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SUPREME COURT OF TEXAS
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# No. 15-0688

## IN THE SUPREME COURT OF TEXAS

JACK PIDGEON & LARRY HICKS
*Petitioners,*

v.

MAYOR SYLVESTER TURNER & CITY OF HOUSTON
*Respondents.*

On Petition for Review from the
Fourteenth Court of Appeals, Houston, Texas
Nos. 14-14-00899-cv, 14-14-00932-cv

## AMICUS CURIAE BRIEF OF
## State Senators, State Representatives, and numerous Conservatives leaders throughout Texas

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The U.S. Pastor Council is a nonprofit, bipartisan coalition of pastors based in Texas representing over one thousand churches with a diversity of ethnic, denominational and cultural backgrounds, assisting with the development of Pastor Councils in communities to address social, cultural, policy and justice issues of concern from a Biblical perspective.

The Texas Leadership (A.K.A. Texas Pastor Council) includes some of the largest churches in Texas such as Second Baptist Church, Dr. Ed Young (Houston); Grace Community Church, Dr. Steve Riggle (Houston); First Baptist Church, Dr. Robert Jeffress (Dallas); Gateway Church, Dr. Robert Morris (Southlake); Hyde Park Baptist, Dr. Kie Bowman (Austin); Church of the Open Door, Dr. Ronnie Holmes (Waco); World Outreach Center, Pastor Charles Flowers (San Antonio); Iglesia Rios de Aceite, Dr. Hernan Castano, (Houston) and many others.

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## Rule 11 Amicus Curiae Brief Required Disclosure

This brief was prepared on behalf of Amici at no cost and in support of Appellants.

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## Summary of Argument

The primary question before the Supreme Court of the United States in *Obergefell* was whether or not same-sex couples had a constitutional right to marry.[1] The Court did not create other rights, such as rights to spousal benefits or even the right to live with your spouse. Subsequent decisions by courts all over the country have affirmed the right to marry, but have refused to expand that right to everything associated with marriage. Post-*Obergefell* decisions have, for example, found that *Obergefell* did not invalidate the presumption of paternity statutes nor did it create a fundamental right to engage in homosexual activity or make homosexuals a protected class.

In agreement of the narrow holding of *Obergefell*, Justice Devine observed in his dissent from the petition for review: "Marriage is a fundamental right. Spousal benefits are not." Justice Devine was right, and the appellate decision to the contrary must be reviewed and overturned.

Further, while the U.S. Supreme Court did purportedly create a new constitutional right to enter into same-sex marriage, nothing in that ruling compelled the taxpayers of Texas to pay for a vast array of benefits for same-sex spouses. Indeed, it would unnecessarily implicate constitutional issues of state sovereignty if *Obergefell* were misconstrued as imposing spending requirements on the state of Texas to fund expensive health care and other benefits without authorization by Texas law.

[1] *See Obergefell v. Hodges*, 135 S. Ct. 2584, 2593 (2015).

In exercising our state sovereignty, the Texas Constitution requires, "No money shall be drawn from the Treasury but in pursuance of ***specific appropriations made by law***."[2] Existing Texas state law remains in full effect: no agency or political subdivision of Texas may pay a "benefit" based on same-sex marriage. Tex. Fam. Code § 6.204. Unless and until the Texas legislature or this Court invalidates this statute, it must be enforced by lower courts and by public officials.

Finally, the people of the State of Texas deserve to have this Court hear a case of this magnitude. For years, Texans have looked to its highest court for guidance on the issue of same-sex marriage and, now, the rippled effects of *Obergefell*. This Court has the opportunity to diminish federal tyranny and reestablish Texas Sovereignty. The people have already spoken on the issue through the Texas legislature. It would be a detriment to their constituents if this elected Court were to remain silent. For these foregoing reasons, the appellate decision to the contrary should be reviewed by this Court and overturned, in order to restore the Rule of Law.

## I. *Obergefell* Only Held that Same-Sex Couples Had a Federal Constitutional Right to Marry, and It Did Not Broadly Invalidate Every Law That May Provide More Benefits to Traditional Marriage than Same-Sex Marriage.

In order to locate the true meaning of *Obergefell* one must sort the dicta from the holding.[3] There is significant difference between statements about the law, which courts

[2] Tex. Const. art. VIII, § 6 (emphasis added).

