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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ALABAMA

JAMES N. STRAWSER and
JOHN E. HUMPHREY,

Plaintiffs,

v.

LUTHER STRANGE,
and the STATE OF ALABAMA,

Defendants.

CASE NO. CV14-0424

COURTROOM 2B

MOBILE, ALABAMA

THURSDAY, DECEMBER 18, 2014

* * * * *

HEARING ON MOTION FOR PRELIMINARY INJUNCTION,
BEFORE THE HONORABLE CALLIE V. S. GRANADE,
UNITED STATES DISTRICT JUDGE

APPEARANCES:

FOR THE PLAINTIFFS:

PRO SE
9231 Amber Ct
Mobile, AL 36605

FOR THE DEFENDANT:

JAMES W. DAVIS
LAURA E. HOWELL
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THE CLERK: TAMMY THORNTON
THE LAW CLERK: LYNN DEKLE
COURT REPORTER: ROY ISBELL, CCR, RDR, CRR

Proceedings recorded by OFFICIAL COURT REPORTER
Qualified pursuant to 28 U.S.C. 753(a) & Guide to
Judiciary Policies and Procedures Vol. VI, Chapter III, D.2.
Transcript produced by computerized stenotype.

1 (9 a.m., in open court.)

2 THE CLERK: Case set for preliminary -- case set for
3 preliminary injunction hearing, civil case number 14-424-CG-C,
4 James N. Strawser and John E. Humphrey versus Luther Strange.

5 THE COURT: Are the parties ready to proceed?

6 You need to turn down the sound a little bit.

7 All right. Are the plaintiffs ready to proceed?

8 MR. STRAWSER: Yes, ma'am.

9 MR. HUMPHREY: Yes, ma'am.

10 THE COURT: And can you identify yourselves, please?

11 MR. STRAWSER: I'm James Strawser.

12 MR. HUMPHREY: And I'm John Humphrey.

13 MR. CARNRIKE: And I'm Bishop Carnrike. I'm here in a
14 state of assistance.

15 THE COURT: All right. Mr. Davis?

16 MR. DAVIS: Good morning, Your Honor. I'm Jim Davis,
17 representing Attorney General Strange, and we are ready to
18 proceed.

19 THE COURT: All right. Thank you.

20 All right. Mr. Strawser and Mr. Humphrey, it is your
21 burden on this motion and you will need to present some
22 evidence to establish standing and the requirements for a
23 preliminary injunction. So you may proceed.

24 MR. STRAWSER: Let's see. Well, we had applied for a
25 marriage license back in July.

1 THE COURT: All right. Well, first of all, are you
2 intending to offer testimony?

3 MR. STRAWSER: No. We just want to support our brief.

4 THE COURT: Well, you need to establish for the record
5 what the facts are that have led you to file this lawsuit. And
6 you must do so by some sort of sworn testimony, affidavit,
7 deposition, something of that nature.

8 MR. HUMPHREY: Would that be getting denied our
9 marriage license?

10 THE COURT: Well, basically, yes. But what I'm
11 telling you is one or both of you need to give sworn testimony
12 as to what has led you to this point, what your damages are,
13 what injuries you have, why this is not averse to the public
14 interest, why your injury outweighs the damage to the State,
15 things of that nature.

16 So you may proceed. But you are going to have to be
17 sworn and give testimony under oath. All right?

18 MR. STRAWSER: Okay.

19 THE COURT: All right. Now, which of you wants to
20 give testimony at this point?

21 MR. STRAWSER: I will.

22 THE COURT: All right. Will you stand, please, and
23 take this oath?

24 THE CLERK: Raise your right hand.

25 JAMES N. STRAWSER

1 was sworn and testified as follows:

2 THE WITNESS: Yes, I do.

3 THE COURT: All right. You may give your testimony
4 from the table there. So go ahead and proceed.

5 DIRECT EXAMINATION

6 BY MR. STRAWSER: We applied for a marriage license in
7 July of 2014. We were denied because we are a same-sex
8 couple. They told us they did not permit that in the state of
9 Alabama and --

10 THE COURT: First, where did you apply for --

11 MR. STRAWSER: Mobile County Courthouse.

12 THE COURT: All right.

13 MR. STRAWSER: They refused us our license that day
14 and told us that they do not recognize same-sex marriage in the
15 state of Alabama, that we had no legal grounds to stand on to
16 get married.

