

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA

FILED  
U.S. DISTRICT COURT  
MIDDLE GEORGIA

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**DENNY C. CORMIER**  
Plaintiff, pro se

Civil Case No. 6:04-CV-19

- against -

Assigned To: HL

**MARIA GREEN**, Acting Director,  
Georgia Department of Human Resources,  
in her official capacity and,

**GEORGIA DEPARTMENT OF HUMAN RESOURCES** and,

**BRUCE E. COOK**, Chairman  
Board of Human Resources, in his official capacity and,

**GEORGIA BOARD OF HUMAN RESOURCES** and,

**COLQUITT COUNTY SUPERIOR COURT**,  
*The Honorable H. Arthur McLane, Chief Judge*,  
in his official capacity.  
Defendants.

VERIFIED COMPLAINT

**GEORGIA STATUTES §§ 19-6-(1-35) ALIMONY PROVISIONS IMPERMISSIBLY**

**INFRINGE THE FEDERAL RIGHT TO PRIVACY,**

**INTER ALIA**

“... it is clear that among the decisions that an individual may make without unjustified government interference are personal decisions relating to marriage...” *Carey v. Population Serv. Int'l.*, 431 U.S. 678, 684-685 (1977)

## INTRODUCTORY STATEMENT

- 1) Now comes the Plaintiff, DENNY C. CORMIER, who asserts, that Georgia Statutes permanent alimony provisions ( § 19-6 (1-35))
  - a. impermissibly infringe the U.S. Constitution, Fourteenth Amendment Due Process Clause, Section 2, fundamental Federal Right to Privacy in the Privacy Protected Zone of “Personal Decisions Relating to Marriage,” i.e. divorce (dissolution of marriage);
  - b. impermissibly infringe the U. S. Constitution, Fourteenth Amendment, Section 2, fundamental U.S. Constitution Equal Protection Clause;
  - c. impermissibly infringe the U.S. Constitution, Thirteenth Amendment as state imposed legal coercion to effect involuntary servitude;
  - d. impermissibly infringe the Georgia Constitutional Right to Privacy in the Privacy Protected Zone of “Personal Decisions Relating to Marriage,” i.e. divorce (dissolution of marriage);
  - e. impermissibly infringe Georgia Constitution Article I Section I, Paragraphs I, II, VII, XXII, XXV of the Georgia Constitution (Due Process, Equal Protection, Citizens Protection, Involuntary Servitude and Social Status.);
2. The Plaintiff seeks a declaratory judgment under 28 U.S.C. 2201 from this court on the above Federal and State question issues as well as a declaratory judgment relief under 42 U.S.C. 1983 and 28 U.S.C. 1367 (a).
3. This action arises because the Plaintiff has suffered an injury in fact; i.e., his marriage is being invaded and examined, his titled property and monies are now being assigned to his

former spouse by the State of Georgia, because of the challenged divorce (dissolution of marriage) statute permanent alimony provisions § 19-1-(1-35).

Further, because of the challenged statutes, he has been placed in jeopardy of civil and criminal contempt and punishable with threat of imprisonment by the State of Georgia if he fails to fully comply with the challenged statutes.

He has been deprived of his fundamental Right to Privacy, Property Rights, and Equal Protection Rights under the Fourteenth Amendment of the U.S. Constitution, his Thirteenth Amendment right to be free of involuntary servitude, and his Georgia Constitution Basic Rights emblazoned in Article I Section I, Paragraphs I, II, VII, XXII, XXV of the Georgia Constitution (Due Process, Equal Protection, Citizens Protection, Involuntary Servitude and Social Status.).

4. The United States Supreme Court has long held that “personal decisions relating to marriage” are fundamental rights (Right to Privacy) protected by the U.S. Constitution, Fourteenth Amendment.
5. The decision of a Georgian to divorce (dissolve his marriage) is a personal decision relating to marriage.
6. The Plaintiff asserts that Georgians by exercising their fundamental Right to Privacy to divorce (dissolve his marriage), i.e. exercising a “personal decision relating to marriage,” Georgia’s permanent alimony provisions ( § 19-6-1 (1-35)) deny them their property rights and permanently enslaves some of them to labor for the benefit of their former spouses or be held in contempt and imprisoned contrary to the U.S. Constitution Fourteenth Amendment and Thirteenth Amendment, and Georgia Constitution Basic Rights, Article I Section I,

Paragraphs I, II, VII, XXII, XXV (Due Process, Equal Protection, Citizens Protection, Involuntary Servitude and Social Status.)

7. The State of Georgia is not permitted to intrude upon these fundamental Federal and State Constitutional Rights without proving a compelling state interest is applied in the least intrusive manner and that the interest is substantially furthered by the legislation, i.e. strict scrutiny analysis.
8. Georgia statutes §§ 19-6-(1-35) mandate that the State has wide discretionary power through its judiciary, with only a judicial standard of equity, to forever strip DENNY C. CORMIER and other Georgians of their property rights in their earnings and deny them their here enumerated Federal and State Constitutional Rights.
9. The State of Georgia does not mandate that all Georgians who exercise their fundamental Right to Privacy of a “personal decision relating to marriage’, i.e. to divorce (dissolve their marriage), be mandated forever to support their former spouses nor does it require married spouses to support their spouses to the “lifestyle of the marriage” as it mandates divorced spouses.
10. A “personal decision relating to marriage”, i.e. to get married, stay married or to divorce (dissolve a marriage), is a recognized Federal and State Liberty Interest--a fundamental Right to Privacy.

### **STANDING, JURISDICTION and VENUE**

11. The jurisdiction of this Court is invoked pursuant to federal question subject matter and the provisions of 28 U.S.C. 1331.

12. The jurisdiction of this Court is invoked pursuant to Article III Section 2 of the U.S. Constitution; an actual “case or controversy” exists because the Plaintiff is currently subject to jurisdiction of the Defendants and the challenged statutes of the State of Georgia. The challenged statutes of the State of Georgia have been exercised by all of the Defendants against the Plaintiff. The Plaintiff has been injured, and continues to be injured, by the challenged statutes and all of the Defendants.

The Plaintiff alleges that such a personal stake in the outcome of the controversy assures that “concrete adverseness” which sharpens the presentation of issues upon which the court so largely depends for illumination of difficult constitutional questions.
13. The jurisdiction of this Court is invoked pursuant to 28 U.S.C. 1367, 1441 (a) (b) and (c).
14. The jurisdiction of this Court is invoked where the federal subject matter is an independent federal question and where the independent question is not inextricably intertwined with any state court judgment.
15. The jurisdiction of this Court is invoked where a federal question exists, the judicial defendants have enforcing authority, use it, and the only relief requested is declaratory judgment relief pursuant to the judicial defendants under 42 U.S.C. 1983.
16. Separately, and in addition to, Plaintiff presents a general challenge to the constitutionality of Georgia statutes § 19-6-(1-35) permanent alimony provisions.
17. Plaintiff is not requesting a divorce decree, alimony, child custody, or other family law decision from this Court.
18. Plaintiff is not requesting that a state court judgment be overturned, altered, modified, or entered by this Court.