[3] *See* Judith M. Stinson, *Teaching the Holding/Dictum Distinction*, 19 Perspectives: Teaching Legal Res. & Writing 192 (2011) ("Knowing the distinction is important because when lawyers (and judges) can't distinguish a case's holding from its dicta, injustice can occur.").

should consider with care and respect, and utterances which have the force of binding law.[4]

Before getting to the express holdings of the Court, it is important to note that only two issues were addressed by the five unelected judges in *Obergefell*. 135 S. Ct. at 2593 ("This Court granted review, limited to two questions. The first, presented by the cases from Michigan and Kentucky, is whether the Fourteenth Amendment requires a State to license a marriage between two people of the same sex. The second, presented by the cases from Ohio, Tennessee, and, again, Kentucky, is whether the Fourteenth Amendment requires a State to recognize a same-sex marriage licensed and performed in a State which does grant that right.") (internal citation omitted).

*Obergefell* was not as broadly sweeping as the Respondents would like this Court to believe. The Majority's holdings were expressly worded and only held that same-sex couples had a fundamental right to marry.

> This analysis compels the conclusion that same-sex couples may exercise the right to marry. *Id.* at 2599 (emphasis added).
>
> The Court now holds that same-sex couples may exercise the fundamental right to marry. *Id.* at 2604-2605 (emphasis added).
>
> The Court, in this decision, holds same-sex couples may exercise the fundamental right to marry in all States. It follows that the Court also must

[4] *See Kastigar v. United States*, 406 U.S. 441, 454-55 (1972) (stating that broad language of dicta "cannot be considered binding authority"); *Jama v. Immigration & Customs Enforcement*, 543 U.S. 335, 351 n.12 (U.S. 2005) ("Dictum settles nothing, even in the court that utters it."); *compare*, Blackman, Josh, *Much Ado About Dictum; or, How to Evade Precedent Without Really Trying: The Distinction between Holding and Dictum* 15 (December 19, 2008). Available at SSRN: *http://ssrn.com/abstract=1318389* (explaining that "to give dicta power would blur the lines between the judiciary and the legislative powers").

> hold—and it now does hold—that there is no lawful basis for a State to refuse to recognize a lawful same-sex marriage performed in another State on the ground of its same-sex character. *Id.* at 2607-2608 (emphasis added).

The *Obergefell* majority only signals an express holding four times, the three preceding quotes, and the following:

> These considerations lead to the conclusion that the right to marry is a fundamental right inherent in the liberty of the person, and under the Due Process and Equal Protection Clauses of the Fourteenth Amendment couples of the same-sex may not be deprived of that right and that liberty. The Court now holds that same-sex couples may exercise the fundamental right to marry. No longer may this liberty be denied to them. *Baker v. Nelson* must be and now is overruled, and the State laws challenged by Petitioners in these cases are now held invalid to the extent they exclude same-sex couples from civil marriage on the same terms and conditions as opposite-sex couples. *Id*. at 2604-2605 (emphasis added).

Even the dissenting opinions evidence a narrow holding. *See Id.* at 2631 (Thomas, J., dissenting) ("The majority's decision today will require States to issue marriage licenses to same-sex couples and to recognize same-sex marriages entered in other States . . ."") (internal quotation marks omitted); *id.* at 2611 ("Today . . . the Court takes the extraordinary step of ordering every State to license and recognize same-sex marriage.") (Roberts, J., dissenting); *id.* at 2629 (Scalia, J., dissenting).

*Obergefell* may have invalidated prohibitions preventing same-sex couples from obtaining marriage licenses throughout the nation, but it did not hold or conclude that every state law touching on the marital relationship invalid if they apply differently to traditionally married couples or same-sex partners. To the contrary, *Obergefell* only struck the state laws challenged by the Petitioners. *Id.* at 2605 ("[T]he State laws

challenged by Petitioners in these cases are now held invalid to the extent they exclude same-sex couples from civil marriage on the same terms and conditions as opposite-sex couples.") (emphasis added).[5]

As can be seen from the above, the bottom line is that *Obergefell* made no express ruling on issues like the one before this Court. *See Id.* at 2623 (Roberts, J., dissenting) ("Although they discuss some of the ancillary legal benefits that accompany marriage, such as hospital visitation rights and recognition of spousal status on official documents, petitioners' lawsuits target the laws defining marriage generally rather than those allocating benefits specifically.").