17 THE COURT: All right.

18 MR. STRAWSER: Since then I've gone under two major
19 surgeries, I went to go have two major surgeries done. And
20 both times I flatlined on them and they could not give John the
21 information that he needed, as my spouse, to handle matters.

22 THE COURT: All right. Now, you're calling
23 Mr. Humphrey your spouse. Can you tell me what the grounds for
24 that is?

25 MR. STRAWSER: We were legally married by the --

1 married by the Church of the -- United Gospel, and they
2 recognized us as a married couple.

3 THE COURT: All right. And where did this marriage
4 take place?

5 MR. STRAWSER: It took -- here in Mobile at the
6 Japanese Gardens.

7 THE COURT: All right. And who performed the
8 marriage?

9 MR. STRAWSER: Bishop David Carnrike (indicating).

10 THE COURT: All right. And when did this marriage
11 take place?

12 MR. STRAWSER: Marriage took place August 16th of
13 2014.

14 THE COURT: All right. And that was a
15 church-sanctioned marriage and not a State-sanctioned marriage?
16 Is that right?

17 MR. STRAWSER: Yes, ma'am.

18 THE COURT: All right. Go ahead.

19 MR. STRAWSER: We feel like our rights have been
20 violated by the state not allowing us to proceed with
21 legalities. If something would happen to me, that John would
22 have the right to be able to take control of things for me.
23 My mom is extremely ill, she's dying of heart
24 failure. And I've asked John several times, you know, if
25 something happens to me, please take care of mama for me.

1 And for him to do that, I have to sign legal papers
2 for him to take over. And as of right now we cannot -- I
3 cannot even get legal papers signed because I have no
4 rights. John has no rights as my husband in the state of
5 Alabama.

6 THE COURT: All right. Give me a little bit of your
7 background. Where were you born? Where did you grow up?

8 MR. STRAWSER: I was born in Douglasville --

9 THE COURT: Hold on just a minute. Hold up just a
10 minute. Where were you born, where did you grow up, what type
11 of work have you done, how long have you lived in Mobile and --
12 or if you do live in Mobile -- and that sort of thing.

13 MR. STRAWSER: Well, I was raised -- I was born in
14 Douglasville, Georgia, raised in Columbus, Ohio. My father was
15 a Pentecostal preacher. I came from a long line of religious
16 family. We had always been raised in the church and still go
17 to church today. I started out as a --

18 THE COURT: Just a minute. There may be an objection.
19 Mr. Davis?

20 MR. DAVIS: Excuse me, Your Honor. No, no
21 objection. And I'm sorry to interrupt. I'm just a little hard
22 of hearing. Is it possible for me to move up slightly, to this
23 bench, so I can see Mr. Strawser?

24 THE COURT: Sure. That's fine.

25 MR. DAVIS: Thank you. Thank you.

1 THE COURT: All right. Go ahead, Mr. --

2 MR. STRAWSER: I started working at the age of 13,
3 supporting -- helping support my family. Started in a
4 restaurant as a dishwasher and worked my way up to night
5 manager at the age of 16. Since then I've been a professional
6 cook for 13 years. I traveled all over the United States as a
7 chef.

8 And then I went into the construction business and
9 started doing interior and exterior demolitions all over the
10 United States for Value City Furniture Store and department
11 stores.

12 Since then I've went in -- when I moved to Mobile in
13 2004, I went to work out on Gulf Shores as a carpenter's
14 assistant and we were building homes.

15 Since I left Foley -- well, the Baldwin County area --
16 I have moved to Mobile and I went to work at Mobile Memorial
17 Gardens Cemetery as a groundskeeper and a landscaper for
18 them. Since I've been started with them, I worked with them
19 for two and a half years and had to retire because of a heart
20 condition.

