



FACT SHEET O'Darling v. O'Darling

ABOUT O'Darling v. O'Darling

Cait O'Darling and Stephanie A. Griffith, a same-sex couple, sought a “divorce” in Oklahoma after allegedly being “married” in Toronto, Canada. An Oklahoma judge, not realizing based on court submissions that they were two women, initially granted a divorce decree. The judge later vacated the decree and dismissed the case. In July 2008, the Oklahoma Supreme Court ruled that the lower court was within its authority to vacate the decree but remanded the case to lower court to provide O'Darling the opportunity to demonstrate why the decree should not have been vacated.

CURRENT STATUS OF O'Darling v. O'Darling AS OF 11/24/08

On Nov. 25, the Oklahoma trial court will allow O'Darling to clear up conflicting details presented in the case, such as why O'Darling was seeking a “divorce” several months after Griffith had legally married a man, and why O'Darling claims to have “married” Griffith in Canada several months before same-sex “marriage” became legal in that country. Oklahoma has a constitutional amendment, approved by 76% of the state’s voters in 2004, that defines marriage as the union between one man and one woman. ADF Senior Legal Counsel Austin R. Nimocks will be arguing on behalf of Oklahoma Speaker of the House Chris Benge that the decision to vacate the decree should stand.

FOCUS OF HEARING – WHAT IS AT STAKE?

If a same-sex “divorce” is granted by the court, it could potentially legally undermine the state’s constitutional amendment and bring other legal challenges to marriage, since then the state would be creating a recognition of the “marriage” in order to allow for a “divorce.”

CONTACT

Greg Scott, National Media Relations Director

Phone: (480) 444-0020, ext. 18111 / E-mail: gscott@telladf.org / Web: www.telladf.org/pressroom

ABOUT ADF

ADF is a legal alliance of Christian attorneys and like-minded organizations defending the right of people to freely live out their faith. Launched in 1994, ADF employs a unique combination of [strategy, training, funding, and litigation](#) to protect and preserve religious liberty, the sanctity of life, marriage, and the family.

ABOUT Austin R. Nimocks

Austin R. Nimocks is senior legal counsel for the Alliance Defense Fund. Before joining ADF in 2007, he served more than 10 years in private practice, most recently at Austin R. Nimocks & Associates, P.L.L.C., in Biloxi, Miss. Nimocks earned his J.D. from the Baylor University School of Law in Waco, Texas, and is admitted to the bars of Texas, Mississippi, and Alabama along with several other federal and state courts.