

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

JAMES N. STRAWSER, <i>et al.</i>)	
)	
Plaintiffs,)	
)	
v.)	Case No.
)	1:14-cv-00424-CG-C
LUTHER STRANGE, Attorney General, <i>et al.</i> ,)	
)	
Defendants.)	

**DEFENDANT ATTORNEY GENERAL STRANGE’S RESPONSE TO PLAINTIFFS’ MOTION FOR A
PERMANENT INJUNCTION (DOC. 142)**

Defendant Luther Strange, in his official capacity as Attorney General of the State of Alabama, responds as follows to Plaintiffs’ Motion for Permanent Injunction and Final Judgment:

The United States Supreme Court has resolved in Plaintiffs’ favor the legal issues presented in this case. *Obergefell, et al. v. Hodges*, 576 U.S. ____ (2015). While Attorney General Strange disagrees with the Supreme Court’s decision, it is the law of the land.

Plaintiffs assert that this Court’s “preliminary injunction should now be made permanent.” It is not clear whether Plaintiffs are referring to this Court’s preliminary injunction against Attorney General Strange (doc. 29), the preliminary injunction entered against a class of Probate Judges (doc. 123), or both. To the extent Plaintiffs argue that the preliminary injunction against Attorney General Strange, entered January 26, 2015, be made permanent, Attorney General Strange opposes the motion on grounds that he is already subject to a permanent injunction in another case, and a second permanent injunction against Strange would provide Plaintiffs with no additional relief.

To obtain a permanent injunction, a plaintiff must show, among other things, that “irreparable harm will result if the court does not order injunctive relief.” *KH Outdoor, LLC v. City of Trussville*, 458 F.3d 1261, 1268 (11th Cir.2006). Plaintiffs cannot establish this element as against Attorney General Strange because he is already subject to a permanent injunction that prohibits his enforcement of Alabama’s marriage laws to the extent they do not recognize a “same-sex marriage.”

This Court entered that permanent injunction against Attorney General Strange on January 23, 2015, in a companion case. *Searcy v. Strange*, case no. 14-0208 (M.D. Ala.), doc. 53. He has complied fully with that permanent injunction.

The *Searcy* injunction, already in place, thus provides Plaintiffs all the relief they can ever receive from Attorney General Strange. Another permanent injunction against Strange would provide Plaintiffs no additional relief, and Plaintiffs cannot show that they will suffer irreparable harm if a second permanent injunction is not entered against him.

Therefore, the Court should not enter a second permanent injunction against Attorney General Strange.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on July 7, 2015, I electronically filed the foregoing document using the Court's CM/ECF system which will send notification of such filing to the following persons:

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