

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

JAMES N. STRAWSER and)	
JOHN E. HUMPHREY, et al.,)	
)	
Plaintiffs,)	
)	Case No. 1:14-cv-424-CG-N
v.)	
)	
STATE OF ALABAMA,)	ORAL ARGUMENT AND
LUTHER STRANGE,)	EXPEDITED HEARING
and DON DAVIS,)	REQUESTED
)	
Defendants.)	

**AMENDED MOTION TO WITHDRAW AS CLASS
REPRESENTATIVE AND CLASS COUNSEL,
AND REQUEST FOR EXPEDITED HEARING**

COMES NOW defendant Don Davis, Judge of Probate, Mobile County, Alabama, and amends his Motion to Withdraw as Class Representative and Class Counsel, (Doc. 130), filed on June 4, 2015. Judge Davis adopts and incorporates herein by reference all grounds and reasons stated in his original motion (Doc. 130) and adds the following:

3. The U.S. Supreme Court on Friday, June 26, 2015 released its opinion in *Obergefell et al., v. Hodges*, No. 14-556, ___ U.S. ___ (June 26, 2015). Beginning on that day and continuously since, Judge Davis has complied with the U.S. Supreme

Court's rulings. In the three business days that have followed, the plaintiffs have made demands on Judge Davis, as class representative, and his attorneys, as class counsel, to undertake certain actions, including notifying all probate judges in the State of Alabama of certain orders and their obligations as construed by the plaintiffs. Additionally, the Court has entered an order (Doc. 146) requiring responses to the plaintiffs' Motion for Permanent Injunction and Final Judgment (Doc. 142) on or before July 7, 2015. These are obligations that should be assumed by someone other than the taxpayers of Mobile County, for the reasons stated in the original motion. For example, since all probate judges are public officials, the plaintiffs have the right to contact them directly, notwithstanding their status as defendants. Not only do the plaintiffs have the right to contact elected officials under the U.S. Constitution, but the Alabama State Bar has issued a written opinion authorizing contact of public officials, even those involved in litigation.

4. On Friday, June 26, 2015, after the ruling in *Obergefell* by the U.S. Supreme Court, the Probate Court in Mobile County immediately proceeded to issue marriage licenses to anyone, including same-sex couples. Judge Don Davis is not the appropriate person to represent the class. His defense is not now, nor has it ever been funded by the ACCA or Alabama Probate Judges Association, but only by the taxpayers of Mobile County.

5. Judge Davis requests oral argument for this motion and that the hearing

be expedited in light of the Court's order requiring responses to the plaintiffs' Motion for Permanent Injunction to be filed on or before July 7, 2015.

WHEREFORE, defendant Don Davis, Judge of Probate, requests that he and his counsel be removed as class representative and class counsel, respectively.

ORAL ARGUMENT REQUESTED

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CERTIFICATE OF SERVICE

I do hereby certify that I have on **July 2, 2015** electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all Counsel of record, and I have mailed the same to non-CM/ECF participants via United States Mail properly addressed and first class postage prepaid, to wit:

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