

14 (footnote omitted). The United States Supreme Court issued its ruling on June 26. *Obergefell v. Hodges*, 576 U.S. ____ (2015). Accordingly, this Court’s preliminary injunction is now in effect.

3. Following the decision in *Obergefell*, Plaintiffs’ class counsel began receiving reports of various county probate court judges who were continuing to enforce Alabama’s now-invalidated laws barring same-sex couples from marriage by refusing to issue marriage licenses to same-sex couples on the same terms as such licenses are issued to opposite-sex couples. Consequently, counsel sent an e-mail to Defendants’ counsel seeking their assistance in notifying all probate court judges of their obligation under the preliminary injunction to issue marriage licenses to same-sex couples immediately. The e-mail, in turn, was distributed to all probate judges on June 29 at 10 a.m. *See* Exhibit 1 (e-mail from Plaintiff Class’s counsel and response from Ken Webb).

4. A memorandum advising “that probate judges begin issuing marriage licenses to same-sex couples in the same manner and pursuant to the same requirements applied to traditional couples,” was also distributed to the probate court judges by the Association of County Commissions of Alabama. *See* Exhibit 2. *See also* June 29 ACCA Update, available at [http://acca.informz.net/informzdataservice/onlineversion/ind/bWFpbGluZ2luc3Rhb mNlaWQ9NDQ1OTA4NyZzdWJzY3JpYmVyaWQ9ODI2ODI2MDI3](http://acca.informz.net/informzdataservice/onlineversion/ind/bWFpbGluZ2luc3RhbmNlaWQ9NDQ1OTA4NyZzdWJzY3JpYmVyaWQ9ODI2ODI2MDI3) (last visited July 1, 2015).

5. Accordingly, probate judges in most Alabama counties are now complying with this Court's May 21, 2015, injunction and issuing marriage licenses to same-sex couples on the same terms as such licenses are issued to opposite-sex couples.

6. Probate judges in a few counties, however, are erroneously maintaining that the Court's May 21, 2015, Order is stayed and that the preliminary injunction is not yet in effect. For example, Tuscaloosa County probate court judge W. Hardy McCollum is currently issuing marriage licenses to opposite-sex couples but not to same-sex couples. *See* Declaration of Jennifer Kenney, Exhibit 3.

7. An order clarifying that the preliminary injunction in the Court's May 21, 2015, Order is in effect and binding on all probate court judges is needed to bring about statewide compliance with the Court's orders.

WHEREFORE, Plaintiffs move this Court for an order stating that the preliminary injunction order, Doc. 123, is in full effect and binding on all Alabama probate court judges and requires immediate compliance.

Respectfully Submitted,

NATIONAL CENTER FOR LESBIAN RIGHTS

By: /s/ Shannon P. Minter

Shannon P. Minter*
Christopher F. Stoll*
National Center for Lesbian Rights
1100 H Street, NW, Suite 540
Washington, DC 20005
Tel: (202) 734-3545
Email: sminter@nclrights.org
Email: cstoll@nclrights.org

Heather Fann
Boyd, Fernambucq, Dunn & Fann, P.C.
3500 Blue Lake Drive, Suite 220
Birmingham, AL 35243
Tel: (205) 930-9000
Fax: (205) 930-9010
Email: hfann@bfattorneys.net

Randall C. Marshall (MARSR3023)
ACLU Foundation of Alabama
P.O. Box 6179
Montgomery, AL 36106-0179
Tel: (334) 420-1741
Fax: (334) 269-5666
Email: rmarshall@aclualabama.org

David Dinielli**
Cal. Bar No. 177904
Scott D. McCoy*
N.Y. Bar No. 3970803
Southern Poverty Law Center
400 Washington Avenue
Montgomery, AL 36104
Tel: (334) 956-8200
Email: david.dinielli@splcenter.org
Email: scott.mccoy@splcenter.org

Ayesha N. Khan*
D.C. Bar No. 426836
Zachary A. Dietert*
D.C. Bar No. 1003784
Americans United for Separation of Church and
State
1901 L Street, NW, Suite 400
Washington, D.C. 20036
Tel: (202) 466-3234
Email: khan@au.org
Email: dietert@au.org

Attorneys for Plaintiffs

* Appearing *pro hac vice*

** Motion for admission *pro hac vice* forthcoming

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system on July 1, 2015. I certify that service will be accomplished by the CM/ECF system to the following parties:

Luther Strange
Attorney General
Andrew L. Brasher
Solicitor General
James W. Davis
Laura Howell
Assistant Attorneys General
State of Alabama
Office of Attorney General
501 Washington Avenue
Montgomery, Alabama 36130
Tel: (334) 353-2609

Lee L. Hale (HAL026)
501 Church Street
Mobile, AL 36602
Phone: (251) 433-3671

J. Michael Druhan, Jr. (Druh2816)
Harry V. Satterwhite (Satth4909)
SATTERWHITE, DRUHAN, GAILLARD & TYLER, LLC
1325 Dauphin Street
Mobile, Alabama 36604
(251) 432-8120 (phone)
(251) 405-0147 (fax)
mike@satterwhitelaw.com
harry@satterwhitelaw.com

Mark S. Boardman (ASB-8572-B65M)
Clay R. Carr (ASB-5650-C42C)
Teresa B. Petelos (ASB-8716-L66T)
BOARDMAN, CARR, BENNETT, WATKINS, HILL & GAMBLE, P.C.
400 Boardman Drive
Chelsea, Alabama 35043-8211
Telephone: (205) 678-8000

Attorneys for Defendant Don Davis

Kendrick E. Webb (WEB022)
Jamie Helen Kidd (HIL060)
WEBB & ELEY, P.C.
7475 Halcyon Pointe Drive (36117)
Post Office Box 240909
Montgomery, Alabama 36124
(334) 262-1850 T
(334) 262-1772 F
kwebb@webbeley.com
jkidd@webbeley.com

John David Whetstone
17090 Lagoon Winds Drive
Gulf Shores, AL 36542
T (251) 500-1337
davidwhetstone1@yahoo.com

Attorneys for Defendant Tim Russell

/s/ Randall C. Marshall