19. Plaintiff is only requesting declaratory judgment relief, not injunctive relief challenging the constitutionality of a state statute as impermissibly infringing the US Constitution Fourteenth, Thirteenth Amendment, 42 U.S.C. 1983 and Georgia Constitution Article I Bill of Rights.
20. There is no bar to declaratory relief of independent federal questions and/or to a general constitutional challenge of state law.
21. The authority of this Court is further invoked pursuant to the Federal Declaratory Judgment Act and the provisions of 28 U.S.C. 2201.
22. The jurisdiction of this Court is invoked pursuant to the provisions of applicable sections of the U.S. Code that are not specifically asserted and/or are inadvertently omitted in this action that pertain to declaratory relief and the jurisdiction of this court.
23. The jurisdiction of this Court is invoked where the merits of the instant matter are capable of repetition but evade meritorious review.
24. Subject matter jurisdiction of this action is proper because an actual controversy exists among the parties, as well as adverse interests, as to which a declaratory judgment setting forth their rights and obligations under Federal law is necessary and will resolve the active issue, i.e. whether Georgia statutes § 19-6-(1-35) permanent alimony provisions impermissibly infringe the U.S. Constitution 14th Amendment Section 1 Due Process Clause, Right to Privacy, in the Privacy Protected Zone of a “personal decision relating to marriage,” U.S. Constitution 13<sup>th</sup> Amendment, as well as impermissibly infringing the Georgia Constitution, Right to Privacy and Article I Bill of Rights inter alia (see causes of action).
25. One or more of the Defendants reside in or are located in Colquitt County, Georgia. Therefore, venue is proper pursuant to 28 U.S.C. 1391 (b) (1) and (2).

## **PRO SE STANDARD OF REVIEW**

26. Because the Plaintiff is pro se, the Court has a higher standard when faced with a motion to dismiss. *White v. Bloom*, 621 F.2d 276 makes this point clear and states:

“A court faced with a motion to dismiss a pro se complaint alleging violations of civil rights must read the complaint's allegations expansively, *Haines v. Kerner*, 404 U.S. 519, 520-21, 92 S. Ct. 594, 596, 30 L. Ed. 2d 652 (1972), and take them as true for purposes of deciding whether they state a claim.” *Cruz v. Beto*, 405 U.S. 319, 322, 92 S. Ct. 1079, 1081, 31 L. Ed. 2d 263 (1972).

Moreover, "the court is under a duty to examine the complaint to determine if the allegations provide for relief on any possible theory." *Bonner v. Circuit Court of St. Louis*, 526 F.2d 1331, 1334 (8th Cir. 1975) (quoting *Bramlet v. Wilson*, 495 F.2d 714, 716 (8th Cir. 1974)).

Thus, if this court were to entertain any motion to dismiss this court would have to apply the standards of *White v. Bloom*. Furthermore, if there is any possible theory that would entitle the Plaintiff to relief, even one that the Plaintiff hasn't thought of, the court cannot dismiss this case.

## **PARTIES**

27. Plaintiff, DENNY C. CORMIER, is a Colquitt County, Georgia resident. Plaintiff is subject to the challenged divorce permanent alimony statutes §§ 19-6-(1-35) because he is a defendant in a divorce proceeding in the Defendant COLQUITT COUNTY SUPERIOR COURT and is also subject to the enforcement power authorised in §§ 19-6-28, 31 and § 19-11-6 (d) to the Defendants the COLQUITT COUNTY SUPERIOR COURT, The

HONORABLE H. ARTHUR MCLANE, Chief Judge, in his official capacity, and the GEORGIA DEPARTMENT OF HUMAN RESOURCES, its Acting Commissioner MARIE GREENE, and its oversight BOARD OF HUMAN RESOURCES and its Chairman, BRUCE E. COOK, in his official capacity.

28. NANCY B. CORMIER, interested party, is the Plaintiff's spouse who initiated the divorce proceeding triggering the application and enforcement authority of the challenged statutes by the COLQUITT COUNTY SUPERIOR COURT. As an interested party she is given notice.
29. Defendant The HONORABLE H. ARTHUR McLANE, in his official capacity, Chief Judge of Colquitt County Superior Court as the state official designated to enforce §§ 19-6-(1-35) permanent alimony provisions and as the state agent authorized and poised to act, not as a neutral adjudicator but as an enforcer of the challenged statute against the defendant for the COLQUITT COUNTY SUPERIOR COURT. Judge McLane is prepared to enforced §§ 19-6-1,4 against the Plaintiff pursuant to §§ 19-6-28, 28.1.

Judge McLane is the Chief Judge with administrative function responsibility and authority for the COLQUITT COUNTY SUPERIOR COURT. He is its titular head.

30. Defendant, the COLQUITT COUNTY SUPERIOR COURT, a "political subdivision," and as such not subject to Eleventh Amendment immunity in federal court, is a proper defendant. The COLQUITT COUNTY SUPERIOR COURT is the State agent designated to apply the challenged permanent alimony provisions against the Plaintiff. It is also the state agent statutorily designated (§ 19-6-28) to enforce the divorce permanent alimony provisions against the Plaintiff.

It is a suable entity for declaratory judgment and declaratory relief.

It has applied, is authorized to enforce and is poised to enforce the challenged statutes against the Plaintiff.

31. Defendant, GEORGIA DEPARTMENT OF HUMAN RESOURCES, a “political subdivision” and as such not subject to Eleventh Amendment immunity in federal court, is a proper defendant. The GEORGIA DEPARTMENT OF HUMAN RESOURCES, through its subsidiary, is the State agency designated to enforce the challenged statutes.
32. Defendant, MARIA GREENE, in her official capacity, as the Acting Commissioner of the GEORGIA DEPARTMENT OF HUMAN RESOURCES who is the state official directing the agency whose mission is, *inter alia*, the enforcement of §§ 19-6-(1-35) permanent alimony provisions pursuant to §19-11-6 (d).
33. Defendant BRUCE E. COOK, in his official capacity, as Chairman of the BOARD OF HUMAN RESOURCES who is the state official designated to set policy and approve the DEPARTMENT OF HUMAN RESOURCES’ goals and objectives.
34. Defendant BOARD OF HUMAN RESOURCES, as the designated state agency that oversees and approves the Department of Human Resources goals and objectives.
35. As to the proper defendant for a constitutional challenge to a statute, Walker v. President of the Senate, 658 So. 2d 1200, 1200 (Fla. 5th DCA 1995) "it is the state official designated to enforce (it) who is the proper defendant, even when that party has made no attempt to enforce (it)."; American Civil Liberties Union v. The Florida Bar, 999 F. 2d 1486, 1491 (11th Cir. 1993) “Under the Supreme Court precedent, when a plaintiff challenges the constitutionality of a rule of law, it is the state official designated to enforce that rule who is the proper defendant, even when that party has made no attempt to enforce the rule. [Citing] Diamond v. Charles, 476 U.S.54, 64, 106 S. Ct. 1697, 1704, 90 L.Ed. 2d 48 (1986).”

