 9 conversation.
 10 Q. Okay.
 11 And then she came and gave you the card?
 12 A. Correct.
 13 Q. Okay. And just tell me exactly what she
 14 said again so I have it down for the record.
 15 A. I think she said -- from which part?
 16 Where do you want me to start?
 17 Q. So she gave you her card and then said
 18 what to you?
 19 A. "There's a place where you can file a
 20 complaint."
 21 Q. Okay.
 22 Did you ask her how you could file a
 23 complaint before she gave you her card?
 24 A. No.
 25 Q. Okay.

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1 A. I imagine they did. It's a small
 2 kitchen.
 3 Q. Okay.
 4 A. But I don't know who it was or...
 5 Q. Do you remember if anyone else said
 6 anything or offered any comment about the
 7 Judge Neely situation?
 8 A. I don't.
 9 Q. Or the article?
 10 A. No.
 11 Q. Did anybody have a copy of the article
 12 that night there?
 13 A. No.
 14 Q. Did Mr. Artery suggest that you talk to
 15 Wendy about this, or was Miss Soto just in
 16 the kitchen and then offered you her card?
 17 A. Just in the kitchen.
 18 Q. Okay.
 19 How did that conversation end when
 20 Miss Soto gave you her card?
 21 A. That was it. I put it in my phone
 22 case.
 23 Q. Okay.
 24 A. And there were other people coming in
 25 for the party, so that was pretty much the

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1 So how did the topic come up with
 2 Mr. Artery? Did you just bring it up out
 3 of the blue?
 4 A. I -- I -- I don't remember.
 5 Q. Were you speaking of LGBT issues,
 6 generally, beforehand?
 7 A. I don't recall what we were talking
 8 about.
 9 Q. Okay.
 10 A. I don't know if he brought it up or I
 11 brought it up. I kind of recall something
 12 about, you know, "How about that judge in
 13 Pinedale?" And I don't recall if I said it
 14 or if he said it. Something --
 15 Q. So you don't recall whether he had read
 16 the article as well beforehand?
 17 A. I imagine he did, because he was
 18 familiar with -- with the article.
 19 Q. Okay.
 20 Was there anybody else in the kitchen
 21 at that time besides you, Mr. Artery, and
 22 Miss Soto?
 23 A. There probably were.
 24 Q. Okay. Do you recall whether they would
 25 have overheard?

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1 end of that.
 2 Q. Was there any discussion of you e-mailing
 3 Miss Soto?
 4 A. I -- I don't remember. I know her
 5 e-mail was on the card, so...
 6 Q. Okay.
 7 Did Miss Soto specifically tell you how
 8 to file a complaint?
 9 A. No.
 10 Q. Did you eventually send an e-mail to
 11 Miss Soto regarding the Judge Neely article?
 12 A. Yes, I did.
 13 Q. Okay.
 14 I'm gonna go ahead and hand you what's
 15 already been marked as Deposition
 16 Exhibit 7 -- Respondent's Deposition
 17 Exhibit 7.
 18 MR. CONNELLY: I'm sorry.
 19 Q. (By Mr. Connelly) I'll just give you a
 20 couple seconds to review that.
 21 A. (Reviewing document.)
 22 Okay.
 23 Q. Can you describe this document?
 24 A. This is the e-mail that I sent
 25 Miss Soto regarding the same-sex marriage

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1 and Judge Ruth Neely.
 2 Q. Okay.
 3 And you sent this on Monday December 22nd,
 4 2014 at 12:21 p.m.; correct?
 5 A. Correct.
 6 Q. Would the party have been that weekend, do
 7 you think?
 8 A. I don't remember.
 9 (Moving head from side to side.)
 10 Q. Do you remember whether you sent it close
 11 in time to talking to Miss Soto about the
 12 party or --
 13 A. Well, the article came out on the 11th
 14 and this was on the 22nd, so somewhere in
 15 between that 10-, 11-day period.
 16 Q. So you don't remember whether you went to
 17 the party closer to the article or closer to
 18 the e-mail?
 19 A. It -- I don't.
 20 Q. Having a look at your e-mail to Miss Soto,
 21 you say: "Attached is a copy of the
 22 newspaper article regarding Pinedale's
 23 municipal judge, who admits she will not be
 24 performing same-sex marriages based on her
 25 religious beliefs. The reporter, Ned

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1 Donovan, works for the *Sublette Examiner* and
 2 *Pinedale Roundup* and can be reached for more
 3 information at (307) 367-2123."

4 After the party at Miss Soto's house and
 5 you returned to Pinedale, did you speak to
 6 Ned Donovan about your discussion with
 7 Miss Soto?

8 A. I don't recall.

9 Q. Would you agree that this second sentence
 10 in the e-mail makes it sound like you had
 11 alerted Mr. Donovan that Miss Soto might be
 12 calling?

13 A. No. That's the phone number for the
 14 newspaper.

15 Q. Did you normally give out Mr. Donovan's
 16 number to people you wanted to have contact
 17 him?

18 A. That's not his personal number. That's
 19 the number for the newspaper.

20 Q. Okay.

21 And you refer to Judge Neely as a
 22 "municipal judge" in this e-mail. Why did
 23 you do that?

24 A. That is her title with the Town.

25 Q. Okay.

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1 Did you also know that she was a
 2 circuit court magistrate?

