

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

**PAULA KAY HEDGEPEETH; SARAN SILLS;)
DEANNA LADNIER; ALICE FISHER)
WENDY SMITH; DEBORAH LYNN)
PRESLEY; RUSSELL)
MARTIN WILSON;)
HILARY JOE BAKER; TIM JAN;KRISTY)
SIMMONS; MARSHAY SAFFORD;)
DANDRICK COX;)
BREONA YETT; PRISCILLA COATES)
FRANCE STEWART, III,)
KRISTY SIMMONS; and JAZMYN HAYES,)**

Case No.: _____

Plaintiffs,

v.

**MOBILE COUNTY PROBATE JUDGE
DON DAVIS, INDIVIDUALLY AND IN
HIS OFFICIAL CAPACITY; JOE
MCEARCHEN, JR., INDIVIDUALLY AND
IN HIS OFFICIAL CAPACITY AS THE
CLERK OF COURT; MARK ERWIN,
INDIVIDUALLY AND IN HIS OFFICIAL
CAPACITY AS CHIEF OF STAFF OF THE
PROBATE COURT OF MOBILE COUNTY;
GOVERNOR ROBERT BENTLEY, INDIVIDUALLY
AND IN HIS OFFICIAL CAPACITY AS
GOVERNOR OF THE STATE OF ALABAMA;
LUTHER STRANGE, INDIVIDUALLY AND IN
HIS OFFICIAL CAPACITY AS ATTORNEY
GENERAL OF THE STATE OF ALABAMA; AND
ROY MOORE, INDIVIDUALLY AND IN HIS
OFFICIAL CAPACITY AS CHIEF JUSTICE
OF THE ALABAMA SUPREME COURT,**

Defendants.

COMPLAINT AND REQUEST FOR IMMEDIATE INJUNCTIVE RELIEF

COME NOW the Plaintiffs, by and through undersigned counsel, and files this their Complaint and Request for Immediate Injunctive Relief as follows:

1. This Court has recently issued two Orders striking down the Alabama Sanctity Laws (Alabama Const. Art. I § 36.03 (2006) and Ala. Code 1975 § 30-1-19) as being unconstitutional pursuant to the Equal Protection and Due Process Clauses of the Fourteenth Amendment.
2. This Court entered a stay that expired today, February 9, 2015. The Eleventh Circuit Court of Appeals and the Supreme Court of the United States upheld this Court's Order relative to the stay. The Supreme Court decided the same on on a 7-2 vote this morning.
3. Today, the Plaintiffs sought a marriage license from the Probate Court of Mobile County, Alabama.
4. After two conversations with Joe McEarchen (Clerk of Court) and Mark Erwin (Chief of Staff), undersigned counsel was informed that the Probate Court of Mobile County would not open the marriage license office and, therefore, it is evident that they would not issue marriage licenses to same-sex couples.
5. Last evening, Judge Moore issued an Order directing the Probate Courts to disobey this Court's Orders as discussed above.
6. This Court has already held that the Alabama Sanctity Laws infringe on the 14th Amendment Rights of all same-sex couples.
7. Governor Bentley and Attorney General Strange have failed and refused to execute this Court's Orders.
8. McEarchen and Erwin have directed their staff to not comply with this Court's Order.

9. Plaintiffs hereby demand judgment against the Defendants, individually and collectively, for violation of their 14th Amendment Rights. Plaintiffs claim that this is a violation of their civil rights pursuant to 42 U.S.C. § 1983.

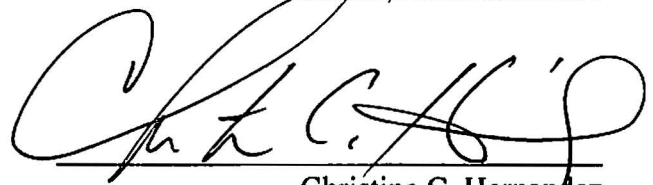
10. Plaintiffs hereby respectfully requests that this Court enter an Emergency Injunction commanding the Defendants to issue the marriage licenses guaranteed by the Constitution as interpreted by this Court.

11. Additionally, Plaintiffs respectfully request that this Court enter an award of sanctions against the Defendants, separately and severally, for their willful refusal to comply with this Court's Orders, and any and all further, additional, and/or different relief to which the Plaintiffs may be deemed entitled by this Court.

Respectfully submitted this 9th of February, 2015,



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