36. NOTICE is given to the Attorney General of the State of Georgia because of the declaratory judgment claims challenging the constitutionality of Georgia Statutes permanent alimony provisions §§19-6-(1-35).

### **RELEVANT LAW**

“Our law affords constitutional protection to *personal decisions relating to marriage, procreation, contraception, family relationships, child rearing, and education. ... ..Our precedents ‘have respected the private realm of family life which the state cannot enter.’* These matters, involving the most intimate and personal choices a person may make in a lifetime, choices central to personal dignity and autonomy, are central to the liberty protected by the Fourteenth Amendment. At the heart of liberty is the right to define one's own concept of existence, of meaning, of the universe, and of the mystery of human life. Beliefs about these matters could not define the attributes of personhood were they formed under compulsion of the State.” (Emphasis Supplied) *Planned Parenthood v. Casey*, 505 U.S. 833, 859 (1992),

### **Federal Right to Privacy**

37. The Liberty Interest of the Federal and Georgia Right to Privacy has currently moved to the forefront of fundamental constitutional rights rulings.

38. The Federal Right to Privacy (U.S. Constitution Fourteenth Amendment Due Process clause) has a long recognized Privacy Protected Zone of “Personal Decisions Relating to Marriage” *Carey v. Population Serv. Int’l*, 431 U.S. 678, 684-685 (1977); *Loving v. Virginia*, 388 U.S. 1, 12, 87 S.Ct. 1817 (1967); *Zablocki v. Redhail*, 434 US 374 (1978); *Planned Parenthood v. Casey*, 505 U.S. 833, 859 (1992); *Roe v. Wade*, 410 U.S. 113, (1973); *Griswold v. Connecticut*, 381 U.S. 479 (1965).

39. The Plaintiff asserts that the challenged permanent alimony provisions §§ 19-6-(1-35) are part of the Family Act Statutes. These provisions are written intruding in the long recognized

Privacy Protected Zone of a “personal decision relating to marriage,” i.e. a Georgian’s personal decision to divorce (dissolve his marriage).

40. The Right to Privacy attaches to the state permanent alimony statute because it plainly relates to a Georgian’s exercising his fundamental “personal decision relating to marriage,” i.e. to divorce (to dissolve his marriage).

41. Daily Georgians make the personal decision relating to their marriage to divorce (dissolve it).

42. Any State statute to which the Federal Right to Privacy attaches is presumed unconstitutional unless the State proves a compelling interest applied in the least intrusive manner, i.e. strict scrutiny. The challenged alimony provisions are thus presumed unconstitutional unless the State of Georgia proves its burden of the statute having a compelling state interest and that the statute is applied with the least intrusive manner and that the interest is substantially furthered by the legislation.

#### **§§ 19-6-1,4,5 Alimony Provisions**

43. The alimony provisions (§§ 19-6-1,4,5) mandate that the state of Georgia, i.e. Defendant COLQUITT COUNTY SUPERIOR COURT invade a Georgian’s family, through the judiciary, to examine, evaluate, determine and conclude the terms and nature of the interpersonal relationship, spousal roles, spousal conduct, parental decision making, parenting conduct, parental spending, economic standard of living, occupations, education, savings, assets, charitable contributions and most importantly the intimate emotional, psychological and physical details of the parties and family during their marriage granting the judiciary a broad range of discretion to apply a property stripping statute with a standard of equity, with a threat of contempt and imprisonment.

44. The State of Georgia has never exhorted or proved a compelling state interest for the permanent alimony provisions.
45. § 19-6-5 annunciates over 2<sup>27</sup> permutations then includes the phrase “Such other relevant factors as the court deems equitable and proper” (§ 19-16-5 (8)) from which the State of Georgia may choose as reasons to burden a Georgian with lifetime alimony.
46. §§ 19-6-1,4,5 are applied with a standard of equity given to a judiciary assigned wide discretion to determine if a Georgian will be forever enslaved to pay alimony.
47. The fundamental Federal and Constitutional Rights at issues under §§ 19-6-1,4,5 cannot be adjudicated by such a forum forever adversely effecting and denying the fundamental Rights of a Georgian.

### **Alimony**

48. “At common law there was no right to alimony at all.” “The so-called 'right' to alimony does not exist as an incident to divorce a vinculo unless it is granted by statute.” (*Pacheco v. Pacheco*, 246 So.2d 778, 780 (Fla.1971)).
49. Coverture, the rationale for alimony and the doctrine of necessities, was extinguished in Georgia with Georgia Constitution Article I Paragraph XXVII (Spouse’s Separate Property).

### **Federal Equal Protection**

50. §§ 19-6-1,4,5 constructed as noted above cannot facially nor as applied be implemented equally among all Georgians exercising their fundamental privacy protected right to divorce (dissolve their marriage).
51. At least one Georgia court has found government action, which treats married and unmarried persons differently, unconstitutionally violative of equal protection. *Houston v. Prosse*, 361 F. Supp. 295, 296 (N.D. Ga. 1973).

52. Federal and Georgia statutes routinely classify marital status along with suspect classes. See, e.g., 12 U.S.C. § 3106a (1) (b)(foreign banks must conduct operations in compliance with laws prohibiting discrimination on the basis of race, national origin, marital status); 5 U.S.C. § 7204(b) (“...[D]iscrimination because of race, color, creed, sex, or marital status is prohibited with respect to an individual or a position held by an individual”); 15 U.S.C. § 1691(a)(1)(unlawful for creditor to discriminate on the basis of sex, race, religion, national origin, or marital status); 20 U.S.C. § 1087tt(c) (unlawful to discriminate in loaning money on basis of sex, race, religion, national origin, or marital status); 20 U.S.C. § 1071(a)(2)(same, for credit or insurance); O.C.G.A. § 7-6-2 (providing a cause of action for persons denied credit or a loan on the basis of race, national origin, marital status); O.C.G.A. § 7-6-1 (a)(“No bank . . . may discriminate on basis race, religion, national origin, or marital status”).
53. §§ 91-6-1,4,5 treat divorcing/divorced Georgians differently than married Georgians on the issue of spousal support.
54. The State of Georgia does not intrude in the Privacy Protected Zone of economic, private, intimate, and personal areas of Georgians who plan to marry or who are married as it does with Georgians divorcing (dissolving their marriages).
55. The State of Georgia does not intrude and mandate that a Georgian in an intact marriage provide the same level of spousal support—“lifestyle of the marriage”-- that the State of Georgia mandates an unmarried former spouse provide after exercising his personal decision to divorce (dissolve his marriage).

