

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

JAMES N. STRAWSER, <i>et al.</i> ,)	
Plaintiffs,)	
v.)	
LUTHER STRANGE, in his official)	
capacity as Attorney General for the)	Civil Action No. 14-0424-CG-C
State of Alabama, <i>et al.</i> ,)	
Defendants.)	
)	

PLAINTIFFS’ NOTICE OF SUPPLEMENTAL AUTHORITY

Recently, the United States District Court for the District of Nebraska issued its opinion granting a declaratory judgment and permanently enjoining Nebraska’s laws barring same-sex couples from marriage. In doing so, the district court denied defendants’ motion to dismiss the case as moot. *See Waters v. Ricketts*, No. 8:14CV356, --- F.Supp.3d ----, 2016 WL 447837 (D. Neb. Feb. 4, 2016). Plaintiffs submit this decision as supplemental authority in support of their Motion for Permanent Injunction and Final Judgement (Doc. 142).

Like the defendants in this case, the State in *Waters* claimed that the case was moot and no relief was necessary. There, the State listed “a number of changes that have occurred as a result of the *Obergefell* decision”¹ and argued “that *Obergefell* specifically addressed all issues affecting this case” and “that all plaintiffs have received the relief they requested.” 2016 WL 447837 at *4. Despite these arguments,

¹ *Obergefell v. Hodges*, 135 S. Ct. 2584 (2015).

the court held that the plaintiffs' claims were not moot. 2016 WL 447837 at *4.

In granting the plaintiffs' request for permanent relief, the court observed that Nebraska's law "has not been repealed and is still published as part of the Nebraska Constitution." *Id.* (citation omitted). Citing *Obergefell* and the Eighth Circuit's affirmance of the earlier preliminary injunction, the court stated that "plaintiffs have won on the merits" and entered both a declaratory judgment that the challenged Nebraska Constitutional provision was unconstitutional and a permanent injunction prohibiting its enforcement. 2016 WL 447837 at *5, *6.

Respectfully Submitted,

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* 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 February 19, 2016. I certify that service will be accomplished by the CM/ECF system to the following parties:

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