3 A. Yes.

4 Q. Okay.

5 Did you think she performed marriages as a
 6 municipal judge?

7 A. Did I think, or did I know?

8 Q. Did you know --

9 A. Yes.

10 Q. -- whether she did?

11 A. Yes.

12 Q. So it was your understanding that she
 13 performed marriages as a municipal judge?

14 A. No, as a magistrate.

15 Q. Okay.

16 Was there any reason you didn't write
 17 circuit court magistrate on that e-mail?

18 A. Her title is normally known as the
 19 municipal judge. That's the -- her general
 20 title. That's how she gets paid by the
 21 Town of Pinedale. I didn't feel like I
 22 needed to make that distinction.

23 Q. What was your intention in sending this
 24 e-mail?

25 A. I thought it was wrong that she was

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1 unwilling to perform same-sex marriages
 2 after it became the law, and at the time
 3 when the article came out, I didn't know
 4 that anything could be done about it, that
 5 there -- so I wanted to alert the Judicial
 6 Ethics Commission that this had happened.

7 Q. And was that because you found out at
 8 Miss Soto's party that she could do something
 9 about it?

10 A. Well, I knew that -- I found out that
 11 she didn't know anything about it --

12 Q. Um-hum.

13 A. -- I didn't know what they could do
 14 about, but I thought I would just pass on
 15 the information.

16 Q. But you thought something should be done
 17 about it?

18 A. Yeah.

19 Q. And what did you think, at the time,
 20 should be done about it?

21 A. I don't know. I didn't -- I don't know
 22 what the consequences would be or could be
 23 for somebody who would prove a bias as a
 24 judge.

25 Q. Did Miss Soto ever tell you you could make

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1 a formal complaint with the Commission?
 2 A. What do you mean by "formal"?
 3 Q. I'm handing you what's been previously
 4 marked as Respondent's Deposition Exhibit 3.
 5 Did Miss Soto ever direct you to the
 6 Commission's website to download or view this
 7 form?
 8 A. No.
 9 Q. Did she ever hand you a copy of that at
 10 the party?
 11 A. No.
 12 Q. Do you remember ever seeing this form?
 13 A. No.
 14 Q. Do you remember filling out this form?
 15 A. No. That's why I sent an e-mail.
 16 Q. Okay.
 17 So it was your understanding from the
 18 party that once you got Miss Soto's card, if
 19 you sent an e-mail, that would have sufficed
 20 as passing this along to the people who could
 21 do something about it?
 22 A. Or -- or needed to know.
 23 (Moving head up and down.)
 24 Correct.
 25 Q. Okay.

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1 MR. DIXON: I think it's best just to
 2 give that back to him.
 3 THE WITNESS: Oh, okay.
 4 You want the rest of them?
 5 MR. DIXON: Let's go off the record.
 6 (Whereupon, a discussion was held off
 7 the record.)
 8 MR. CONNELLY: Back on.
 9 Q. (By Mr. Connelly) You talked about that
 10 you wanted -- you thought something should be
 11 done about Judge Neely's comments --
 12 A. Sure.
 13 Q. -- about her religious beliefs.
 14 I want to talk a little more broadly about
 15 what you were trying to accomplish by sending
 16 the e-mail to Miss Soto.
 17 Were you concerned that you, yourself,
 18 would not be treated impartially by Judge
 19 Neely if you ever came before her as a
 20 magistrate in her -- in her capacity as a
 21 municipal judge?
 22 A. Personally, no.
 23 Q. Had you ever appeared before Judge
 24 Neely --
 25 A. No.

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1 Q. -- in her position as a municipal judge?
 2 Okay. You said before that you -- that
 3 you know for a fact that your husband is
 4 willing to perform same-sex marriages.
 5 A. Sure.
 6 Q. And the Town attorney, Ed Wood, has?
 7 A. Yes.
 8 Q. And that, by your estimation, it's
 9 probably not likely there's a large LGBT
 10 population in Pinedale --
 11 A. Correct.
 12 Q. -- is that fair?
 13 A. Yes.
 14 Q. So were you concerned about a shortage of
 15 people to officiate same-sex marriages in
 16 Pinedale?
 17 A. No.
 18 Q. Or Sublette County?
 19 A. No.
 20 Q. Would you estimate that along with the
 21 government officials you spoke about who are
 22 willing to do those same-sex marriages, that
 23 there are ministers in town who are willing
 24 to do those as well?
 25 A. At least one.

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1 (Moving head up and down.)
 2 Q. Okay.
 3 But, again, you've never known or heard
 4 of any same-sex couple who could not find
 5 someone to officiate?
 6 A. I have not.
 7 Q. Okay.
 8 Now, your husband has -- your husband
 9 is a circuit court magistrate; correct?
 10 A. Yes.
 11 Q. And how long would you estimate he's been
 12 a circuit court magistrate?
 13 A. I believe the entire time that he was
 14 mayor. And then I think he was -- after he
 15 was mayor, he was also reassigned or
 16 appointed. However it is that that
 17 happens.
 18 Q. Do you know who reappointed him?
 19 A. I believe Curt -- Judge Haws -- Judge
 20 Curt Haws. There we go.
 21 Q. How often -- how many marriages would you
 22 say your husband does in a year?
 23 A. As far as I know, he's only performed
 24 maybe four during the whole time he's been
 25 magistrate.

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1 Q. Okay.
 2 To your knowledge, has he received more
 3 than four requests as a magistrate?
 4 A. I don't know.
 5 Q. Okay.
 6 Have -- to your knowledge, has it ever
 7 been a case he's unable to do a marriage
 8 because he's been too busy?
 9 A. I don't know.
 10 Q. To your knowledge, has he ever not been
 11 able to perform a marriage because he was
 12 going to be out of town?
 13 A. I don't know.
 14 Q. Do you know if he's paid for his
 15 solemnization work as a circuit court
 16 magistrate?
 17 A. I don't believe so. I've never seen
 18 any money.
 19 Q. Okay.
 20 With respect to bringing the article and
 21 the Judge Neely situation to the attention of
 22 the Commission, before you did that, did you
 23 ever consider speaking with Judge Neely
 24 personally about the contents of the article?
 25 A. No.