56. The State of Georgia does not subject all Georgians who wish to dissolve their marriage to §§ 19-6-(1-35). It only applies the statute for the benefit of those Georgians who plead for alimony when divorcing (dissolving their marriage).
57. The State of Georgia, as relates to alimony, treats differently Georgians marrying (starting a marriage) versus those divorcing (dissolving a marriage); treats differently, as relates to alimony, some Georgians divorcing (dissolving their marriage) compared with other Georgians divorcing (dissolving their marriage); treats differently, as relates to alimony, Georgians during a marriage compared with the same Georgians after they divorce (dissolve their marriage). ( Compare § 19-6-1,4,5 with §19-6-8)
58. The Plaintiff asserts the state has no compelling state interest nor even a rationally related interest for such variability in stripping property rights from Georgians and permanently enslaving only some of them to work for a former spouse.
59. The State of Georgia never has, and cannot articulate a compelling state interest applied in the least intrusive manner, and that the interest is substantially furthered by the legislation, to satisfy the strict scrutiny test to validate the alimony statute on equal protection grounds.
60. The State of Georgia never has, and cannot even articulate a rationally related interest for the permanent alimony statutes. If a rationally related interest existed it should be applied to all Georgians divorcing (dissolving their marriage), contested or uncontested, permanent alimony pled or not pled. It is not.

### **Thirteenth Amendment**

61. Involuntary servitude is prohibited by the Thirteenth Amendment to the U.S. Constitution. While the term is easily definable, the “exact range of conditions it prohibits” is not so evident. In a fairly recent case, *United States v. Kozminski*, 487 U.S. 931, 942 (1998) the

Supreme Court defined the term as a compulsory condition “in which a person lacks liberty especially to determine one’s course of action or way of life.”

62. The Kozminski Court held that involuntary servitude “necessarily means a condition...in which the victim is forced to work for [another] by the use or threat of physical restraint or physical injury, or by the use or threat of coercion through law or the legal process.”
63. The use of law and the legal process or the threat of legal coercion by a Georgian to induce involuntary servitude is thus a recognized violation of the Thirteenth Amendment. United States v. Kozminski, 487 U.S. 931, (1998).
64. “...the Amendment’s drafters thought that involuntary servitude generally includes situations in which the victim is compelled to work by law.” United States v. Kozminski, 487 U.S. 931, 931 (1998).
65. Divorce permanent alimony provisions ( §§ 19-6.1,4,5) when entered against a Georgian compel him to work by law and the legal process. The statutes coercion provisions are law and legal process that authorize contempt proceedings and imprisonment of a Georgian for the benefit of his former spouse.

### **Georgia Privacy Amendment**

66. Georgia’s Constitution contains a Right to Privacy much broader in scope than the Right to Privacy in the Federal Constitution. (Powell v. State of Georgia, 510 So. 2d 18 (Ga. 1998)).
67. All Georgians have the fundamental constitutional “...right to be let alone so long as one was not interfering with the rights of other individuals or of the public.” (Pavesich v. New England Life Ins., 122 Ga. 190, 197 (50 SE 68) (1905)).
68. All Georgians have the right “...to be free of unwarranted interference by the public about matters [with] which the public is not necessarily concerned, or to be protected from any

wrongful intrusion into an individual's life which would outrage...a person of ordinary sensibilities." (*Georgia Power Co. v. Buskin*, 149 Ga. App. 277 (6) (254 SE 2d 146) (1979)).

69. All Georgians would be outraged at the State intruding into the intimacies of their marriage as the challenged statutes do. Then with broad discretion redistributing their property and edicting forever that one of them be indentured to the other under threat of coercion through law and the legal process, i.e. contempt, imprisonment and garnishment of wages.

70. Personal decisions relating to marriage, i.e. divorce (dissolution of marriage), are recognized by all Georgians as a private matter. Stated otherwise, by "any person whose intellect is in a normal condition. (The measure of what constitutes a private matter, *Pavesich* at 194).

71. The Right to Privacy being a fundamental constitutionally guaranteed right this Court must apply the strict scrutiny standard to measure the challenged statute, i.e. the statute is presumed unconstitutional and only if the state proves a compelling state interest that is applied in the least intrusive manner and proves the interest is in fact furthered by the statute will the statute be considered constitutional. (*Powell* at 332-333)

### **Georgia Equal Protection**

72. Georgia Constitution Article I Paragraph II provides equal protection for all Georgians.

73. The Plaintiff reasserts 50 to 60 above from the Federal Equal Protection Law.

### **42 U.S.C. 1983**

74. 42 U.S.C. 1983 provides a private right of action against parties acting "under color of any statute, ordinance, regulation, custom, or usage, of any State" to redress the deprivation of rights secured by the United States Constitution or federal law.

75. 42 U.S.C. 1983, despite 1996 Congressional changes to the statute, permits a judge to be sued without a defense of judicial immunity when the judge is not a neutral adjudicator.

When the judge is statutorily designated as an enforcer of the challenged statute, or if he has enforced the statute against the plaintiff he is not afforded judicial immunity as long as the only relief requested is declaratory judgment. (*Brandon et al, v Reynolds et al*, No. 99-1262, United States Court of Appeals for the Third District, filed January 14, 2000.

### **Pro Se Plaintiff**

76. The Plaintiff has had difficulty obtaining counsel to remove, prepare or file his claim and raise the federal questions entered here because of Florida Court ruling.

77. In *Barna v. Barna* ( CD00-534 FZ, Fifteenth Judicial Circuit Court of Florida), 2003 ) attorneys raised a F.S. Chapter 86 declaratory judgment constitutional challenge to §61.08 because it impermissibly infringed the Florida Constitution Article I Section 23 Right to Privacy. The defendant offered no written or oral argument to rebut a forty page memorandum of law supporting the unconstitutional nature of the alimony statute. Without analysis the Fifteenth Circuit Court Judge, The Honorable James Carlisle, deemed the proceeding a frivolous constitutional attack and sanctioned the attorneys with fees despite F. S. Chapter 86 declaratory judgment statute precluding an award of fees.

78. Subsequently the 4<sup>th</sup> DCA in *Barna v Barna*, Case 4D02-3332, July 2003, without any response or brief from appellees or the Attorney General declared the challenge frivolous and affirmed the lower court ruling.

79. The Florida Supreme Court, again without a response from appellees or the Attorney General, declined to accept the appeal.

