



NATIONAL CENTER FOR LESBIAN RIGHTS

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Ninth Circuit Rules in Favor of Gay Widower, Reversing KRON4 Pension Plan’s Denial of Survivor Benefits

(San Francisco, CA) Today, the U.S. Court of Appeals for the Ninth Circuit issued a decision in favor of David Reed, reversing a lower court decision finding that the KRON/IBEW Local 45 Pension Plan did not have to provide him with spousal survivor benefit, even though David was the registered domestic partner of a former KRON4 employee. David is represented by the National Center for Lesbian Rights and Renaker Hasselman Scott LLP.

David Reed and Donald Lee Gardner began dating in 1998. They quickly fell in love and committed themselves to caring for and protecting one another, including by becoming California registered domestic partners in 2004. They were together for 16 years and were married for only five days before Donald passed away in 2014.

Donald was employed as technical director for KRON4, a San Francisco television station owned by Nexstar Media Group, for more than 30 years before retiring in 2009. After Donald died, David sought a spousal survivor benefit under KRON4’s pension plan, which incorporates California law. Even though California law mandates that registered domestic partners have all of the same rights and responsibilities as married spouses, the plan refused to provide a surviving spouse pension to David after Donald’s death.

The plan argued that the Defense of Marriage Act (DOMA) foreclosed it from recognizing David as Donald’s spouse, and the district court granted judgment in its favor.

In today’s opinion, the Ninth Circuit reversed the district court, holding that “[t]he Committee abused its discretion by denying benefits to Reed. During either time the Committee evaluated the Plan’s benefits in this case—in 2009 or in 2016—California law afforded domestic partners the same rights, protections, and benefits as those granted to spouses.”

“My husband and I did everything we could to protect each other, and I was devastated by KRON4’s refusal to recognize our relationship,” David said. “While no one should have to

litigate a federal lawsuit for three years to receive spousal protections, I'm overjoyed by today's decision."

Teresa Renaker, who argued the appeal before the Ninth Circuit, said, "Although the Defense of Marriage Act was struck down in 2013, some employers have continued to deny spousal pension benefits to same-sex couples if the employee retired or died before the Supreme Court decision. Today's decision recognizes that DOMA cannot deprive a same-sex couple of pension protections merely because it was still on the books when an employee retired."

NCLR Senior Staff Attorney Amy Whelan adds, "This decision also recognizes the important protections afforded to California registered domestic partners who were unconstitutionally denied the right to civil marriage. It's important for same-sex spouses and registered domestic partners to understand that they should not be denied benefits on the basis of unconstitutional law."

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The National Center for Lesbian Rights is a national legal organization committed to advancing the human and civil rights of the lesbian, gay, bisexual, transgender, and queer community through litigation, public policy advocacy, and public education. www.NCLRights.org

Renaker Hasselman Scott LLP is a plaintiffs' employee benefits law firm based in San Francisco. www.renakerhasselman.com