

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

Yesterday, Alabama Supreme Court Chief Justice Roy Moore issued an Administrative Order asserting that the decision in *Ex parte State ex rel. Alabama Policy Institute*, --- So.3d ----, 2015 WL 892752 (Ala. March 3, 2015), remains in effect despite the United States Supreme Court’s decision in *Obergefell v. Hodges*, 135 S.Ct. 2584 (2015). Justice Moore then entered the following Order:

IT IS ORDERED AND DIRECTED THAT:

Until further decision by the Alabama Supreme Court, the existing orders of the Alabama Supreme Court that Alabama probate judges have a ministerial duty not to issue any marriage license contrary to the Alabama Sanctity of Marriage Amendment or the Alabama Marriage Protection Act remain in full force and effect.

Absent from the Order was any recognition of this Court’s preliminary injunction (Doc. 123)<sup>1</sup> which remains in effect today (Order clarifying effect of preliminary injunction,

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<sup>1</sup> The preliminary injunction was summarily affirmed by the Eleventh Circuit on October 20, 2015. See Doc. 168.

Doc. 145). A copy of the Administrative Order is attached.

In light of ongoing attempts by Chief Justice Moore to direct probate court judges to continue to adhere to Alabama law that this Court has declared unconstitutional,<sup>2</sup> Plaintiffs submit the Administrative Order as supplemental authority in support of the need for a permanent injunction and final judgment against all defendants. *See* Motion, Doc. 142.

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<sup>2</sup> The Chief Justice's actions are reminiscent of the Governor's actions interfering with the desegregation of Alabama's public schools which resulted in the addition of Governor Wallace as a defendant and the entry of an injunction against him preventing further interference with the federal desegregation orders. *See, e.g., Lee v. Macon County Board of Education*, 231 F.Supp. 743 (M.D. Ala. 1964).

Respectfully Submitted,

NATIONAL CENTER FOR LESBIAN RIGHTS

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\*\* 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 January 7, 2016. I certify that service will be accomplished by the CM/ECF system to the following parties:

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