80. The chilling effect of these rulings has made attorneys contacted refuse to represent the Plaintiff.

## FACTS

81. DENNY C. CORMIER is a 56 year old physician in good health.
82. NANCY B. CORMIER is a healthy 56 year-old educated, intelligent and able-bodied woman.
83. NANCY B. CORMIER has worked, and continues to work in administrative, clerical, secretarial, cashier and sales positions for over 5 years.
84. NANCY B. CORMIER is the beneficiary of a substantial non-marital trust.
85. There are no minor children to the marriage or divorce proceeding. Custody and child support are not at issue.
86. DENNY C. CORMIER, the Plaintiff, and NANCY B. CORMIER are married .
87. Divorce proceedings were initiated by NANCY B.CORMIER against the Plaintiff, DENNY C. CORMIER On October 21, 2003in Defendant, COLQUITT COUNTY SUPERIOR COURT.
88. No final judgment of divorce has yet been entered in the above marriage by the state of Georgia.
89. The State of Georgia, through the Defendant COLQUITT COUNTY SUPERIOR COURT, is now invading, intruding into examining and scrutinizing the intimate details of the Privacy Protected Zone of the marriage of DENNY C. CORMIER without his permission and with the threat of contempt and imprisonment if he does not accede and comply.
90. After its invasion and examination of the intimate details of the Privacy Protected Zone of DENNY C. CORMIER's marriage, the State of Georgia, through the Defendant the COLQUITT COUNTY SUPERIOR COURT will reassigned the property rights between DENNY C. CORMIER and NANCY B. CORMIER.

91. The State of Georgia, through the Defendant COLQUITT COUNTY SUPERIOR COURT is now applying the challenged permanent alimony provisions §§ 19-6-(1-35) against the Plaintiff.

92. NANCY B. CORMIER has no impediments to economic independence.

93. DENNY C. CORMIER has not presented these claims to state court. He has not had them adjudicated there.

## **CAUSE OF ACTION**

### **Count I**

#### **Federal Question**

GEORGIA STATUTES §§ 19-6-(1-35) PERMANENT ALIMONY PROVISIONS  
IMPERMISSIBLY INFRINGE THE RIGHT TO PRIVACY (U.S. CONSTITUTION  
FOURTEENTH AMENDMENT DUE PROCESS) IN THE PRIVACY PROTECTED ZONE  
OF PERSONAL DECISIONS RELATING TO MARRIAGE, i.e. DIVORCE (DISSOLUTION  
OF MARRIAGE)

94. The Plaintiff incorporates 1 to 93 above.

95. The Plaintiff asserts Georgia Statutes §§ 19-6-(1-35) permanent alimony provisions impermissibly infringe the Right to Privacy (U.S. Constitution Fourteenth Amendment Due Process) in the Privacy Protected Zone of “Personal Decisions Relating to Marriage”, i.e. the personal decision of Georgians to divorce (dissolve their marriage).

96. The Plaintiff asserts that a fundamental Liberty Interest, the Right to Privacy, has been infringed and that the strict scrutiny standard applies. Further the Plaintiff asserts that strict scrutiny

applying, the statute is presumed unconstitutional unless the State of Georgia and the Defendants fulfill their burden under strict scrutiny.

97. The Plaintiff asserts the State of Georgia nor any of the Defendants have ever exhorted or proven a compelling state interest that is applied in the least intrusive manner and that the interest is substantially furthered by the legislation to validate the permanent alimony statutes, §§ 19-6-(1-35).
98. The Plaintiff asserts that the state interest is at its weakest in the facts asserted herein.
99. Therefore, this Court must adjudge the challenged statutes, §§ 19-6-(1-35), permanent alimony provisions impermissibly infringe the Federal Right to Privacy and are null and void.

## **Count II**

### **Federal Question**

GEORGIA STATUTES §§ 19-6-(1-35) PERMANENT ALIMONY PROVISIONS  
IMPERMISSIBLY INFRINGE THE EQUAL PROTECTION CLAUSE (U.S.  
CONSTITUTION FOURTEENTH AMENDMENT EQUAL PROTECTION)

100. The Plaintiff incorporates 1 to 93 above.
101. The Plaintiff asserts Georgia Statutes §§ 19-6-(1-35) permanent alimony provisions impermissibly infringe the Equal Protection Clause, U.S. Constitution Fourteenth Amendment.
102. The Plaintiff asserts that not all similarly situated married Georgians who decide to divorce (dissolve their marriage) are burdened with alimony per §§ 19-6-(1-35)--only those of contested divorces whose spouses plead for alimony.

103. The Plaintiff asserts that the criteria for burdening a spouse with permanent alimony annunciate over 2<sup>27</sup> permutations then includes the phrase “Such other relevant factors as the court deems equitable and proper” (§ 19-16-5 (8)) from which the State of Georgia may choose as reasons to burden a Georgian with lifetime alimony.

The factors are applied with a standard of equity by a judiciary given wide discretion such that similarly situated Georgians could not conceivably (nor are) be equally treated under the permanent alimony provisions.

104. The Plaintiff asserts no compelling state interest nor even a rationally related state interest exists for permanent alimony which forever enslaves a Georgian former spouse and denies him his future property rights in the rewards of his industry.

105. The Plaintiff asserts that the state interest is at its weakest in the facts asserted herein.

106. Therefore, this Court must adjudge the challenged statutes, §§ 19-6-(1-35), permanent alimony provisions impermissibly infringe the U.S. Constitution Fourteenth Amendment XIV Section 1 Equal Protection clause and are null and void.

### **Count III**

#### **Federal Question**

GEORGIA STATUTES §§ 19-6-(1-35) PERMANENT ALIMONY PROVISIONS  
IMPERMISSIBLY INFRINGE THE U. S. CONSTITUTION THIRTEENTH AMENDMENT

107. The Plaintiff incorporates 1 to 93 above.

108. The U.S Constitution, Thirteenth Amendment, ensures the right of citizens to be free of involuntary servitude.

109. Involuntary Servitude has been defined by the U.S. Supreme Court as “a condition of servitude in which the victim is forced to work for [another] ...by the use of threat of coercion through law or the legal process. *U.S. v Kozminski*.
110. Some Georgians dissolving their marriage, for their own benefit, choose to ask the State of Georgia to apply §§ 19-6-(1-35) permanent alimony provisions against their spouses.
111. The only method a Georgian has to compel a spouse to forever work for her benefit is to make the personal decision to divorce (dissolve her marriage) and request the State of Georgia apply §§ 19-6-(1-35) permanent alimony provisions against him. There is no common law right to alimony. The doctrine of necessities has been abrogated.
112. A Georgian who requests can have the State of Georgia apply the permanent alimony provision §§ 19-6-(1-35) against her spouse by the state judiciary with a standard of equity, granted wide discretionary powers.
113. A Georgian can compel her spouse to involuntarily work for her forever through the law and legal process of utilizing the Georgia divorce statutes and their permanent alimony provision, ( §§ 19-6-(1-35)) against him with the threat of coercion through law and the legal process to wit, contempt proceedings and imprisonment.
114. A Georgian is placed by §§ 19-6-(1-35) in a situation where he is compelled to work by law.
115. The Plaintiff asserts the challenged statute permanent alimony provisions create a situation of involuntary servitude that impermissibly infringes the U. S. Constitution Thirteenth Amendment right of a Georgian to be free from involuntary servitude.
116. Therefore, this Court must adjudge the challenged statutes, §§ 19-6-(1-35), permanent alimony provisions impermissibly infringe the U.S. Constitution Thirteenth Amendment prohibition against involuntary servitude and are null and void.

