

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

REV. PAUL A. EKNES-TUCKER;
BRIANNA BOE, individually and on behalf
of her minor son, MICHAEL BOE; JAMES
ZOE, individually and on behalf of his minor
son, ZACHARY ZOE; MEGAN POE,
individually and on behalf of her minor
daughter, ALLISON POE; KATHY NOE,
individually and on behalf of her minor son,
CHRISTOPHER NOE; JANE MOE, Ph.D.;
and RACHEL KOE, M.D.,

Plaintiffs,

v.

KAY IVEY, in her official capacity as
Governor of the State of Alabama; STEVE
MARSHALL, in his official capacity as
Attorney General of the State of Alabama;
DARYL D. BAILEY, in his official capacity
as District Attorney for Montgomery County;
C. WILSON BAYLOCK, in his official
capacity as District Attorney for Cullman
County; JESSICA VENTIERE, in her official
capacity as District Attorney for Lee County;
TOM ANDERSON, in his official capacity as
District Attorney for the 12th Judicial Circuit;
and DANNY CARR, in his official capacity
as District Attorney for Jefferson County,

Defendants.

Civil Action No.
2:22-cv-00184-LCB

Hon. Liles C. Burke

JOINT MOTION TO DISMISS DEFENDANT KAY IVEY

COME NOW the parties and jointly move to dismiss Defendant Kay Ivey, in her official capacity as Governor of the State of Alabama (“Defendant Ivey”). In an effort to streamline this action, Plaintiffs agree to dismiss Defendant Ivey without prejudice from this action on the following conditions:

1. Defendant Ivey and her employees, agents, and successors in office agree to be bound by the terms of any Temporary Restraining Order or Injunction issued against the Attorney General or any other Defendants in this action to the extent such relief restricts or prohibits enforcement of the Alabama Vulnerable Child Compassion and Protection Act.
2. Defendant Ivey and her employees, agents, and successors in office shall only be bound by injunctive, declaratory, or other relief falling within the preceding paragraph to the extent such relief remains binding against the Attorney General or any other Defendants in this action.
3. Defendant Ivey and her employees, agents, and successors in office shall not be bound by any relief that is later reversed, vacated, set aside, or otherwise limited as to the Attorney General or any other Defendants.

WHEREFORE, PREMISES CONSIDERED, based upon the following agreed conditions, the parties respectfully request that Defendant Kay Ivey be dismissed from this action, without prejudice.

/s/ Melody H. Eagan

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CERTIFICATE OF SERVICE

I certify that on May 3, 2022, I electronically filed the foregoing with the Clerk of Court using the CM/ECF filing system, which will provide notice of such filing to all counsel of record.

/s/ Melody H. Eagan

Attorney for Plaintiffs