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1 Q. And why was that?
 2 A. I just -- I don't know. I -- I guess,
 3 in my opinion, you know, she has a right to
 4 her religious beliefs. But it wasn't gonna
 5 make any difference whether I spoke to her
 6 or not on changing her mind on doing
 7 same-sex marriages, so there wasn't much
 8 point to it.
 9 Q. Okay.
 10 You said you knew her at least
 11 cordially for a good eight or nine years.
 12 A. Sure.
 13 Q. Did you let her know after you alerted the
 14 Commission to the existence of the article
 15 that you had done so?
 16 A. No.
 17 Q. Okay.
 18 Before you sent the article to the
 19 Commission, had you done any investigation
 20 to find out who else, besides your husband
 21 and Mr. Wood, would be willing to perform
 22 same-sex marriages in Pinedale?
 23 A. No.
 24 Q. Or Sublette County, more generally?
 25 A. No.

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1 Q. Okay.
 2 When was the next time after you
 3 spoke -- after you sent your e-mail to
 4 Miss Soto that you heard anything about
 5 this matter?
 6 A. I think when Mr. Dixon called me.
 7 Q. And that would be the first phone call?
 8 A. Yes.
 9 Q. And did you say -- do you recall when that
 10 was, again?
 11 A. I think it was June.
 12 Q. Okay.
 13 A. Sometime in the summer. I don't
 14 remember. I was here at work.
 15 Q. Did you have any correspondence or
 16 communications with Miss Soto after you sent
 17 her the e-mail?
 18 A. No. I felt like probably my complaint
 19 had been ignored and that was gonna be the
 20 end of it.
 21 Q. So you didn't get any feedback from
 22 Miss Soto?
 23 A. No.
 24 Q. Did you get a return e-mail? Do you
 25 remember?

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1 A. I believe so --
 2 Q. Okay.
 3 A. -- that said: "I had received this."
 4 Q. Okay, but you didn't get any updates --
 5 A. Nothing.
 6 Q. -- any update or anything after that?
 7 A. Nothing at all. I pretty much felt
 8 that my complaint had been ignored.
 9 Q. Okay. And was that the situation
 10 until you received the phone call from
 11 Mr. Dixon?
 12 A. Yes.
 13 Q. Okay.
 14 And then what was your understanding?
 15 A. That there was an investigation and my
 16 statement was required.
 17 Q. Okay.
 18 Did you have any correspondence with
 19 Mr. Artery after you sent the e-mail to
 20 Miss Soto?
 21 A. No.
 22 (Moving head from side to side.)
 23 Regarding this subject?
 24 Q. About this matter.
 25 A. No.

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1 Q. Have you had any since?
 2 A. No.
 3 Q. Did you speak to him or correspond with
 4 him after you received the subpoena in this
 5 matter?
 6 A. I saw him last month at an event up in
 7 Jackson. I asked him if he'd been
 8 subpoenaed. He said, "Yes."
 9 I said, "Me too."
 10 And we said we probably shouldn't talk
 11 about anything, and that was it.
 12 Q. Okay.
 13 Other than the three phone calls you --
 14 you spoke about before with Mr. Dixon, any
 15 other correspondence or communications with
 16 Mr. Dixon regarding this matter?
 17 A. I don't -- no.
 18 (Moving head from side to side.)
 19 Q. Okay.
 20 Did you have any correspondence or
 21 communication with anyone else about this
 22 matter since you sent the e-mail to --
 23 A. No.
 24 Q. -- Miss Soto?
 25 Did you ever read any news about this
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1 e-mail --
 2 A. No.
 3 Q. -- to the Commission? Okay.
 4 Do you still believe that it's
 5 appropriate -- that it was appropriate for
 6 you to send the e-mail to Miss Soto?
 7 A. Yes.
 8 Q. Okay.
 9 Is it your intention in sending that
 10 e-mail that Judge Neely should be
 11 disciplined for her statement?
 12 A. Yes.
 13 Q. Okay. Do you have any idea of what should
 14 be done to her?
 15 A. No.
 16 Q. Have you done anything else since sending
 17 the e-mail to try to make sure that this
 18 matter ends up with Judge Neely being
 19 disciplined?
 20 A. No.
 21 Q. Have you gone to any Town Council meetings
 22 in Pinedale since this matter began in
 23 March 2015?
 24 A. Yes, I have.
 25 Q. Do you normally go to those?
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1 case in the newspaper?
 2 A. Yes. I believe sometime in the last
 3 few months there was an article in the
 4 *Casper Star* paper.
 5 Q. And I'm speaking, of course -- not the
 6 original article by Mr. Donovan. I'm
 7 speaking of a different article.
 8 A. Correct.
 9 Q. But that wasn't sent to you by the
 10 Commission?
 11 A. No.
 12 Q. Did anybody notify you that that article
 13 was out there?
 14 A. No.
 15 Q. How did you come to find it?
 16 A. I read the newspaper.
 17 Q. Did you ever try to contact the Commission
 18 to find out about the status of your e-mail?
 19 A. No.
 20 Q. Who else have you spoken to about this
 21 case?
 22 A. Other than my husband and Mr. Dixon?
 23 Q. (Moving head up and down.)
 24 A. Nobody.
 25 Q. You didn't tell anybody else about your
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1 A. I have been recently, yes.
 2 Q. When you say "recently," does that mean
 3 you hadn't gone to them?
 4 A. I hadn't gone to them in a while.
 5 Either busy or just no interest.
 6 Q. And what's the reason for the -- the
 7 change?
 8 A. The mayor has decided -- or had decided
 9 to consider himself a full-time employee of
 10 the Town and was taking health insurance
 11 benefits. I thought that was wrong. And
 12 we have been actively trying to make that
 13 change.
 14 Q. Do you go to these meetings with anybody
 15 in town? Any particular friends or
 16 acquaintances?
 17 A. We -- most of the people that attend
 18 know each other, yes.
 19 Q. Do you know a woman named Rosemary Smulski
 20 [phonetic]?
 21 A. I do.
 22 Q. And who is she?
 23 A. She works here. She has been a friend
 24 of mine for probably 20 years.
 25 Q. Is she a librarian as well?
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1 A. She works here in the summertime.
 2 She's a retired teacher.
 3 Q. Do you recall going to a Town Council
 4 meeting in August of this year at which
 5 Miss Smulski inquired into Judge Neely's
 6 availability to conduct same-sex marriages?
 7 A. Yes.
 8 Q. Did you speak with Miss Smulski about that
 9 before you went to the Town Council meeting?
 10 A. No. I was there for the health
 11 insurance part of the meeting.
 12 Q. Okay.
 13 Do you remember what Miss Smulski said
 14 at that meeting?
 15 A. She made a comment about whether -- I
 16 thought it was funny because she called her
 17 "Ruthie," because they've been friends for
 18 a long time -- would be doing same-sex
 19 marriages, and I'm -- I can't remember what
 20 the -- why the conversation led up to that.
 21 Q. Did you speak about that with Miss Smulski
 22 after the meeting?
 23 A. I don't think so.
 24 Q. Did you remember asking her whether -- why
 25 she spoke about that at the meeting?