**Count IV**

**Federal Question**

GEORGIA STATUTES §§ 19-6-(1-35) PERMANENT ALIMONY PROVISIONS  
IMPERMISSIBLY INFRINGE THE U. S. CONSTITUTION FOURTEENTH AMENDMENT  
RIGHT TO PRIVACY, FOURTEENTH AMENDMENT EQUAL PROTECTION AND  
THIRTEENTH AMENDMENT AS A 42 U.S.C. 1983 CLAIM

117. The Plaintiff incorporates 1 to 116 above.
118. §§ 19-6-28, 32 authorize the defendants COLQUITT COUNTY SUPERIOR COURT and the HONORABLE H. ARTHUR MCLANE to enforce the challenged, applied, poised to be enforced statutes, §§ 19-6-(1-35) permanent alimony provisions.
119. Further provisions of Georgia Statutes, §19-11-6 (d), authorize THE DEPARTMENT OF HUMAN RESOURCES to enforce §§ 19-6-(1-35) permanent alimony provisions.
120. The Plaintiff asserts judicial immunity does not apply to defendant the HONORABLE H. ARTHUR McLANE because he is not authorized to act solely as a neutral adjudicator but also authorized the ministerial tasks of fact finding the nature of 2<sup>27</sup> factors in the marriage of Georgians. Immunity is also inapplicable because he is also statutorily designed to enforce and because he is poised to enforce §§ (19-6-(1-35) permanent alimony provisions against Georgians pursuant to § 19-6-28. Judge McLane is authorized ministerial and enforcing authority does not act solely within the scope of a neutral adjudicator.
121. Further, judicial immunity does not apply to defendant the HONORABLE H. ARTHUR McLANE because the Plaintiff only requests declaratory judgment relief, not injunctive relief.
122. The Plaintiff asserts that if this court feels declaratory judgment relief does not apply then it may grant injunctive relief as authorized by 42 U.S.C. 1983 and applicable case law.

123. The Plaintiff asserts the defendants acted to deprive Georgians of their civil rights, i.e. Right to Privacy, and Equal Protection and to be free of involuntary servitude when it applied and is poised to enforce §§ 19-6-(1-35) permanent alimony provisions against them.

124. No bar exists to Plaintiff's request for declaratory relief of whether the applied and enforceable statutes, §§ 19-6-(1-35) permanent alimony provisions, impermissibly infringe the above stated U.S. Constitutional fundamental rights.

### **Count V**

#### **State Claim**

GEORGIA STATUTES §§ 19-6-(1-35) PERMANENT ALIMONY PROVISIONS  
IMPERMISSIBLY INFRINGE THE GEORGIA CONSTITUTIONAL GRANTED RIGHT TO  
PRIVACY IN THE PRIVACY PROTECTED ZONE OF PERSONAL DECISIONS RELATING  
TO MARRIAGE--DIVORCE

125. The Plaintiff incorporates 1 to 93 above.

126. Georgia's Constitution contains a Right to Privacy much broader in scope than the Right to Privacy in the Federal Constitution. (*Powell v. State of Georgia*, 510 So. 2d 18 (Ga. 1998)).

127. The parties, and all Georgians, have the fundamental constitutional "...right to be let alone so long as one was not interfering with the rights of other individuals or of the public."

(*Pavesich v. New England Life Ins.*, 122 Ga. 190, 197 (50 SE 68) (1905)).

128. All Georgians would be outraged at the State intruding into the intimacies of their marriage and then with broad discretion redistributing their property and forever making one of them indentured to the other under threat of imprisonment and garnishment of wages. The alimony statutes do just that.

129. The “personal decision relating to marriage”, i.e. divorce, is recognized by all Georgians, as a private matter. Stated otherwise, by “any person whose intellect is in a normal condition.” (The measure of what constitutes a private matter, *Pavesich* at 194).
130. The Right to Privacy being a fundamental constitutionally guaranteed right the court must apply the strict scrutiny standard to measure the challenged statute, i.e. to survive a constitutional challenge the statute must further a compelling state interest applied in the least intrusive manner.( *Powell* at 332-333)
131. All Georgians, have the right “ to be free of unwarranted interference by the public about matters [with] which the public is not necessarily concerned, or to be protected from any wrongful intrusion into an individual’s life which would outrage...a person of ordinary sensibilities.” (*Georgia Power Co. v. Buskin*, 149 Ga. App. 277 (6) (254 SE2d 146) (1979)).
132. 60,000 Georgians annually exercise their Federal and State Liberty interest in their Right to Privacy in the Privacy Protected Zone of personal decisions relating to their marriage to divorce (dissolve their marriage).
133. The State of Georgia, when asked by a divorcing Georgian, applies the permanent alimony provisions against some Georgians forever enslaving them for the benefit of their former spouse.
134. The Plaintiff asserts Georgia §§ 19-6-(1-35) permanent alimony provisions impermissibly infringe the Georgia Constitutional Right to Privacy in the Privacy Protected Zone of Personal Decisions Relating to Marriage, i.e. Georgians personal decision to divorce (dissolve their marriage).

The Plaintiff asserts that a fundamental Liberty Interest, the Right to Privacy, has been infringed and that the strict scrutiny standard applies.

135. The Plaintiff asserts the State of Georgia nor any of the Defendants have ever exhorted or proven a compelling state interest that is applied in the least intrusive manner and that the interest is substantially further by the legislation.

136. The Plaintiff asserts that the state interest is at its weakest in the facts asserted herein.

137. Therefore, this Court must adjudge the challenged statutes, §§ 19-6-(1-35), permanent alimony provisions impermissibly infringe the Georgia Constitutional Right to Privacy and are null and void.

### **Count VI**

#### **State Claim**

GEORGIA STATUTES §§ 19-6-(1-35) PERMANENT ALIMONY PROVISIONS  
IMPERMISSIBLY INFRINGE THE GEORGIA CONSTITUTION ARTICLE I PARAGRAPH I

*Life, Liberty and Property Clause*

138. The Plaintiff incorporates 1-93 above.

139. “Paragraph I: Life, liberty, and property. No person shall be deprived of life, liberty, or property except by due process of law.” Georgia Constitution Article I Paragraph I.