## II. As the Dissent Explained, *Obergefell* Does Not Require Taxpayer Subsidies for Spousal Benefits for Same-Sex Marriage.

Nothing in *Obergefell* requires taxpayer subsidies of employment benefits for same-sex spouses. As Justice Devine explained in his dissent from the denial of the petition:

> The court of appeals upset this balance between the judiciary and the legislature by inappropriately applying strict scrutiny. The Supreme Court's holding in *Obergefell* hinged on marriage's status as a fundamental right. *Obergefell*, 135 S. Ct. at 2604. This case, however, involves employment benefits, which the City obviously has no constitutional duty to offer to its employees, let alone their spouses. Though the laws in *Obergefell* denying access to marriage were subject to strict scrutiny, the laws in this case allocating benefits among married couples are not.[6]

[5] *See also Parker v. Judicial Inquiry Comm'n of Ala*., No. 2:16-CV-442-WKW, 2016 U.S. Dist. LEXIS 134015, at *4 n.2 (M.D. Ala. 2016) (acknowledging that while Alabama has similar marriage law to those challenged by *Obergefell*, that decision specifically invalidated "marriage laws in Michigan, Kentucky, Ohio, and Tennessee") (citing *Obergefell* at 2599).

[6] *Pidgeon v. Turner*, 59 Tex. Sup. Ct. J. 1625 (2016) (Devine, J., dissenting).

Spending decisions by the Texas legislature, such as restricting the payment of spousal benefits in certain circumstances, are entitled to some deference by the judiciary and are not properly subjected to strict scrutiny.

If this Court permits the appellate decision to stand and thus expand *Obergefell* beyond its actual text, it will permit, as Justice Hecht recently stated, "judges to define liberty according to their own personal policy preferences."[7]

This Court should grant the petition for review in order to instruct the trial court to construe *Obergefell* narrowly and consider on remand application of Tex. Fam. Code § 6.204 to comply with its prohibition on taxpayer subsidies of employment benefits for same-sex marriages.

## III. The Judicially Created Right to Same-Sex Marriage Does Not Create Additional Rights Associated with Marriage.

Creation of a new right to a new type of marriage does not automatically create a panoply of other fundamental rights. In fact, this Court has held that a fundamental right to marry does not extend to every activity touching upon or affecting marriage.[8] To the contrary, multiple courts have confirmed this Court's reasoning and rejected arguments that *Obergefell* established rights associated with marriage, rather than merely establishing a right to marry.

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[7] *Patel v. Tex. Dep't of Licensing & Regulation*, 469 S.W.3d 69, 127 (Tex. 2015) (Hecht, J., dissenting) ("How about restrictions on marriage? Unconstrained by any meaningful standard, substantive due process allows judges to define liberty according to their personal policy preferences.").

For example, while there may be a constitutional right to marry, *Obergefell* did not imply a "fundamental liberty interest" for a U.S. citizen to live with his or her alien spouse.[9] At least three post-Obergefell courts have agreed.[10]

Likewise, *Obergefell* did not create a constitutional right to taxpayer-funded employment benefits for marriage. *Compare Vinova v. Henry Cnty. Bd. of Educ*., 2016 U.S. Dist. LEXIS 125563, *20 n. 10 (E.D. Ky. Sept. 15, 2016) ("Obergefell was decided on constitutional grounds and . . . did not address the issue of gender nor of workplace discrimination.") (internal quotation marks omitted).[11]

Neither did *Obergefell* create rights associated with paternity nor did it invalidate state presumptions of paternity or state artificial insemination laws.[12]

Additionally, just last month, the Supreme Court of Vermont recognized that "*Obergefell* mandated that states recognize only same-sex marriage" and did not mandate "states to recognize and dissolve [same-sex] civil unions established in

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[9] *See Struniak v. Lynch*, 159 F. Supp. 3d 643, 668 (E.D. Va. Jan. 27, 2016) ("[C]onsistent with the logic of *Obergefell* and its predecessor implied fundamental liberty interest cases, [plaintiff's] asserted fundamental liberty interest [to live here with a non-citizen spouse] is not judicially enforceable under the Due Process Clause.")

