

THE CIRCUIT COURT OF PULASKI COUNTY, ARKANSAS
SECOND DIVISION

M. KENDALL WRIGHT, ET AL.

V.

STATE OF ARKANSAS, ET AL.

Case No: 60CV-13-2662

ORDER DENYING DEFENDANTS' MOTION FOR IMMEDIATE STAY

Comes now the Court on this 15th day of May, 2014, considering all facts, arguments of counsel, and applicable laws, does hereby deny the Defendant's Motion for Immediate Stay.

Defendants filed their Motion for Immediate Stay on May 9, 2014 and appealed this matter to our State's Supreme Court the next day, a non-business day, on May 10, 2014. The latter filing had the effect of removing the case from this Court's jurisdiction prior to ruling on the motion for stay and without certification pursuant to Arkansas Rules of Civil Procedure 54(b). Rule 2(a)(1) of the Ark. R. Appellate Procedure provides that an appeal may be taken only from final judgment. It was argued above that the Court's May 9th Order was not yet final. The Arkansas Supreme Court agreed, dismissed the appeal as premature and returned the matter to this Court's jurisdiction for further adjudication.

Defendants have asked that this Court stay any ruling adverse to its position. This Court, however, cannot in good conscience grant such request. Constitutional violations are routinely recognized as triggering irreparable harm unless they are promptly remedied. *See, e.g., Elrod v. Burns*, 427 U.S. 347, 373 (1976) (loss of constitutional "freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury"). Under the circumstances presented here, granting a stay of the Plaintiffs' rights imposes irreparable harm.

There is no evidence that Defendants, the State or its citizens were harmed by the entry of the Court's original order or that they will be harmed by the clarifications contained within the Final Order and Rule 54(b) certification. However, the same cannot be said of the Plaintiffs and other same-sex couples who have not been afforded the same measure of human dignity, respect and recognition by this state as their similarly situated, opposite-sex counterparts. A stay would operate to further damage Arkansas families and deprive them of equal access to the rights associated with marriage status in this state. Weighing all factors applicable to analyzing whether a stay should be granted, Defendants' Motion for Immediate Stay is DENIED.

IT IS SO ORDERED this 15th day of May, 2014.

A handwritten signature in black ink, appearing to read "Christopher C. Piazza", written over a horizontal line.

CHRISTOPHER CHARLES PIAZZA
CIRCUIT COURT JUDGE