21 Now I have a pacemaker, which I'm going January the
22 2nd for an additional, new pacemaker, which will have two leads
23 instead of the one.

24 At that time they're only saying there's a 50-50
25 chance of coming out of this. I need John to be able to handle

1 my affairs if something happens to me. And until I can -- I am
2 afraid to go and have anything done until I know he can handle
3 the affairs.

4 THE COURT: How long have you and Mr. Humphrey been a
5 couple?

6 MR. STRAWSER: We've been a couple for a year.

7 THE COURT: All right. Now, Mr. Humphrey, do you wish
8 to offer any testimony? Mr. Strawser cannot represent you,
9 because you are individual plaintiffs. So you need to offer
10 some sort of evidence as well. You are free to adopt whatever
11 Mr. Strawser has said. But you need to add something
12 pertaining to yourself.

13 JOHN E. HUMPHREY

14 testified as follows:

15 BY MR. HUMPHREY: Well, myself, I suffer from grand
16 mal seizures. I am epileptic. And worrying about everything
17 that's going on is no help to myself nor his mother.

18 She -- she has taken me into the family just like one
19 of her own. She really wants this to happen, to know that
20 herself will be taken care of should something happen to Jim on
21 the 2nd of January, you know. I mean, I will gladly adopt
22 everything that Jim has said.

23 My mother, she's not as bad off. But, you know, she's
24 63 years old and she's already undergone two heart surgeries.
25 She's not in the best of health, you know.

1 And both of our parents -- if our parents can accept
2 us for what we are, why should anybody else have any problem
3 with it?

4 THE COURT: All right. Now, Mr. Davis, do you wish to
5 cross-examine either or both of the plaintiffs?

6 MR. DAVIS: Yes, Your Honor. I have some brief
7 questions for Mr. Strawser, if I may.

8 THE COURT: Mr. Strawser, why don't you take the stand
9 up here -- you are still under oath -- so that Mr. Davis can
10 question you while looking at you.

11 MR. DAVIS: Your Honor, if I may introduce Laura
12 Howell, also in the Attorney General's Office, who has joined
13 us since the hearing began.

14 THE COURT: All right. Thank you.

15 MS. HOWELL: Good morning, Your Honor.

16 THE COURT: Good morning.

17 JAMES N. STRAWSER,
18 previously sworn, testified further, as follows:

19 CROSS EXAMINATION

20 BY MR. DAVIS:

21 Q Good morning, Mr. Strawser.

22 A Good morning.

23 Q Mr. Strawser, have either you or Mr. Humphrey executed a
24 last will and testament?

25 A I have got a last will and testament, but it's invalid due

1 to hospitals -- because of us not having legal marriage rights,
2 they do not recognize it.

3 Q They don't recognize a will?

4 A No. They recognize the will, but they don't recognize --
5 what do I want to call it? what I've asked John to take care
6 of, to make life decisions for me.

7 Q Have you -- have you in fact executed a power of attorney,
8 then, a health care power of attorney of sorts?

9 A I have a health care proxy, power of attorney for John.
10 But the hospital don't want to honor it because he's -- how do
11 I want to say? He's not legally my husband in the state of
12 Alabama. Okay. For that to come to place, he has to be
13 legalized as my husband to make all calls for me. If I would
14 start to -- if I would code out and they would bring me back to
15 life -- I've already made point clear: No machines, I'm not
16 going to live on machines the rest of my life, to let me go.

17 Q Who informed you that the hospital would not recognize
18 that --

19 A The hospital did.

20 Q Who at the hospital?

21 A One of their administrators came up to the room and told
22 John and I that they couldn't recognize it unless we had legal
23 documentation from the courts that he has over -- has all power
24 of attorney over me as -- at the time of the stay.

25 Q When did you execute that power of attorney?

1 A Well, we've tried to execute it twice in the last year.

2 Q When was it signed?

3 A Let's see.

4 Q Approximately.

5 A Back in August.

6 Q Have you executed any documents asking Mr. Humphrey or
7 giving Mr. Humphrey permission to take care of decisions
8 concerning your mother in the event that you're unable to do
9 so?