[10] *Id.*; *Parella v. Johnson*, No. 1:15-cv-0863, 2016 U.S. Dist. LEXIS 82762, at *29, *31 (N.D.N.Y. June 27, 2016) (rejecting arguments that *Obergefell* establishes a "right to obtain a visa for an alien spouse" and explaining that [residing with one's spouse] "is not a case concerning the right to marry, or even the right to marry the person of one's choosing."); *Ali v. United States*, 2016 U.S. Dist. LEXIS 73976, *16 (D.N.H. June 7, 2016).

[11] *See also Garay v. State*, 940 S.W.2d 211, 218 (Tex. App.—Houston 1st Dist. 1997) (explaining that "[t]here is no fundamental right to employment that is not subject to regulation or criminalization by the legislature").

[12] *See S.R. v. Circuit Court for Winnebago Cnty*. (In the Interest of P.L.L.-R), 2015 WI App 98, ¶13 (Wis. Ct. App. Nov. 4, 2015) ("*Obergefell* did not answer questions regarding [a state]'s presumption of paternity statute, [n]or did *Obergefell* answer questions regarding [a state]'s artificial insemination statute.") (internal citations omitted).

Vermont."[13] Furthermore, the court opined that "civil marriage and civil unions remain legally distinct entities in [the state]" and because of *Obergefell's* narrow holding the only way couples who had engaged in same-sex civil unions in Vermont, but had since become legal residents of another state could dissolve their union, was by "moving to Vermont and becoming residents" there in order "to dissolve their Vermont civil unions."[14]

This very recent (September 23, 2016) post-*Obergefell* decision by the Vermont Supreme Court should be very telling. Even the highest state court of the liberal stronghold that is Vermont—the first state to introduce and allow same-sex couples to engage in civil unions, an entity that is similar yet "entirely separate from civil marriages," and "the first state to legislatively recognize same-sex marriage by redefining civil marriage" from one-man-one-woman to the "union of two people," acknowledges the narrow holding of *Obergefell*. *Id.* at ¶ 5-6.

The Vermont Supreme Court's opinion in *Solomon v. Guidry* is important for several reasons. Without detailing them all, the holding suggests that a prohibition on recognizing any "legal status . . . similar to marriage" found in Tex. Const. art. I, § 32(b), and Tex. Fam. Code § 6.204's provisions, at least in regards to a civil union (i.e., "a civil union is contrary to the public policy of this state and is void in this state" and "a political subdivision of the state may not give effect to a right or claim to any legal

[13] *Solomon v. Guidry*, 2016 VT 108, ¶ 10, 2016 Vt LEXIS 111, at **6 (Va. Sept. 23, 2016) (emphasis added).
[14] *Id.*

protection, benefit, or responsibility asserted as a result of a . . . civil union in this state or in any other jurisdiction."), are still valid statutory and state constitutional provisions.

Moreover, at least four post-*Obergefell* decisions have held that *Obergefell* did not place homosexuals into a protected class.[15]

Most importantly, this Court recently acknowledged that the boundaries of *Obergefell* were unsettled when it said "as with a stone dropped into a pond, assorted spin-off disputes are rippling swiftly throughout post-*Obergefell* America."[16] Justice Willett, the author of the preceding quote, was of course correct. Litigants are racing to the courts trying to use *Obergefell* as a sword against anything they find unpleasant.

The truth should now be clear. The fundamental right to marry does not extend to every activity touching upon or affecting marriage. That is why it is incumbent upon this Court to provide guidance to lower courts that seek to extend *Obergefell* beyond its holding and create rights not contemplated by the Supreme Court and contrary to the values and traditions of Texans.

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[15] *Ondo v. City of Cleveland*, 795 F.3d 597, 609 (6th Cir. Ohio Aug. 3, 2015) (opining that *Obergefell* "held only that the Equal Protection Clause was violated because the challenged statutes interfered with the fundamental right to marry, not that homosexuals enjoy special protections under the Equal Protection Clause") (internal citations omitted); *Davis-Hussung v. Lewis*, 2016 U.S. Dist. LEXIS 13844, *9 (E.D. Mich. Jan. 21, 2016), *recommendation adopted by* 2016 U.S. Dist. LEXIS 16464 (E.D. Mich. Feb. 10, 2016); *Dew v. Edmunds*, 2015 U.S. Dist. LEXIS 138708 (D. Idaho Oct. 8, 2015) (explaining that *Obergefell* did "not establish a broad right to be free from sexual orientation discrimination in all contexts"); *Garvey v. GMR Mktg*., Civil Action No. 5:16-CV-1072 (BKS/DEP), 2016 U.S. Dist. LEXIS 123353, at *6 (N.D.N.Y. Sept. 9, 2016).