140. Georgia Constitution Article I Paragraph I ensures that no Georgian shall be deprived of life, liberty, or property except by due process of law.

141. Substantive due process has been viewed to encompass citizen’s Right to Privacy.

“In *Planned Parenthood of Southeastern Pa. v. Casey*, [505 U.S. 833](#) (1992), the Court reaffirmed the substantive force of the liberty protected by the Due Process Clause. The *Casey* decision again confirmed that our laws and tradition afford constitutional protection to personal decisions relating to marriage, procreation, contraception, family relationships, child rearing, and education. *Id.*, at 851. In explaining the respect the Constitution demands for the autonomy of the person in making these choices, we stated as follows:

“ These matters, involving the most intimate and personal choices a person may make in a lifetime, choices central to personal dignity and autonomy, are central to the liberty protected by the [Fourteenth Amendment](#). At the heart of liberty is the right to define one’s own concept of existence, of meaning, of the universe, and of the mystery of human life. Beliefs about these matters could not define the attributes of personhood were they formed under compulsion of the State.” Ibid.” (*Lawrence v. Texas*, USSC, No.02-202, June 26 2003)

142. §§ 19-6-(1-35) deny Georgians their Liberty interest in their Liberty and Property without the State of Georgia having ever exhorted a compelling state interest for the statutes and proving the compelling state interest is applied in the least intrusive manner and in fact the interest is substantially furthered by the legislation.

143. Therefore, this Court must adjudge the challenged statutes, §§ 19-6-(1-35), permanent alimony provisions impermissibly infringe the Georgia Constitutional Article I Paragraph I Liberty Interest of Life, Liberty and Property and as such are null and void.

## **Count VII**

### **State Claim**

GEORGIA STATUTES §§ 19-6-(1-35) PERMANENT ALIMONY PROVISIONS  
IMPERMISSIBLY INFRINGE THE GEORGIA CONSTITUTION ARTICLE I PARAGRAPH II

*Protection to Person and Property; Equal Protection Clauses*

144. The Plaintiff incorporates 1 to 93 above with emphasis on 51-61.

145. “Paragraph II. Protection to person and property; equal protection. Protection to person and property is the paramount duty of government and shall be impartial and complete. No person shall be denied the equal protection of the laws.” Georgia Constitution Article I Paragraph II.

146. The Plaintiff asserts §§ 19-6-(1-35) permanent alimony provisions impermissibly infringe Georgia Constitution Article I Paragraph II Protection to Person and Property and Equal Protection Clauses.
147. The Plaintiff asserts that not all similarly situated married Georgians who decide to divorce (dissolve their marriage) are burdened with permanent alimony per §§ 19-6-(1-35).
148. The Plaintiff asserts that the criteria for burdening a spouse with permanent alimony annunciate over 2<sup>27</sup> permutations then includes the phrase “Such other relevant factors as the court deems equitable and proper” (§ 19-16-5 (8)). They are applied with a standard of equity by a judiciary given wide discretion such that similarly situated spouses are not and cannot conceivably be equally evaluated then some enslaved with the yoke of permanent alimony.
149. The Plaintiff asserts the State of Georgia treats some Georgians differently that other Georgians who decided to divorce (dissolve their marriage).
150. The State of Georgia only exercises the §§ 19-6-(1-35) provisions against a Georgian whose spouse pleads for alimony.
151. The State of Georgia will not exercise §§ 19-6-(1-35) unless a spouse pleads for alimony.
152. The Plaintiff asserts the state has no rationally related interest for such variability in stripping property rights from Georgians and permanently enslaving some of them to work for a former spouse.
153. The Plaintiff asserts that if a compelling state interest or even a rationally related state interest existed then the State of Georgia should be examining all divorce (dissolution of marriage) proceedings for the interest, not just those who contest the divorce and plead for it.

154. The Plaintiff asserts that the State of Georgia through §§ 19-6-1,4,5 treats Georgians whose marriages are dissolved differently as to the level of support obligation of a spouse than it does a married spouse.

155. The State of Georgia does not measure the ability of married spouses to support each other nor establish any of the criteria for the level of support due a married spouse as it does apply to spouses who are dissolving their marriage.

156. The State of Georgia through the challenged statutes deprives Georgians of their Liberty interest in personal freedom with the statutes punishment and jail provisions as well as Georgians Liberty Interest in their property, i.e. their earnings.

On the contrary, instead of fulfilling its Constitutional duty to protect Georgians' person and property the State, through the challenged statutes, deprives its citizens of the very Liberty Interests it is committed to protect.

157. The Plaintiff asserts no compelling state interest nor even a rationally related state interest exists for permanent alimony which forever enslaves some Georgian former spouses and denies them their future property rights in the rewards of their industry as well as fails to protect their personal Liberty.

158. The Plaintiff asserts that the state interest is at its weakest in the facts asserted herein.

159. Therefore, this Court must adjudge the challenged permanent alimony statutes, §§ 19-6-(1-35), impermissibly infringe the Georgia Constitution Article I Paragraph II Protection of Person and Property Clause, and the Equal Protection Clause and as such are null and void.

**Count VIII**

**State Claim**

GEORGIA STATUTES §§ 19-6-(1-35) PERMANENT ALIMONY PROVISIONS  
IMPERMISSIBLY INFRINGE THE GEORGIA CONSTITUTION ARTICLE I PARAGRAPH  
*VII Protection of Citizens full enjoyment of their rights, privileges and immunities Clause*

160. The Plaintiff incorporates 1 to 93 above.
161. “Paragraph VII. Citizens, protection of. All citizens of the United States, resident in this state, are hereby declared citizens of this state; and it shall be the duty of the General Assembly to enact such laws as will protect them in the full enjoyment of the rights, privileges, and immunities due to such citizenship.” Georgia Constitution Article I Paragraph VII.
162. The General Assembly by enacting §§ 19-6-(1-35) is failing its constitutional duty to Georgians when it denies them the opportunity to exercise their constitutionally guaranteed fundamental right related to the protected privacy zone of a personal decision relating to marriage, i.e. here, divorce, without intrusion.
163. On the contrary, the General Assembly is not protecting Georgians but is denying them the full enjoyment of their constitutional rights, privileges and immunities to which they are entitled by citizenship.
164. Georgians’ right to protection in the full enjoyment of the rights and privileges and immunities due such citizenship are inalienable and any statute impacting them must be reviewed by strict scrutiny.
165. The Plaintiff asserts that the state interest is at its weakest in the facts asserted herein.