10 A Yes. She has given John permission, herself, to execute.

11 Q Mr. Strawser, in your view what is a marriage?

12 A A marriage is between two people that are in love. It
13 don't matter the sex, it don't matter the creed. Long as two
14 people's in love, what makes the difference?

15 Q Have either you or Mr. Humphrey been married before?

16 A I have been married before.

17 Q When were you married before?

18 A I was married in 1983.

19 Q In the state of Alabama?

20 A No, in the state of Ohio.

21 Q When did that marriage end?

22 A 1985. Then I remarried again, 1986, and it ended in '87.

23 And I remarried this last time in 1992 in the state of Alabama
24 and divorced in 2004.

25 Q Were any of those three marriages same-sex relationships?

1 A No.

2 Q Do you agree, Mr. Strawser, that biological parents have a
3 special bond with their children?

4 A Yeah.

5 Q In most cases?

6 A In some cases, yes.

7 Q Would you agree that in most cases that biological parents
8 are usually the best persons to take care of the children that
9 might result from a relationship?

10 A No.

11 Q No? Why not?

12 A Because every child has -- if it's a same-sex couple --
13 okay, I'm going to give you a good point. If it's a same-sex
14 couple raising children, I've seen better luck out of a same-
15 sex couple raising children than I have a husband and wife.
16 Because when a husband and wife splits up, the child is thrown
17 in the middle.

18 MR. DAVIS: Your Honor, might I have a moment to
19 consult with Ms. Howell?

20 THE COURT: Yes.

21 (A discussion was held off the record between counsel.)

22 MR. DAVIS: We have no further questions, Your Honor.

23 THE COURT: All right. Mr. Strawser, you may step
24 down.

25 Do you want to question Mr. Humphrey?

1 MR. DAVIS: I do not, Your Honor. Thank you. That
2 covered everything.

3 THE COURT: All right. Mr. Strawser and Mr. Humphrey,
4 do you have anything else that you want to present this
5 morning?

6 MR. HUMPHREY: Yes, Your Honor.

7 MR. STRAWSER: The only thing I would like to present
8 before John does is in the last year we have got 35 states
9 ahead of us that has already --

10 THE COURT: Hold on. Can you pull the microphone
11 toward you so that -- yeah, thank you. Go ahead.

12 MR. STRAWSER: We've already got 35 other states
13 approve same-sex marriage. What's the difference in anybody
14 else approving it? It's coming. It's realized. It's
15 happening everyday.

16 Okay. We've got a case, Loving versus Virginia, the
17 status also developed Loving's liberty without due process of
18 the law a violation of the due process clause of the Fourteenth
19 Amendment, the freedom to marry has long been recognized as one
20 of the vital personal rights essential to the orderly pursuit
21 of happiness by free men. Marriage is one of the basic civil
22 rights of men, fundamental to the very existence and survival,
23 Skinner versus Oklahoma.

24 This Court has long recognized the freedom of personal
25 choice in matters in marriage. Family life is one of the

1 liberties protected by due process clause (p640) of the
2 Fourteenth Amendment, Rowe versus Wade, at 410 U.S. 113.

3 THE COURT: Can you tell me which case you are citing
4 from at this point?

5 MR. HUMPHREY: The beginning (indicating).

6 MR. STRAWSER: Cleveland Board of Education versus
7 Laflour.

8 THE COURT: All right --

9 MR. STRAWSER: Loving versus Virginia, Society's --
10 Pierce versus Society of Sisters, Meyer versus Nebraska, see
11 also Prince of Massachusetts, Skinner versus Oklahoma. We also
12 noted that Baird versus -- however, it's unwarranted government
13 institutions [sic] into matters of the fundamental arrangements
14 -- arranging -- a person as the definition [sic] whether to
15 bear or beget a child.

16 MR. HUMPHREY: And these are from the Supreme Court
17 themselves.

18 THE COURT: All right. And all of these cases you
19 have cited in your document in support of your motion for
20 preliminary injunction; is that correct?

