

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

JAMES N. STRAWSER and JOHN E. HUMPHREY)

Plaintiffs,)

v.)

Civil Action No. 14-0424-CG-C

LUTHER STRANGE, in his official capacity as Attorney General for the State of Alabama,)

Defendant.)

PLAINTIFFS' MOTION TO LIFT THE STAY

COME NOW the Plaintiffs, JAMES N. STRAWSER and JOHN E. HUMPHREY, by and through undersigned counsel, and file this Motion to Lift the Stay as follows:

1. The United States Court of Appeals for the Eleventh Circuit has denied Defendant's request to extend this Court's stay. A copy of the Eleventh Circuit's Order is attached hereto as Exhibit "A."

2. Plaintiffs respectfully submit that there is no reason for this Court's stay to remain in place until February 9, 2015, as the Court made clear that this Court's stay was to allow the Defendant time to seek appellate relief from the Eleventh Circuit on that issue.

3. The Defendant has now done so, and the Eleventh Circuit has denied his motion.

WHEREFORE, the premises considered, the Plaintiffs, JAMES N. STRAWSER and JOHN E. HUMPHREY, respectfully request that this Court lift its stay in this matter.

DATED: February 3, 2015

Respectfully submitted,

NATIONAL CENTER FOR LESBIAN RIGHTS

By: /s/ Christopher F. Stoll

Shannon P. Minter *
Christopher F. Stoll*
National Center for Lesbian Rights
1100 H Street, NW, Suite 540
Washington, DC 20005
Telephone: (202) 734-3545
Facsimile: (415) 392-8442
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
Telephone: (205) 930-9000
Facsimile: (205) 930-9010

Attorneys for Plaintiffs-Appellees

**(Motions 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 3, 2015.

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

/s/ Christopher F. Stoll

EXHIBIT A

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 15-10295-C

CARI D. SEARCY,
individually and as parent and next friend of K.S.,
a minor,
KIMBERLY MCKEAND,

Plaintiffs-Appellees,

versus

ATTORNEY GENERAL, STATE OF ALABAMA,

Defendant-Appellant.

No. 15-10313-A

JAMES N. STRAWSER,
JOHN E. HUMPHREY,

Plaintiffs-Appellees,

versus

ATTORNEY GENERAL, STATE OF ALABAMA,

Defendant-Appellant.

Appeals from the United States District Court
for the Southern District of Alabama

Before: TJOFLAT, HULL, and MARCUS, Circuit Judges.

BY THE COURT:

We *sua sponte* consolidate the above appeals in case nos. 15-10295 and 15-10313.

The motions of the Alabama Probate Judges Association and Robert J. Bentley, Governor of Alabama, “for Leave to Appear as *Amicus Curiae* in Support of Motion[s] of Attorney General Luther Strange for Stay” are GRANTED to the extent that we have accepted and considered the *amicus* filings in support of the motions for stay.

The Attorney General of the State of Alabama’s motions for a stay pending appeal are DENIED.