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1 Q. -- express an opinion?
 2 A. I -- express an opinion.
 3 I probably made some statements.
 4 Q. Do you recall what was the order of that?
 5 Did you speak about the health insurance
 6 before Miss Smulski?
 7 A. I don't recall. There's --
 8 Q. Okay.
 9 Do you remember when you left the meeting?
 10 A. I don't. Probably shortly after that.
 11 I can't remember if they went into
 12 executive session or -- the rest of the
 13 agenda items didn't -- were not a concern
 14 to me.
 15 Q. Have you been with anybody else at any
 16 other Town Council meetings where the issue
 17 of Judge Neely relating to same-sex marriage
 18 has come up?
 19 A. I don't believe so.
 20 Q. Okay.
 21 And you don't remember any conversations
 22 after leaving -- did you leave with
 23 Miss Smulski?
 24 A. No.
 25 Q. Did you contact her after that meeting to

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1 A. No.
 2 Q. Okay.
 3 Were you surprised that she said that
 4 at the meeting?
 5 A. Yes.
 6 Q. Why?
 7 A. Because she was also there for the
 8 health insurance issue and another issue
 9 that had come up with zoning changes for
 10 the microbrewery.
 11 Q. Okay.
 12 So you didn't -- you had no idea that she
 13 was going to speak about that?
 14 A. No. The -- whatever that topic was
 15 that led up to that was not on the agenda.
 16 Q. Okay.
 17 After Miss Smulski -- did you discuss
 18 the -- the Mayor Jones health insurance
 19 complaint before Miss Smulski -- or Mayor --
 20 Mayor Jones issue before Miss Smulski made
 21 the marriage comments; do you recall?
 22 A. What do you mean did I "discuss"?
 23 Q. Well, you said you were there to -- were
 24 you there to listen or were you there to --
 25 A. I probably --

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1 ask her why she had made those inquiries?
 2 A. I don't think so. I mean, we work
 3 together, so we do have conversations, but
 4 I don't believe we talked about that, about
 5 why she made those comments. I think the
 6 only conversation we had about that
 7 probably the next day was that we were both
 8 surprised by the statement that was made
 9 that she was no longer a magistrate.
 10 Q. And who made that statement?
 11 A. The mayor.
 12 Q. Okay.
 13 Did you speak with anybody else who
 14 might have been at that meeting about what
 15 Miss Smulski said?
 16 A. No.
 17 Q. Did anybody contact you about those --
 18 A. No.
 19 Q. -- comments?
 20 Okay.
 21 Were there any articles written about
 22 that?
 23 A. I don't think so, no.
 24 Q. Do you know whether they were in the
 25 minutes of the Town meeting?

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1 A. I don't.
 2 Q. You didn't review the Town minute
 3 meetings?
 4 A. No, I have not.
 5 MR. CONNELLY: Why don't we go off the
 6 record one more time?
 7 (Whereupon, a break was taken from
 8 10:44 a.m. to 10:56 a.m.)
 9 Q. (By Mr. Connelly) Okay, Ms. Cuprill, when
 10 you received notice that your deposition
 11 would be taken, by subpoena, did you speak
 12 with anybody else other than your husband?
 13 A. No.
 14 Q. Okay.
 15 Have you spoken with Ned Donovan since
 16 this case against Judge Neely began?
 17 A. I believe I might have reached out to
 18 him on social media to see if he had also
 19 been subpoenaed.
 20 Q. Do you recall when that was?
 21 A. Probably right after we received ours.
 22 Q. So sometime in August?
 23 A. Sure.
 24 (Moving head up and down.)
 25 Q. Did you receive any response from him?

