

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

CARI. D. SEARCY and KIMBERLY)
MCKEAND, individually and as parent and next)
friend of K.S., a minor,)
)
 Plaintiffs,)
)
 v.)
)
 LUTHER STRANGE, in his official capacity as)
Attorney General of the State of Alabama,)
)
 Defendant.)

Civil Action No.
1:14-cv-208-CG-N

**DEFENDANT’S OPPOSITION TO PLAINTIFFS’
MOTION TO LIFT STAY**

Alabama Attorney General Luther Strange, sued in his official capacity, opposes Plaintiffs’ Motion to lift this court’s stay (doc. 67). The stay should remain in place until February 9, 2015, when it is presently scheduled to expire, while the Attorney General seeks a stay from the Supreme Court of the United States, and to avoid further confusion.

Attorney General Strange will file such a motion with the Supreme Court of the United States today or tomorrow. The factors that led this Court to stay its order until February 9, to permit the Attorney General to seek a stay from the appellate court, apply equally to the Attorney General’s opportunity to place the issue before the United States Supreme Court, which will decide the merits this term.

In addition, the officials who enforce Alabama’s marriage laws have likely relied on the present expiration date of February 9 as they have considered the application of this Courts orders to their duties. An abrupt change in the expiration date of this Court’s stay would likely add to the confusion.

For these reasons, the Attorney General asks that Plaintiffs’ motion be denied. If the Supreme Court does not extend the stay before such time, then this Court’s stay will lift on February 9, 2015, as presently scheduled.

Respectfully submitted,

LUTHER STRANGE
Attorney General

s/ James W. Davis

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Attorneys for Alabama Governor Robert Bentley and Alabama Attorney General Luther Strange

CERTIFICATE OF SERVICE

I certify that on February 3, 2015, I electronically filed the foregoing document using the Court's CM/ECF system which will send notification of such filing to the following persons:

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