21 MR. STRAWSER: Yes, ma'am.

22 THE COURT: All right.

23 MR. HUMPHREY: And also may I add we have been
24 recognized through not only AARP, but Blue Cross & Blue Shield
25 is also starting to recognize same-sex marriages (indicating).

1 How is that to take place if Alabama does not
2 recognize us?

3 THE COURT: All right. Mr. Davis, do you have
4 anything that you want to present beyond what you've already
5 presented in connection with this case?

6 MR. DAVIS: Yes, Your Honor, briefly. One of the
7 things we did not address in our written documents, because we
8 weren't to that stage yet, were the specific injury that we
9 contend would occur to the State if this Court were to grant a
10 preliminary injunction at this stage. There are three,
11 Judge. One is the chaos of having an on-again-off-again
12 approach. If you granted an injunction today but later, at the
13 final hearing on the merits, decided that we were correct on
14 the law, it would create a lot of chaos and confusion in the
15 state of marriage law. And I'll cite to the Bryant case, the
16 appeal to the Fifth Circuit arising out of a Mississippi case,
17 where the Fifth Circuit stayed that decision pending the
18 appeal, citing the disruption that would arise from a lack of
19 continuity and stability.

20 The second injury that would occur to the State is our
21 right to enforce validly enacted statutes. In the U.S. Supreme
22 Court Justice Rehnquist noted in his order in New Motor Vehicle
23 Board of California, located at 434 U.S. 1345, that anytime a
24 court enjoins a state from effectuating statutes enacted by
25 representatives of its people, there's equity on the side of

1 granting a stay, meaning that we would be, we think, entitled
2 to a stay of your order if you were inclined to grant an
3 injunction today. So we would ask for a stay pending our
4 appeal.

5 And third would be the State's administrative burden
6 of having to reconfigure health -- having to reconfigure health
7 and insurance plans on possibly a temporary basis. And that's
8 why we think, while we're sympathetic, very sympathetic, to
9 their situation and the health care issues they cited, we think
10 these could be taken care of and ameliorated through wills and
11 powers of attorneys and other legal documents and that perhaps
12 they need to revisit that with the hospital.

13 That's why we think the motion should be denied, Your
14 Honor.

15 THE COURT: All right.

16 MR. HUMPHREY: Your Honor?

17 THE COURT: Yes?

18 MR. HUMPHREY: May Bishop Carnrike address everything
19 that he just talked about --

20 THE COURT: No.

21 MR. HUMPHREY: -- on mine and Jim's behalf?

22 THE COURT: He may not. He is neither a party to this
23 case nor is he a lawyer representing you. So he may not
24 address the Court on these issues.

25 Now, if you wish to present testimony from him, you

1 are certainly welcome to put him on the stand and ask him any
2 questions that you want to. But he would have to do so under
3 oath. That is up to you.

4 MR. STRAWSER: That's fine. Yes, ma'am.

5 THE COURT: If you want to do that.

6 MR. STRAWSER: We would like to do that.

7 THE COURT: All right. You may do that. Please step
8 up and take the stand.

9 THE CLERK: Raise your right hand.

10 DAVID M. CARNRIKE

11 was sworn and testified as follows:

12 THE WITNESS: Yes, I do.

13 THE CLERK: Be seated.

14 DIRECT EXAMINATION

15 BY MR. STRAWSER:

16 Q Bishop Carnrike, would you state what church you belong to
17 for the State of Alabama?

18 A Well, I'm an ordained minister of the United Gospel
19 Holiness Church of America, which is also legally incorporated
20 in Jefferson County, Alabama. Plus I'm also the presiding
21 bishop of the Staff of Life Church Conference, which is also an
22 Alabama corporation.

23 Q How many marriages have you presided over in gay marriage
24 in the last few months?

25 A Well, since June actually three, including yours.

1 Q What is your output on same-sex marriage, as far as the
2 rights of the church with the State?

3 A Well, of course, our United Gospel Holiness Church believes
4 that marriage is more than sex. Matter of fact, I believe that
5 in one of the papers that you had there, the Attorney General
6 at that time in 1983 basically said that marriage was -- sex
7 was a nonissue in marriage. But in 1999, when the State of
8 Alabama passed -- I believe it's statute 31-19, that law that
9 they passed in 1999, that's when they put sex into marriage.