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1 A. He said no.
 2 Q. Any other -- was that on Facebook?
 3 A. I -- I think so.
 4 Q. Was that out -- was it messaging? Was it
 5 a post that you can see?
 6 A. It probably was on Messenger.
 7 Q. Did you consider the fact that there was a
 8 confidentiality provision in the case before
 9 you reached out to Mr. Donovan?
 10 A. I think I did, but I believe, since I
 11 assumed that he had also given his
 12 statement, that he was part of that circle
 13 of confidentiality.
 14 Q. Do you know whether Mr. Donovan contacted
 15 the press?
 16 A. I don't.
 17 (Moving head from side to side.)
 18 Q. Okay.
 19 Has Mr. Donovan, to your knowledge,
 20 contacted anyone else that we've spoken
 21 about today?
 22 A. I -- I don't know.
 23 (Moving head from side to side.)
 24 Q. Okay.
 25 Has he contacted your husband?

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1 A. No.
 2 Q. Okay.
 3 You said, I think -- I believe you said
 4 you were texting with Jeran Artery before
 5 Miss Soto's party; is that correct?
 6 A. I --
 7 Q. About the accommodations, where you were
 8 going to stay. Is that correct?
 9 A. Yeah, it could have been a text. I
 10 don't remember.
 11 Q. Did you text with Mr. Artery often?
 12 A. No.
 13 Q. Okay. Have you texted with him regarding
 14 this case since it began?
 15 A. No.
 16 Q. Have you spoken with him in the last
 17 24 hours?
 18 A. No.
 19 Q. Did you review, at all, his experience in
 20 a deposition in this case?
 21 A. No.
 22 Q. Okay.
 23 Did he call you?
 24 A. No.
 25 Q. Okay.

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1 Have you spoken with Miss Soto since
 2 this case against Judge Neely began?
 3 A. No.
 4 Q. Other than the e-mail.
 5 A. No.
 6 Q. Okay.
 7 A. She was not at the event recently in
 8 Jackson, so, no, I have not.
 9 Q. What was that event, you said?
 10 A. It was a fundraising dinner.
 11 Q. For the Democratic Party?
 12 A. Yes, sir.
 13 Q. Other than the -- the three conversations
 14 you spoke about with Mr. Dixon, have you
 15 spoken with him about the case at all?
 16 A. This morning.
 17 Q. Was that just about the deposition?
 18 A. Yes, sir.
 19 (Moving head up and down.)
 20 Q. Okay.
 21 Do you know Judge Curt Haws?
 22 A. I know who he is.
 23 Q. Have you -- do you have a relationship
 24 with him in terms of speaking to him often?
 25 A. No.

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1 Q. Does your husband?
 2 A. He might.
 3 Q. Okay.
 4 Other than the people that we've spoken
 5 about today, who else have you spoken to
 6 about this case?
 7 A. No one that I recall.
 8 Q. Okay.
 9 I'm just gonna --
 10 A. Or, well, I haven't spoken to her, but
 11 she spoke to me; Laura Hancock from the
 12 *Casper Star-Tribune* called me and asked
 13 about the case.
 14 Q. And that was the one conversation you
 15 spoke about earlier --
 16 A. Yes.
 17 Q. -- in the deposition?
 18 And did you ask her at that time, in that
 19 phone call, how she knew about the case?
 20 A. No. I --
 21 Q. Did she reveal to you how she found out
 22 about the case?
 23 A. No. I didn't want to talk about it at
 24 all, so...
 25 Q. Do you know Mel Orchard?

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1 A. Who?
 2 Q. Mel Orchard?
 3 A. No.
 4 Q. Do you know Scott Ortiz?
 5 A. No.
 6 Q. Julie Tiedeken?
 7 A. No.
 8 Q. Jay Gilberts?
 9 A. No.
 10 Q. Caseton [phonetic] Connelly?
 11 A. Who?
 12 Q. Kasteen [phonetic] Connelly?
 13 A. No.
 14 Q. It's spelled Kirsten Connelly. I'm
 15 struggling for the pronunciation.
 16 A. Oh. No.
 17 Q. No? Okay.
 18 Barbara Dilths [phonetic]?
 19 A. No.
 20 Q. Mary Flitner?
 21 A. No. The name sounds familiar, but I
 22 believe there was a Flitner that was
 23 running for mayor in Jackson.
 24 Q. Karen Hayes?
 25 A. No.

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1 Q. Donna Kay Heinz?
 2 A. No.
 3 Q. Leslie Petersen?
 4 A. Yes.
 5 Q. And how do you know Miss Petersen?
 6 A. Leslie Petersen was the chair of the
 7 Wyoming Democratic Party for a time and she
 8 ran for governor.
 9 Q. Did you take over for Miss Petersen when
 10 you were --
 11 A. No. I took over for Pete Gosar.
 12 Q. How often would you say you speak with
 13 Miss Petersen?
 14 A. Once a month.
 15 Q. In what capacity?
 16 A. Democratic Party fundraising, usually.
 17 Q. Is she involved in the Democratic Party at
 18 this time?
 19 A. Yes.
 20 Q. And what does she do?
 21 A. I believe she might be a committeewoman
 22 or a -- I believe she has a position in the
 23 Teton County Democrats.
 24 Q. Okay.
 25 Did you work on her campaign when she was

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1 running for governor?
 2 A. I -- not officially. We did --
 3 Sublette County Democrats did host a coffee
 4 hour here for her when she was running.
 5 Q. Okay.
 6 Do you know Judge Wendy Bartlett?
 7 A. No.
 8 Q. Judge Wade Waldrip?
 9 A. No.
 10 Q. Judge Thomas Sullins?
 11 A. No.
 12 Q. You mentioned a lawyer who was at
 13 Miss Soto's party. Was that Lori Brand?
 14 A. Yes.
 15 Q. And how do you know her?
 16 A. Democratic Party events.
 17 Q. Is she active in the Democratic Party?
 18 A. Yes.
 19 She is currently the secretary for the
 20 state party.
 21 Q. So is she one of your --
 22 A. She's part of my executive committee.
 23 Q. Are you her supervisor?
 24 A. No.
 25 Q. Okay.