166. Therefore, this Court must adjudge the challenged permanent alimony statutes, §§ 19-6-(1-35), impermissibly infringe the Georgia Constitution Article I Paragraph VII Protection of Citizens rights, privileges and immunities and as such are null and void.

### Count IX

#### State Claim

GEORGIA STATUTES §§ 19-6-(1-35) PERMANENT ALIMONY PROVISIONS  
IMPERMISSIBLY INFRINGE THE GEORGIA CONSTITUTION ARTICLE I PARAGRAPH  
*XXII Prohibition against Involuntary Servitude Clause*

167. The Plaintiff incorporates 1-93 above.

168. “Paragraph XXII. **Involuntary servitude.** There shall be no involuntary servitude within the State of Georgia except as a punishment for crime after legal conviction thereof or for contempt of court.” Georgia Constitution Article I Paragraph XXII.

169. The Plaintiff reasserts, Involuntary servitude is prohibited by the 13<sup>th</sup> Amendment to the U.S. Constitution, and by Georgia Constitution Article I Section I Paragraph XXIII. And, while the term is easily definable, the “exact range of conditions it prohibits” is not so evident. In a fairly recent case, *United States v. Kozminski*, 487 U.S. 931, 942 (1998) the Supreme Court defined the term as a compulsory condition “in which a person lacks liberty especially to determine one’s course of action or way of life,” *Id.* a condition very much akin to slavery. The Court held that involuntary servitude “necessarily means a condition...in which the victim is forced to work for [another] by the use or threat of physical restraint or physical injury, or by the use or threat of coercion through law or the legal process.” *Id.* And the 13<sup>th</sup> Amendment bar is applicable to individuals as well as states, and to private as well as public discriminatory acts.

170. Georgia Constitution specific prohibition against involuntary servitude invalidates any statute that by law or by coercion of law forces a Georgian to work for another Georgian, i.e. §§ 19-6-(1-35).
171. §§ 19-6-(1-35) creates a condition of involuntary servitude for Georgians who divorce and must forever labor for the benefit of their former spouse by the effect of law and the coercion of law, i.e. punishment and jail §19-6-28.
172. §§ 19-6-(1-35) alone creates the prohibited condition of involuntary servitude, but the onerous coercive enforcement provisions in §19-6-28 implying civil or criminal contempt and jail are not only antedeluvian but scandalously shameful.
173. Therefore, this Court must adjudge the challenged permanent alimony statutes, §§ 19-6-(1-35), impermissibly infringe the Georgia Constitution Article I Paragraph XXII, prohibition against Involuntary Servitude, and as such are null and void.

**Count X**

**State Claim**

GEORGIA STATUTES §§ 19-6-(1-35) PERMANENT ALIMONY PROVISIONS  
IMPERMISSIBLY INFRINGE THE GEORGIA CONSTITUTION ARTICLE I PARAGRAPH  
*XXV Status of a Citizen Clause*

174. The Plaintiff incorporates 1 to 93 above.
175. “Paragraph XXV. **Status of the citizen.** The social status of a citizen shall never be the subject of legislation.” Georgia Constitution Article Paragraph XXV.
176. All Georgians’ social status is measured by their marital status.

177. Marital status is a social status for which Article I Section I Paragraph XXV prohibits legislation--ever.
178. §§ 19-6-(1-35) address the social status and redefines the social status of both parties in a divorce action. The statutes change the social status of Georgians and deprives some of them their Liberty Interests noted above because of their changed social status.
179. The state of Georgia is not permitted to legislate based on the social status, i.e. marital status of Georgians—married v. divorced--without a compelling state interest applied in the least intrusive manner and proving the interest is in fact furthered by the statute.
180. Therefore, this Court must adjudge the challenged permanent alimony statutes, §§ 19-6-(1-35), impermissibly infringe the Georgia Constitution Article I Paragraph XXV, prohibition against legislation based on social status, and as such are null and void.

## PRAYER FOR RELIEF

“It is revolting to have no better reason for a rule of law than that so it was laid down in the time of Henry IV. It is still more revolting if the grounds upon which it was laid down have vanished long since, and the rule simply persists from blind imitation of the past.”

O.W. Holmes. The Path of the Law. 10 Harvard Law Review 457 (1897)

Wherefore the Plaintiff, **DENNY C. CORMIER**, prays that the Court take jurisdiction over this matter, enter such orders as are appropriate to expedite consideration of this motion, and:

181. Enter a declaratory judgment that Georgia §§ 19-6-(1-35) permanent alimony provisions
- a) impermissibly infringe the U.S. Constitution Fourteenth Amendment Due Process clause, Right to Privacy, and as such are null and void;
  - b) impermissibly infringe the U.S. Constitution Fourteenth Amendment Equal Protection clause and as such are null and void;
  - c) impermissibly infringe the U. S. Constitution Thirteenth Amendment prohibiting involuntary servitude.
  - d) impermissibly infringe the Georgia Constitution Right to Privacy and as such are null and void;
  - e) impermissibly infringe the Georgia Constitution Article I Paragraph I Life Liberty and Property Clause and as such are null and void;
  - f) impermissibly infringe the Georgia Constitution Article I Paragraph II Equal Protection Clause and as such are null and void.
  - g) impermissibly infringe the Georgia Constitution Article I Paragraph II Protection to person and property Clause and as such are null and void.
  - h) impermissibly infringe the Georgia Constitution Article I Paragraph VII Protection to Citizens Clause and as such are null and void.

i) impermissibly infringe the Georgia Constitution Article I Paragraph XXII prohibition against Involuntary Servitude and as such are null and void.

j) impermissibly infringe the Georgia Constitution Article I Paragraph XXV prohibition against legislation based on social status of Georgians and as such are null and void.

182. As Plaintiff, despite being pro se, has incurred costs and attorney fees to prosecute this action he requests an award for all costs and reasonable attorney fees incurred;

183. Provide any other relief appropriate.

Respectfully submitted,

---

DENNY C. CORMIER, pro se

address.

address

Telephone

Fax

Email doctorcormier@aol.com

Dated: April , 2004

**VERIFICATION**

**DENNY C. CORMIER**, being duly sworn, deposes and says:

That deponent is the Plaintiff in the above-entitled action; that deponent has read the foregoing **VERIFIED COMPLAINT** and knows the contents thereof; that the same is true to deponent's own knowledge; except as to matters therein stated to be alleged on information and belief, and that as to those matters deponent believes them to be true.

---

DENNY C. CORMIER, pro se  
address.  
address  
Telephone  
Fax  
Email doctorcormeir@aol.com

STATE OF GEORGIA  
COUNTY OF PALM BEACH

Sworn to before me

April     , 2004

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Notary Public

## CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing motion has been served via U.S. mail to,  
Dwight May, Esq.  
1234 First St  
Moutrie Georgia. **ZIP????**.  
Attorney for interested party NANCY B. CORMIER

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