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Alisha Brennon filed a wrongful-death suit in Indiana after her partner, Christina Santiago, was killed in a concert stage collapse in Indianapolis. Brennon, injured in the collapse, had entered into a civil union with Santiago in Illinois.

## Stage collapse suit will test civil unions' rights

Indiana courts may decide if Chicagoan can seek damages in her partner's death

**BY LOLLY BOWEAN  
AND ANDY GRIMM**  
Tribune reporters

Alisha Brennon and Christina Santiago made their relationship official this past summer, soon after Illinois' civil union law began recognizing same-sex couples.

Now, following Santiago's death, the legal benefits of that union will be put to the test across the state line in Indiana.

On Monday, Brennon

filed a wrongful-death lawsuit in Indiana seeking damages after her partner was killed in a concert stage collapse in Indianapolis, her attorneys said.

Although the Chicago couple entered into a civil union in Illinois, the courts in Indiana will determine whether Brennon has a legal right to seek compensation in her spouse's death, experts said.

The lawsuit highlights a new wrinkle caused by the

patchwork of laws on the rights of gay and lesbian couples to marry or form civil unions.

"It's egregious that in Illinois, and other states, your union is recognized and you are treated with some measure of equality. And you travel across the border and become a non-person," said Brennon's attorney Kenneth J. Allen, who filed the lawsuit in Marion County, Ind.

Brennon and Santiago were among the first couples to enter into a civil union in June when the partnerships became legal, Allen said.

They were attending a concert by the group Sugarland at the Indiana State Fairgrounds in August when the outdoor stage collapsed, killing seven people and injuring dozens of others, the lawsuit said.

Santiago, 29, was killed and Brennon, 24, broke her leg and suffered fractures to her face, ribs and vertebrae, Allen said. She is recovering from her physical injuries but struggling to heal from the loss of her partner, he said.

"They married at the

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ZBIGNIEW BZDAK/TRIBUNE PHOTO

Alisha Brennon arrives Monday with attorneys Richard Rosenberg and Kenneth J. Allen, right, for a news conference on the wrongful-death lawsuit she filed after her partner's death in an Indiana stage collapse. The suit was filed so other couples will have their unions recognized, Brennon said.

# Civil unions' rights face test

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first opportunity for couples to be recognized," Allen said. "They intended to support each other for the rest of their lives."

On Monday, Brennon wore Santiago's ring on a chain around her neck at a news conference in her lawyer's office and spoke publicly about the stage collapse for the first time.

Brennon and Santiago were with a group of friends at the concert, enjoying what she thought at the time was a "perfect evening," even as clouds gathered and the wind picked up.

"Not five minutes later, I was knocked unconscious with her right in front of me," Brennon said, choking up. "I never saw her again."

The lawsuit was filed not for monetary reasons, but so other couples will have their unions recognized, Brennon said softly from her wheelchair, scars on the side of her face.

Six states allow same-sex marriage. Five states, including Illinois, have civil union laws that give gay couples the same legal rights and benefits as heterosexual couples.

In Indiana, same-sex partnerships are not recognized, and only surviving spouses or family mem-



Christina Santiago, left, and Alisha Brennon entered into a civil union in Illinois, but Indiana does not recognize same-sex unions.

bers are allowed to file wrongful-death suits, experts said.

Allen also has filed a lawsuit on behalf of another lesbian couple seeking damages as a result of the stage collapse, he said. In that case, the woman who died has a daughter who could recover any money awarded by a jury.

Brennon's case is different because she is part of a legal civil union in one state and can claim damages only if the court will allow it, legal experts said.

"This is a very important case, and we will see more like this one in states that don't provide any type of recognition for same-sex couples," said Shannon Minter, legal director for the National Center for Lesbian Rights.

Brennon would have been able to pursue damages if the stage had

collapsed in Illinois because the state's civil unions law provides the same rights as married couples, said Andrew M. Koppelman, a law and political science professor at Northwestern University Law School.

"These plaintiffs are going to have a hard time in Indiana because Indiana law does not recognize their relationships," Koppelman said. "It shows that the law in Indiana is cruel and stupid."

In most states that don't recognize civil unions, gay and lesbian couples are often advised to draw up legal documents such as wills and adoption agreements to protect their relationship if something tragic happens, said Don Sherfick, vice president of Indiana Equity Action, an advocacy group. But the lawsuit filed Monday in Indiana shows there are many protections in traditional marriage that are not extended to same-sex couples.

"It's really ironic that that border can make all that difference in the world," he said. "We were really happy to see that Illinois was able to pass civil unions and is on the right track. But a state line shouldn't make a difference."

Mathew Staver, founder and chairman of the Liberty Counsel, a

nonprofit litigation, education and policy organization that opposes civil unions, said such unions "create a quagmire to marital relationships and marriage."

"It is essentially something that is creating a relationship that is parallel to marriage for same-sex couples, and we don't believe that that is a good policy," Staver said.

Santiago was an outspoken member of Chicago's gay community and worked as a programming manager for the Lesbian Community Care Project at Howard Brown Health Center. She also was programming chair for Amigas Latinas, an advocacy group for gay and lesbian Hispanics in Chicago.

In all, Brennon has filed two lawsuits in Marion County against the concert organizers and security, and a federal case challenging Indiana law that caps damages in negligence cases at \$5 million for all parties.

Brennon sees the lawsuits as an extension of Santiago's activism, she said.

"She fought so hard for everything she believed in," Brennon said. "I believe she is still fighting somehow."

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