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1 A. I am not her boss. She is part of the
 2 executive committee of the state party.
 3 Q. Okay.
 4 A. She was elected.
 5 Q. You mentioned that you -- that you got the
 6 invitation. It was -- it was a broad social
 7 media invitation --
 8 A. Um-hum,
 9 Q. -- for Miss Soto's party.
 10 Were you on a -- were you on a -- were you
 11 on a list that you would receive those
 12 invitations or did somebody forward that to
 13 you?
 14 A. I think it just probably popped up or
 15 somebody invited me from that group.
 16 Q. Okay. You don't recall who --
 17 A. I don't.
 18 Q. Okay.
 19 A. I want to say either Mike or Lori were
 20 chairing. Mike Bleakley or Lori Brand were
 21 part of that grassroots group in Laramie
 22 County Democrats.
 23 Q. Okay.
 24 A. And as chair, I would have been invited
 25 to any events.

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1 Q. Okay.
 2 Have there been any similar events since
 3 then?
 4 A. No.
 5 Q. Are those normally held at people's houses
 6 or --
 7 A. I don't know.
 8 Q. Okay.
 9 Had you been to Christmas parties like
 10 that before?
 11 A. For that particular group?
 12 Q. Yeah.
 13 A. No.
 14 Q. I don't have any further questions.
 15 MR. DIXON: I don't have any questions.
 16 MR. CONNELLY: I'll just --
 17 MR. WARDLOW: Would you like to read
 18 and sign?
 19 THE WITNESS: Would I like to what?
 20 MR. CONNELLY: Under -- under the
 21 rules, the Wyoming rules, you are permitted
 22 to get a copy of the deposition, read
 23 through it to make sure that you think it
 24 accurately captures your testimony. And
 25 then if there are any discrepancies you

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1 think need to be addressed, you can alert
 2 the court reporter to them. And then you'd
 3 sign them --
 4 THE WITNESS: Yes.
 5 MR. CONNELLY: -- saying it's accurate.
 6 THE WITNESS: Yes, I would like that.
 7 MR. CONNELLY: Okay.
 8 MR. DIXON: You can certainly waive it,
 9 I recommend. I've known Michelle for a
 10 long time. She gets almost every other
 11 word right.
 12 THE WITNESS: Okay.
 13 MR. CONNELLY: She can get you a copy
 14 and you can review it.
 15 THE WITNESS: Okay.
 16 (Whereupon, the deposition of Ana
 17 Margarita Cuprill was ended at 11:05 a.m.)
 18
 19
 20
 21
 22
 23
 24
 25

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1 STATE OF: _____)
 2 COUNTY OF: _____)
 3
 4 I, the undersigned, declare under penalty
 5 of perjury that I have read the foregoing
 6 transcript, and I have made any corrections,
 7 additions or deletions that I was desirous of
 8 making; that the foregoing is a true and
 9 correct transcript of my testimony contained
 10 herein.
 11 Executed this ___ day of _____, 2015
 12 at _____
 13 (City) (State)
 14
 15 _____
 16 (Deponent's Name- please print)
 17
 18 _____
 19 (Deponent's Signature)
 20
 21 Subscribed and sworn before me _____
 22 This ___ day of _____, 2015
 23
 24 _____
 25 Notary Name Notary Signature
 Seal
 My Commission expires: _____

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1 STATE OF WYOMING)
)
2 COUNTY OF SUBLETTE)

3 I, Michelle L. Cunningham, Deputy and
4 Freelance Shorthand Reporter and notary Public
5 in and for the State of Wyoming, do hereby
6 certify that the foregoing proceeding was
7 reported by me and was thereafter transcribed
8 under my direction into typewriting consisting
9 of pages 1 to 114; that the foregoing is a
10 full, complete and true record of said
11 proceedings to the best of my ability.

12 I further certify that I am not of counsel
13 or attorney for either or any of the parties in
14 the foregoing proceeding and caption named, or
15 in any way interested in the outcome of the
16 cause named in said caption.

17 In witness whereof, I have hereunto set my
18 hand and affixed my seal this day.

19 Date: _____, 2015
20

21 Michelle L. Cunningham
22 Deputy and Freelance Reporter
23 Notary Public
24
25

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EXHIBIT 16

BEFORE THE COMMISSION ON JUDICIAL CONDUCT AND ETHICS

STATE OF WYOMING

An inquiry concerning)	No. 2014-27
The Honorable Ruth Neely)	
Municipal Court Judge and)	
Circuit Court Magistrate)	
Ninth Judicial District)	
Pinedale, Sublette County)	

COMMISSION'S SUPPLEMENTAL RULE 11(b) DISCLOSURES

COMES NOW Patrick Dixon, attorney for the Commission on Judicial Conduct and Ethics, and supplements its prior Rule 11(b) Disclosures as follows:

A. *Persons Likely to Have Discoverable Information:*

1. Ana Cuprill, 230 Spruce St., Pinedale, Wyoming, telephone (307) 413-7133. Ms. Cuprill is a resident of Pinedale, Wyoming. Ms. Cuprill became aware of Judge Neely's position regarding same sex marriage by reading the Ned Donovan article in the Pinedale Roundup. She is also aware that there were letters to the editor and editorials published in the same publication both for and against Judge Neely's position. Shortly after the newspaper article appeared, it generated considerable Facebook chatter among Ms. Cuprill's friends and acquaintances around the state of Wyoming, most of whom were offended by the statements attributed to Judge Neely in the newspaper articles.

