

FOR IMMEDIATE RELEASE

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HOOD COUNTY BELIEVED TO BE FIRST IN NATION TO PAY FINANCIAL SETTLEMENT FOR REFUSING TO ISSUE SAME SEX MARRIAGE LICENSES

Granbury, TX–August 17, 2015– O’Connell & Soifer LLP and Kaplan Law Firm PLLC are pleased to announce the settlement of their clients’ marriage equality lawsuit, *James Cato and Jody Stapleton v. Katie Lang, in her official capacity as Hood County Clerk, No. 4:15-cv-491-A in the U.S. District Court, N.D. Texas, Ft. Worth Division*. Cato and Stapleton are believed to be the first same-sex couple whose challenge to a County Clerk for failure to issue a marriage license to them resulted in both the issuance of licenses and payment by the County of the attorneys’ fees incurred by the couple in fighting for their rights. Hood County paid \$43,872.10 to settle the case.

Jim Cato and Joe Stapleton are native Texans who own a 30-acre working ranch in Granbury, Hood County, Texas, where they live. They have been in a committed relationship for 27 years. After the U.S. Supreme Court’s June 26, 2015 *Obergefell* decision that declared that same-sex couples have a constitutional right to marry, Cato and Stapleton planned to get married at their home.

Starting on Monday, June 28, 2015, and continuing through July 2, 2015, Cato and Stapleton attempted to obtain a marriage license from the Hood County Clerk’s office. County Clerk Lang, an elected official, refused and posted on her official website that she “will not be issuing same sex marriage license’s [sic] due to [her] religious convictions.” In refusing to fulfill this official duty of her office, Clerk Lang was apparently following the advice of her personal lawyer from the Liberty Institute, a private organization affiliated with the Christian right which has no responsibility to Hood County or its taxpayers.

After the Hood County Clerk’s office repeatedly refused them a marriage license, Cato and Stapleton hired O’Connell & Soifer and Kaplan Law Firm, which sent a demand letter to Clerk Lang and then personally met with Clerk Lang and requested that she follow the law. Lawyers Jan Soifer and Austin Kaplan warned Clerk Lang on July 2, both in writing and in person, that a lawsuit would be filed the following Monday morning if she failed to issue the license without further delay.

Clerk Lang refused to issue Cato and Stapleton a marriage license, and continued to refuse to do so until approximately five hours after the lawsuit was filed the following Monday morning, July 6, when the very form that Clerk Lang and her Liberty Institute lawyer claimed could not be used, was in fact used. In the interim, Cato and Stapleton were subjected to degrading and disrespectful treatment and unnecessary and malicious delay in issuing their marriage license, causing them significant emotional and mental distress, and requiring them to hire lawyers to enforce their rights.

Hood County's potential financial exposure for damages and attorneys' fees in the lawsuit exceeded half a million dollars, not including the amount the County would have had to pay its own lawyers to defend the case. To avoid this expense to Hood County taxpayers for the actions of Clerk Lang and her Liberty Institute lawyer, Cato and Stapleton agreed to waive any recovery for the harm this caused them and agreed to drop the lawsuit if their attorneys were paid for the legal work done to enforce their civil rights.

Lawyers Jan Soifer, Pat O'Connell, and Austin Kaplan, with assistance from local counsel Corinna Chandler, summer associate Pedro Villalobos, and paralegal Paula Spears, spent more than 150 hours on this civil rights case since late June. Instead of seeking payment for all of their time, O'Connell & Soifer and Kaplan Law Firm offered to discount the amount of time they spent on the case by one-half, and the Hood County Commissioners agreed to pay for this time in order to avoid protracted litigation.

The case is now settled, Hood County has paid, and Cato and Stapleton are dismissing the lawsuit. In honor of the wedding of Jim Cato and Joe Stapleton and the victory in this case, O'Connell & Soifer and Kaplan Law Firm are donating a portion of the legal fees they recovered from Hood County to the Equality Texas Foundation, whose mission is to work to secure full equality for LGBT Texans through education, community organizing, and collaboration.

Pat O'Connell, counsel for Plaintiffs:

"It is a shame that Hood County Clerk Katie Lang refused to follow the rule of law, causing our clients to go through the difficulties of hiring lawyers and filing a federal lawsuit to obtain the marriage license to which they are constitutionally entitled. And it is sad that the taxpayers of Hood County have to pay the price for their elected official's misconduct."

Jan Soifer, counsel for Plaintiffs:

"Marriage equality is finally the law of the land. Instead of seeking legal advice from the Hood County Attorney about the impact of the law on her official responsibilities, Hood County Clerk Katie Lang turned to a private attorney from the Liberty Institute, putting her own personal political goals ahead of her responsibilities to Hood County taxpayers. Clerk Lang's actions in violation of her legal duties forced our clients to file their lawsuit. Clerk Lang is fortunate that the Hood County Commissioners agreed to resolve the lawsuit now to save her from dealing with the additional expense and significant financial exposure her actions caused the taxpayers of her county."

Austin Kaplan, counsel for Plaintiffs:

"It is an honor and a privilege to represent Jim and Joe, who sought only to exercise their constitutional right to get married in Texas. This case should serve as a reminder that the Constitution applies everywhere in the United States, including in each and every one of the 254 counties in Texas. I am also particularly proud to play a role in the fight for equal treatment under the law now, equal treatment under the law tomorrow, and equal treatment under the law forever."

Jim Cato, Plaintiff:

“We are overjoyed that justice was done, and grateful to our lawyers for forcing the County Clerk to follow the law, something she was unwilling to do before our lawyers stepped in to represent us. We are very happy that we finally received our marriage license and were able to celebrate our marriage at our home in Granbury.”

O’Connell & Soifer LLP (www.oconnellsoifer.com) is an Austin-based boutique law firm that focuses its nationwide practice on anti-fraud litigation and other high-impact litigation. Kaplan Law Firm, PLLC (www.kaplanlawatx.com) is an employment and civil rights law firm, also located in Austin, Texas.

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