10 But the United Gospel Holiness Church does not deem
11 sex important when it comes to marriage, because marriage is a
12 bond between two people, a deep commitment between two people,
13 and it's a commitment to each other in the eyes of God.

14 And actually I believe that the sacrament of the
15 United Gospel Holiness Church should not be outlawed by the
16 State of Alabama. It's definitely -- the State of Alabama is
17 definitely saying that a function of the church is
18 illegal. And I do not believe that the church has the right to
19 -- or the State has a right to outlaw sacrament of the United
20 Gospel Holiness Church, as well as many other churches in the
21 state of Alabama who do not put sex in marriage.

22 THE COURT: Bishop Carnrike, let me ask you when you
23 say you do not put sex in marriage, are you referring to gender
24 or the sex act?

25 THE WITNESS: Actually, Your Honor, the way that the

1 State of Alabama -- the way that 1990 law reads, it is all
2 about sex and gender as far as --

3 THE COURT: But when you say sex, you're --

4 THE WITNESS: I'm talking about gender.

5 THE COURT: All right. You're talking about gender.
6 All right.

7 THE WITNESS: I'm talking about gender.

8 THE COURT: I wanted to clarify that.

9 THE WITNESS: Matter of fact, what I have read of that
10 statute, it was passed with one thing in mind; and that is, to
11 keep same-sex people from being married. That is wrong.
12 Matter of fact, I'm no attorney, but I still believe that the
13 federal laws prohibit sex discrimination.

14 As a matter of fact, if John and Jim were to rent an
15 apartment, it would be illegal for me, even as a pastor of the
16 church, to deny them the right to rent from my apartment just
17 on the fact that they are the same sex.

18 Okay. But the United Gospel Holiness Church believes
19 that gender has absolutely nothing to do with the -- with the
20 sex of the couples -- and neither did the State of Alabama,
21 that I can see, until 1999.

22 THE COURT: All right.

23 THE WITNESS: Did that answer your question,
24 Mr. Strawser?

25 MR. STRAWSER: Yes.

1 THE WITNESS: As a matter of fact, if I could say
2 this, I believe the Eleventh Circuit Court of Appeals has
3 struck down recently the sex laws banning same-sex marriage in
4 the state of Florida. So I think they agree with -- also agree
5 with me.

6 BY MR. STRAWSER:

7 Q Let me ask you one other thing. Knowing what you know
8 about the same-sex laws and marriage fundamentals, we talked
9 several times about back in the day that in 1967, where people
10 were put a limit on who they could marry and who they could not
11 marry --

12 A Yes. Matter of fact, as I understand it, the same
13 arguments that were being put forth because of interracial
14 marriage is being set forth with gay marriage today.

15 And let me add one thing, Mr. Strawser: The state of
16 Massachusetts has had gay marriage since 2010 and the world did
17 not come to an end. The world, the State of Alabama -- the
18 world is not going to come to an end if your marriage is
19 recognized by this Court.

20 The only thing that's going to come to an end if you
21 leave not victorious today is that your rights are going to be
22 continued to be violated. And I actually believe that no state
23 has a right to violate your constitutional rights, especially
24 when the Supreme Court says -- has made rulings, the Eleventh
25 Circuit Court of Appeals court has made rulings for you, and

1 according to the brief that you submitted to this Court, I
2 think really I just cannot understand. And if I could address
3 the judge at this time, Your Honor, I really don't see how the
4 State of Alabama can continue to deny them their constitutional
5 rights. But I better hush up. I might get you mad at me.