Coincidentally, Ms. Cuprill attended a Christmas party at the home of Wendy Soto, the Executive Director of the CJCE. While discussing Judge Neely's comments with an acquaintance, Geron Artery, an individual affiliated with the LGBT community, Mr. Artery suggested that she should discuss the matter with Ms. Soto. Accordingly, Ms. Cuprill had a brief conversation with Ms. Soto who gave her her business card and suggested that she might want to file a complaint with the

Commission. Ms. Cuprill did want to file a complaint and accordingly followed up her conversations at the Christmas party with an email to Ms. Soto, which she considers to be a complaint. Ms. Cuprill also believes that Judge Neely actively participated in support of Mayor Jones' election campaign.

2. Ned Donovan, London, England, telephone 44-7736-833-776. Mr. Donovan is currently a resident of London, England, but was residing in Pinedale, Wyoming and writing newspaper articles for the Pinedale Roundup in the fall of 2014. Following the *Guzzo* opinion, it came to his attention that there was an unidentified same sex couple in Pinedale who had applied for a marriage license and/or intended to become married in Wyoming. He learned that Judge Neely had made it known that she would not perform a ceremony for this couple and had either begged off or made it known that she would not do so because of a scheduling conflict.


Accordingly, Mr. Donovan contacted Judge Neely to learn about her position on same sex marriage. He initiated the conversation by asking Judge Neely if she was excited to have the opportunity to perform the first same sex marriage in Sublette County. Judge Neely responded emphatically in the negative, stating that she would not perform same sex marriages and explained in detail her position with respect to same sex marriage. Mr. Donovan will describe her comments as a "twenty minute rant." A short time later Judge Neely called him back and asked him not to publish her comments. After discussing the matter with Jim Angel with the Wyoming Press Association and with a supervising editor, he received the go ahead to publish an article. Before doing so, he called Judge Neely and spoke with her a third time, and offered not to run the article if she would be willing to change her position and state a willingness to perform same sex marriages. Judge Neely refused to do so and told him to go ahead and publish what he wanted. Mr. Donovan will testify that Judge Neely

was accurately quoted in the Pinedale Roundup article. Mr. Donovan may also be asked to testify to his conversations with Mayor Jones and other Pinedale councilman on the issue.

B. *The Documents Which May be Offered in Support of the Commission's Position:*

Attached hereto are Ned Donovan's notes on his conversations with Judge Neely and Mayor Jones.

DATED this 27 day of July, 2015.


Patrick Dixon (Wyo. Bar #5-1504)
104 S. Wolcott, Suite 600
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(307) 234-7321
(307) 234-0677 (facsimile)
Disciplinary Counsel

CERTIFICATE OF SERVICE

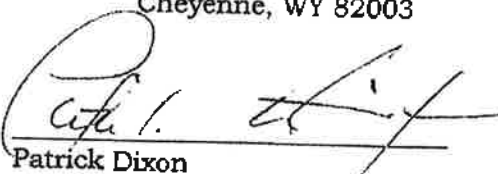
I, Patrick Dixon, do hereby certify that on the 27 day of July, 2015, I served the above and foregoing **Commission's Supplemental Rule 11(b) Disclosure** by placing a true and correct copy in the United States mail, duly postmarked and addressed to:

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Patrick Dixon

Process

"The process is exactly the same. The process is go to the county clerk's office, and then the couple will call a judge and if the judge can do it

"Circuit court commissioners can preside over weddings."

"Steve Smith is a circuit court magistrate, and I think that he would do that."

Same sex marriages

Asked if she was looking forward to them: "I will not be able to do them."

"We have at least one magistrate who will do same-sex marriages but I will not be able to."

Asked if it was at judge's discretion: "I'm making it my discretion..."

"I don't want to come across as some old stick in the mud who don't do anything for anybody."

Trying to clarify position after realising she was digging a hole

"There's legal issues in life, and there's moral issues in life and they don't always match. So for me my moral issues supersede the legal issues and so I'm not saying it's wrong because legally it's correct, legally it's right, but morally I'm not able to."

"By me not being able to do that, it's not leaving anyone out cold. Because we have extra circuit court magistrates who will do those."

"Circuit court judges are required to do them."

"I am required to do them because I am a [circuit court] magistrate."

"I may be digging myself a hole, I don't know."

"If because of my moral convictions, I can no longer do any weddings, then I can't do any weddings."

"Gently, I would like people not to know that I can't do them. I would gently direct them to Steve Smith, I would gently tell them I'm not available that day."

"All magistrates are required to perform weddings, and any couple regardless of gender, can call any magistrate and any judge and see if that judge can fit them into their personal schedules."

Call 20 minutes later, asked to retract all above quotes and replace with below:

"When law and religion conflict, choices have to be made. I have not yet been asked to perform a same-sex marriage."

"As the town judge, she does not perform marriages, that is not part of the description of the work of a town judge ... [Performing marriages] is something she took on herself years ago to try and ... provide more services to the town. In terms of whether she will do that as the town judge, which is what she is hired to do for us, it's kind of a non-player."

"If she does not feel comfortable performing a same-sex marriage, then that's her business and she's going to have to decide that. However, that will require her to resign her position as a magistrate, and if she wants to do that then that's completely up to her."

"As far as my feelings on it, I think it's irrelevant. I support Judge Neely, she has deep religious convictions, just like people have them on the other side and I'm not going to force any of my employees to do something they're not comfortable with."

Decision would go before Town Council, not a decision for mayor.