[16] *In re State*, 489 S.W.3d 454, 454 (Tex. 2016) (Willett, J., Concurring) *See also*, ABA Journal, *After Obergefell: How the Supreme Court ruling on same-sex marriage has affected other areas of law*, June 1, 2016, http://www.abajournal.com/mobile/mag_article/after_obergefell_how_the_supreme_court_ruling_on_same_sex_marriage_has_affe/ (last visited Oct. 12, 2016) (stating that "Obergefell didn't foreclose debate on the multitude of legal issues that arise from marriage.").

## IV. The Texas Legislature Has Sovereignty Over Spending Decisions on Spousal Benefits

The Texas legislature has prohibited the spending on benefits at issue in this case. Without intervention by this Court, the Texas legislature would have its sovereignty ceded to the whims of nine unelected judges in Washington.

The U.S. Constitution clearly protects Texas against being compelled to spend taxpayer money on benefits contrary to state law. Nothing in *Obergefell* changed that. As Justice Kennedy previously wrote for the Court in *Alden v. Maine*, States retain traditional sovereignty under the safeguard of the Tenth Amendment:

> Any doubt regarding the constitutional role of the States as sovereign entities is removed by the Tenth Amendment, which, like the other provisions of the Bill of Rights, was enacted to allay lingering concerns about the extent of the national power. The Amendment confirms the promise implicit in the original document: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."[17]

Adding to this, Justice Kennedy further explained that "[t]he States 'form distinct and independent portions of the supremacy, no more subject, within their respective spheres, to the general authority than the general authority is subject to them, within its own sphere.'"[18] The foundation of *Alden* was state sovereignty, which applies with equal force to the issue here regardless of whether the law was passed by the federal legislative branch or imposed on the States by judicial activism.

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[17] *Alden v. Maine*, 527 U.S. 706, 713-714 (1999) (quoting U.S. Const. amend. X).
[18] *Id.* at 714 (quoting *The Federalist* No. 39, p. 245 (C. Rossiter ed. 1961) (J. Madison)).

The Texas Family Code establishes that any form of "marriage" other than a union of one man and one woman violates the State's public policy and is thereby void, and this forbids the State and its subdivisions from giving effect to a "right or claim to any legal protection, ***benefit,*** or responsibility asserted as a result of" such a union.[19] In addition, the charter for the City of Houston prohibits funding by the City of employment benefits to anyone other than city employees and their legal spouses and dependent children, except as required by federal or state law. Neither federal nor state law requires it.

Despite this, Mayor Annise Parker and the City of Houston defied state law and extended employee benefits to same-sex spouses of city employees who had obtained marriage licenses from other States. Petitioners Jack Pidgeon and Larry Hicks properly challenged these unlawful expenditures of taxpayer money by bringing this lawsuit, and the trial court held in their favor. The *Obergefell* decision subsequently changed none of this with respect to the spending of taxpayer dollars, and the appellate decision erred in ruling otherwise.

*Obergefell* may require States to license and recognize same-sex marriages, but that decision does not require States to give taxpayer subsidies to same-sex couples, just as *Roe v. Wade* does not require States to subsidize abortions or abortion providers as held by the U.S. Supreme Court in *Harris v. McRae*, 448 U.S. 297 (1980). Moreover,

[19] Tex. Fam. Code § 6.204(b), (c)(2) (emphasis added).