6 THE COURT: All right. Mr. Davis, do you have any
7 questions for Bishop Carnrike?

8 MR. DAVIS: Briefly, Your Honor.

9 THE COURT: All right.

10 CROSS EXAMINATION

11 BY MR. DAVIS:

12 Q Good morning, Mr. Carnrike. Has anyone told you that you
13 or your Church must stop performing the marriage ceremonies --

14 A No.

15 Q -- for same-sex couples?

16 A No.

17 Q Have they prevented you or your church from having whatever
18 beliefs you choose to believe are right on that issue?

19 A Yes, they have. Because, Mr. Davis, when I perform a
20 marriage ceremony, I believe that that ceremony should be
21 recognized by the state that we are in. Actually, actually I
22 sign -- well, I should be signing a marriage certificate
23 stating for the State of Alabama that I have performed that
24 marriage.

25 I have done many marriages for heterosexual couples,

1 and every time that I marry someone I sign a marriage license
2 stating to the State of Alabama that I have performed that
3 wedding ceremony. So yes, indeed, the State has prevented me
4 from filing a marriage certificate stating that they are
5 legally married.

6 Q No one has required you to change your mind on any issue;
7 correct?

8 A Pertaining to what?

9 Q To same-sex marriage or same-sex relationships?

10 A Well, yeah. Actually the State of Alabama has changed my
11 mind. Because at one time I did believe that same-sex marriage
12 was not -- not for me. But now, since I know -- the reason I'm
13 up here fighting for Strawser and Humphrey is because their
14 constitutional rights are being violated by the State of
15 Alabama. The State of Alabama is definitely committing sex
16 discrimination. This whole case is about one of them being a
17 male marrying a male. Now, if that's not sex discrimination, I
18 don't know.

19 So yes, the State of Alabama has changed my mind in
20 that stance.

21 Q But yet you're free to perform the ceremonies; correct? No
22 one's asked you to stop doing what you're doing?

23 A That is correct.

24 MR. DAVIS: Thank you.

25 THE COURT: All right. You may step down,

1 Mr. Carnrike.

2 THE WITNESS: Thank you.

3 THE COURT: Do the plaintiffs have any further
4 testimony or evidence at this time?

5 MR. STRAWSER: Not at this time, Your Honor.

6 THE COURT: All right. Does the State have any
7 further testimony or evidence to present?

8 MR. DAVIS: No, Your Honor. We rely on our written
9 documents and the argument presented today.

10 THE COURT: All right. Do the plaintiffs wish to
11 present any further briefing on this issue? And I don't mean
12 reading from a brief. I mean any written brief. Do you wish
13 to file any further written briefs before I issue a decision?

14 MR. STRAWSER: No, ma'am.

15 THE COURT: Does the State wish to file any further
16 written briefs?

17 MR. DAVIS: No, Your Honor.

18 THE COURT: Then I'm taking this matter under
19 submission and will issue an order as soon as I am able to.

20 MR. DAVIS: Your Honor, may I say one thing?

21 THE COURT: Yes.

22 MR. DAVIS: We would like to ask that if you were --
23 if you decided you are inclined to grant the motion, we would
24 like the opportunity to move for a stay on the State's behalf
25 at that point in time.

1 THE COURT: All right. Well, I understood your
2 position to be that --

3 MR. DAVIS: Okay.

4 THE COURT: -- if I granted the motion, you were
5 requesting a stay in order to appeal; is that correct?

6 MR. DAVIS: Yes. That's correct. Thank you.

7 THE COURT: I understand that to be the case.

8 MR. DAVIS: Thank you.

9 THE COURT: All right. In that case we are adjourned
10 and the matter is under submission.

11 MR. HUMPHREY: Thank you, Your Honor.

12 (This hearing concluded at approximately 9:33 a.m.)
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C E R T I F I C A T E

STATE OF ALABAMA)
COUNTY OF BALDWIN)

I do hereby certify that the foregoing proceedings were taken down by me and transcribed using computer-aided transcription and that the foregoing is a true and correct transcript of said proceedings.

I further certify that I am neither of counsel nor of kin to any of the parties, nor am I in anywise interested in the result of said cause.

I further certify that I am duly licensed by the Alabama Board of Court Reporting as a Certified Court Reporter as evidenced by the ACCR number following my name found below.

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1/30/2015

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