"Until we have a problem, I don't see any point in creating a problem."

Not aware of any requests made to Neely. If it was denied, they would bring it to the council and mayor would be happy to hear that case.

Indicated he was willing for it to come up in a meeting if a citizen wanted to.

"Even if she denied one, I'm not going to bring it up unless that person asks for it to be brought up."

Jones supported same-sex unions not same-sex marriage.

"If there's one person that I know that would swallow hard and do what the law said, it would be Ruth Neely."

Appointed by Jones, confirmed by Town Council

"I could not be more proud of Ruth Neely than I am. She is a very morally strong person and she has a right to her [private] beliefs. They do not [interfere with her job as municipal judge.]"

Jones didn't think her approach was unfair

"I will not in anyway try and force her to do something she is morally uncomfortable with."

"I want to be very clear I have all the faith in the world that if a case unrelated to this ... came before her, [and] that she did not think she could be morally fair, I have every, every, expectation, as well as I know her, that she would recuse herself before taking that case and enforcing her morals."

EXHIBIT 17

Judge Haws

From: Judge Haws
Sent: Thursday, December 11, 2014 2:28 PM
To: Judge Castor; Judge Roberts
Subject: Pinedale Article re magistrate
Attachments: Pinedale Roundup article.pdf

Good afternoon gentlemen,

Attached is an article from our local paper. The Casper Star is calling the magistrate in question and I have instructed her to have no further comment.

I don't think I have any option but to relieve Judge Nealy (muni court judge) from her position as a Circuit Court Magistrate. Do either of you see the situation differently?

Curt

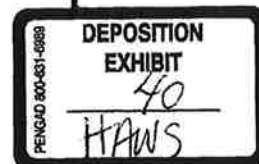


EXHIBIT 18

**Wyoming Democratic Party
Platform Adopted May 17, 2014**

"We the people of the United States, in order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this constitution for the United States of America." - Preamble to the U.S. Constitution

The Wyoming Democratic Party adopts the following platform to set forth our principles.

OPPORTUNITY

We are committed to equal opportunity across our society. We believe public policy should foster an economic, social, and institutional environment where all individuals have the opportunity to pursue life, liberty, and happiness.

HEALTH CARE

We support the Affordable Care Act and support health care as a basic human right from birth to the end of life. In order to provide high quality, affordable, and accessible care to all citizens, Medicaid must be expanded in all states. Insured health care should cover all types of treatment including:

- Medical
- Dental
- Chiropractic
- Mental health
- Women's health
- Pediatric health
- Substance abuse
- And all other care that Wyoming citizens need

We support the government's right to negotiate for the lowest prescription drug prices, and the right of individuals to import prescription drugs.

We support adequate funding for senior centers, nursing homes, and in-home care.

Medicare, Social Security, and Medicaid must never be privatized.

We believe in the support of medical marijuana use as a legitimate treatment.

We support the movement toward a single payer plan that will provide expanded Medicare benefits to every citizen in the United States.

We support honoring our obligations to our armed forces and veterans by providing fully funded comprehensive medical and psychiatric care and providing it in a timely way.

We support public funding for research, education, and prevention of all disease.

EMPLOYMENT OPPORTUNITY

The right-to-work law should be repealed.

We support payment of a living minimum wage for all workers including tipped employees. We support pay equity based upon a foundation of comparable worth. We support closing the gender wage gap and support equal economic opportunity for all Wyoming residents.

We support programs and legislation which will enhance inspection and enforcement of workers' safety, promote cooperative programs for compliance assistance, and increase penalties for safety violations.

We support adequate, reasonable, and fairly administered worker compensation benefits.

We support the use of state and county funds to provide job training and internships to strengthen and enhance the local work force.

We support accessible, affordable, high-quality child care.

IMMIGRATION

We need comprehensive and effective immigration reform including a path to citizenship. We oppose the adoption of local or state statutes depriving immigrants of their health, safety, and well-being.

EDUCATIONAL OPPORTUNITY

We support investment in a strong and diverse educational system required for individual success and responsible citizenship.

We believe public education needs to be fully supported from early childhood to higher education, and adult education.

We believe a well-rounded citizen will have instruction in a wide variety of subjects. The state of Wyoming should support physical education, technology, vocational, humanities, civics and government, and art classes in addition to core classes in K-12 schools, community colleges, trade schools, and the University of Wyoming.

We support the inclusion of current research-based curriculum as approved by the state board of education and informed by Next Generation Science Standards. We support the implementation of standards developed collaboratively by the National Governors' Association and the Council of Chief State School Officers.

INTEGRITY / FAIRNESS

Wyoming Democrats support the Constitutions of the United States of America and Wyoming as living documents which establish the basic integrity of government and public policy.

We support dedication to the rule of law applied impartially and consistently.

GOVERNMENT PROCESS

We support the separation of church and state.

We support transparency in government at all levels including adherence to all public meeting and open government laws.

We support adherence to and enforcement of laws regulating ethics and conflicts of interest at all levels of government.

We support full lobbyist disclosure.

We support fiscally responsible government.

We support transparent regulation of the banking and financial industries.

We encourage open, comprehensive accounting of expenditures and results of the state's economic development and diversification efforts.

We support the Consumer Protection Agency in its mission to protect American citizens.

We support the inherent rights of federally recognized tribes as Sovereign Nations (as stated in the US Constitution; Commerce Clause) to interact, communicate and find consensus with the Wyoming State Government.

We affirm our commitment to the indigenous communities' right to sovereignty, and to practice traditional customs and languages.

We oppose the privatization of public services benefitting the American people, including social security, Medicare, Medicaid, prisons, and the military.