"whether public funds are to be expended on abortions is a legislative and not a constitutional question."[20]

The rights denoted by the liberty interest in the federal Due Process Clause also include the right to "establish a home and bring up children, [and] to worship God according to the dictates of his conscience." *Meyer v. Nebraska*, 262 U.S. 390, 399 (1923). However, this does not establish a right to government housing, taxpayer funded childcare, or publicly financed halls of worship. Additionally, the U.S. Supreme Court has not even guaranteed a constitutional right to welfare benefits at taxpayer expense.[21]

Since there is no "fundamental right" to spousal employee benefits, a State could abolish all spousal employee benefits without violating the Constitution or the Supreme Court's "substantive due process" doctrine.[22] As explained by Justice Devine's powerful dissent from the denial of the petition for review, this Court should grant the petition to ensure that the proper deferential standard of review is applied to state law with respect to the expenditure of taxpayer money, an issue not decided by *Obergefell*.[23]

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[20] *Schwanecke v. Vaseem Ali*, 1985 Tex. App. LEXIS 11762 at *4 (Tex. Civ. App.—Houston [14th Dist.]) (citing *Harris v. McRae*, 448 U.S. at 320).

[21] *See, e.g., Califano v. Boles*, 443 U.S. 282 (1979) (welfare benefits are not a fundamental right); *Dandridge v. Williams*, 397 U.S. 471 (1970) (same); *cf. San Antonio Indep. Sch. Dist. v. Rodriguez*, 411 U.S. 1, 32-33 (U.S. 1973) (explaining that the Constitution contains no guarantee to affordable or decent housing).

[22] *See* Cass R. Sunstein, *The Right To Marry*, 26 Cardozo L. Rev. 2081 (2005).

[23] *See Bailey v. City of Austin*, 972 S.W.2d 180 (Tex. App. Austin 1998).

## V. The People of Texas Deserve to Have an Issue of this Magnitude Answered by its Highest Civil Court.

If this Court denies rehearing of this case, it will have denied for the third time in two years the right of the people to hear what their highest civil court has to say on the subject of same-sex marriage.

In April of this year, the people of Texas saw a challenge to their statutory and state constitutional prohibitions against same-sex marriage go unanswered and lacking a published opinion by a majority of the Court. *See In re State*, 489 S.W.3d 454 (Tex. 2016).

In June of 2015, this Court dodged the opportunity to hold that under Tex. Fam. Code 6.204, a Texas court could not grant a divorce to a same-sex couple because that couple, according to Texas law, was not married. Instead the Court disposed of the matter on procedural grounds. *See State v. Naylor*, 466 S.W.3d 783, 799-800 (Tex. 2015) (Willett, J., dissenting) (explaining how the Majority's decision rested on state procedural law instead of federal constitutional law).

The instant case is the third time in our State's history that a case involving the marriage of two persons of the same gender has reached the Supreme Court of Texas. Whether this Court will grant rehearing and give the people of Texas, the taxpayers, and voters, an opportunity to hear what their duly elected high court justices have to say on

such an important issue is the primary question before this Court. "The people have entrusted this Court with expertise over civil matters" and deserve to hear its voice.[24]

Judicial candidates, especially those in a party primary, campaign on the issues. They give their opinions on the political concerns of the day and pledge allegiance to their party platform. As we will soon see on November 8th—elections have consequences. *See, e.g.*, *Obergefell* at 2625 (Roberts, J., dissenting) ("There will be consequences to shutting down the political process on an issue of such profound public significance."); *id.* at 2629 (Scalia, J., dissenting) ("A system of government that makes the People subordinate to a committee of nine unelected lawyers does not deserve to be called a democracy.").

## VI. Conclusion

The appellate decision at issue is contrary to the jurisprudence of the United States Supreme Court and, most importantly, the jurisprudence of this Court, and is in clear violation of law passed by the People of Texas. The action of the lower court has created confusion. It is imperative that this Court bring clarity to the issues and explain for the lower court and others watching what the law is—not what it should be. If this Court remains silent, it will have permitted further obfuscation of its authority and the sovereignty of the State of Texas by an unelected, overreaching federal judiciary. Therefore, this Court should grant Petitioners' Motion for Rehearing and ultimately

[24] *In re Reece*, 341 S.W.3d 360, 377 (Tex. 2011).

Petitioner's Petition for Review and, in due course, overturn the lower court's ruling in order to restore the Rule of Law.

Respectfully Submitted,

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## Certificate of Compliance

Pursuant to Tex. R. App. P. 9.4(i)(3), the undersigned certifies this brief complies with the type-volume limitations of Tex. R. App. P. 9.4(i)(2)(B). Exclusive of the exempted portions in Tex. R. App. P. 9.4(i)(l), the brief contains 4,007 words. The brief was prepared using Microsoft Word 2013.

*/s/Keith Strahan*
A. Keith Strahan

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