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permanent injunction and final judgment should be granted.

Defendant Davis asks to withdraw because he does not want to continue to
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the Earth, Inc. v. Laidlaw Env'tl. Servs., Inc., 528 U.S. 167, 174 (2000)). "A case becomes moot only 'if subsequent events made it absolutely clear that the allegedly wrongful behavior could not reasonably be expected to recur.'" Id. (quoting Laidlaw supra). "Th

of judgment and the dismissal of the petitions “does not disturb the existing March orders in this case or the Court’s holding therein that the Sanctity of Marriage Amendment, art. I, § 36.03, Ala. Const. 1901, and the Alabama Marriage Protection Act, § 30-1-9, Ala. Code 1975, are constitutional.” Ex parte State ex rel. Alabama Policy Inst., 2016 WL 859009, at *5, *39 (Ala. Mar. 4, 2016). Chief Justice Moore went further to state that “[t]he Obergefell opinion, being manifestly absurd and unjust and contrary to reason and divine law, is not entitled to precedential value.” Id. at *28. Chief Justice Moore also stated that the Eleventh Circuit’s finding that the Alabama Supreme Court’s order was abrogated by the Supreme Court’s decision in Obergefell “is plainly wrong.” Id. at *34.

This Court is aware that Chief Justice Moore is currently suspended from his position and is facing charges before the Alabama Court of the Judiciary. However, even if Chief Justice Moore is not reinstated to his position as Chief Justice, the concurring opinions of several other Alabama Supreme Court Justices also expressed disagreement with Obergefell. Justice Bolin and Justice Parker also stated that the Order dismissing the mandamus petitions was not a “decision on the merits,” indicating that the mandamus order finding Alabama’s marriage statutes constitutional was still in effect. Id. at *40, *47. The failure of the Alabama Supreme Court to set aside its earlier mandamus order and its willingness to uphold that order in the face of the United States Supreme Court’s ruling in Obergefell demonstrate the need for a permanent injunction in this case. It is clear that the decision by the United States Supreme Court in Obergefell does not

provide certainty that the alleged violations will not recur. Accordingly, the Court finds that as long as the Sanctity of Marriage Amendment and the Alabama Marriage Protection Act remain on the books, there continues to be a live controversy with respect to which the Court can give meaningful relief.

Plaintiffs move for entry of a permanent injunction based on the Supreme Court's decision in Obergefell, upholding this Court's findings in its preliminary injunction order. The parties have had ample opportunity to respond to the merits of Plaintiffs' claims. The Court is not persuaded that the grant of class certification or its other prior rulings should be reconsidered. Having found