

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

CARI D. SEARCY, et. al,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Case No. 1:14-cv-00208-N
	)	
ROBERT BENTLEY, et. al,	)	
	)	
Defendants.	)	

MOTION FOR CONTEMPT  
AND REQUEST FOR IMMEDIATE RELIEF

COMES NOW the Plaintiffs, by and through undersigned counsel, and file this Motion for Contempt against the Honorable Don Davis, and states as follows:

1. This Court entered a Memorandum Opinion and Order on January 23, 2015.
2. This Court entered a Judgment in favor of the Plaintiffs on January 23, 2015.
3. This Court entered an Order Clarifying Judgment on January 28, 2015.
4. The Defendant, Attorney General Luther Strange, then filed a Motion to Stay with the United States Court of Appeals for the 11<sup>th</sup> Circuit.
5. Said Motion to Stay was denied by the 11<sup>th</sup> Circuit.
6. The Defendant, Attorney General Luther Strange, then filed an Application for Stay with the United States Supreme Court.
7. On today's date, February 9, 2015 at 8:00 a.m. CST, the U.S. Supreme Court denied the application to stay.
8. The Attorney General, Luther Strange, made a public statement advising the probate judges of the State of Alabama to seek legal counsel.
9. Plaintiffs aver that the Honorable Don Davis has failed to comply with this Court's January 23, 2015 Order.
10. On this date, at 10:10 a.m. CST, Honorable Don Davis, Probate Court Judge in Mobile County, Alabama, had not opened the marriage license division of the Mobile County Probate Court. The Honorable Don Davis

has not given a reason why the marriage license division is closed on this particular day, and he has not stated as to when the office will reopen.

WHEREFORE, Plaintiffs pray this Honorable Court will immediately issue an Order declaring the Honorable Don Davis to be in contempt, to further order law enforcement to open the marriage license division of Mobile County Probate Court, impose sanctions against the Honorable Don Davis, and any such further legal remedies this Court deems appropriate and just, the premises considered.

/s/ Christine C. Hernandez

Christine C. Hernandez

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CERTIFICATE OF SERVICE

I hereby certify that I have on this 9<sup>th</sup> day of February, 2015, filed the foregoing using the Pacer E-File system which will send notice to all counsel of record.

Attorney General Luther Strange  
c/o James W. Davis  
c/o Laura E. Howell

I hereby certify that I have on this 9<sup>th</sup> day of February, 2015, I have served the foregoing as indicated to the following persons:

Jason K. Hamaier, Esquire  
Attorney for Don Davis  
via email: [jkh100@bellsouth.net](mailto:jkh100@bellsouth.net)

Albert S. Agricola, Jr.  
Attorney for Alabama Probate Judges Association  
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/s/ Christine C. Hernandez  
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