

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT
CIVIL APPEAL STATEMENT OF PARTIES AND ISSUES

Case No: 15-5961 Case Manager: _____

Case Name: April Miller, et al. v. Kim Davis, et al.

Is this case a cross appeal? Yes No

Has this case or a related one been before this court previously? Yes No

If yes, state:

Case Name: Same as above Citation: 15-5880, 15-5978

Was that case mediated through the court's program? Yes No

Please Identify the Parties Against Whom this Appeal is Being Taken and the Specific Issues You Propose to Raise:

See Addendum.

This is to certify that a copy of this statement was served on opposing counsel of record this 15th day of

September, 2015.

/s/ Jonathan D. Christman

Name of Counsel for Appellant

ADDENDUM TO
CIVIL APPEAL STATEMENT OF PARTIES AND ISSUES

This litigation is a case of first impression following the Supreme Court’s decision in *Obergefell v. Hodges*, 134 S.Ct. 2584 (2015). One of the named defendants below—Kim Davis (“Davis”)—has appealed to this Court following the August 25, 2015 order from the United States District Court for the Eastern District of Kentucky effectively denying a motion for preliminary injunction filed by Davis, the County Clerk for Rowan County, Kentucky, against the third-party defendants in the case below. That motion sought injunctive relief in the form of a religious accommodation or exemption from authorizing same-sex “marriage” (“SSM”) licenses bearing her name and imprimatur in derogation of her conscience and religious liberty. The appellees are the third-party defendants in the case below, Steven L. Beshear, in his official capacity as Governor of Kentucky (“Gov. Beshear”) and Wayne Onkst, State Librarian and Commissioner, Kentucky Department for Libraries and Archives (KDLA) (“Commr. Onkst”) (collectively, “State-Appellees”), and the plaintiffs in the case below, April Miller, Karen Ann Roberts, Shantel Burke, Stephen Napier, Jody Fernandez, Kevin Holloway, L. Aaron Skaggs, and Barry Spartman (collectively, “Plaintiffs”).

Without limiting her ability to raise any other issues and arguments in her opening brief before this Court, Davis provides the following non-binding, preliminary list of issues to be raised in this appeal:

1. Whether Davis' religious rights were substantially burdened and irreparably harmed by the Kentucky Governor's directive mandating that she personally authorize and approve SSM licenses bearing her name and endorsement against her sincerely-held religious convictions in violation of the Kentucky Religious Freedom Restoration Act and the United States and Kentucky Constitutions.

2. Whether the Kentucky Governor's directive mandating that Davis personally authorize and approve SSM licenses against her religious conscience fails to satisfy strict scrutiny analysis under the Kentucky Religious Freedom Restoration Act and the United States and Kentucky Constitutions, when only broadly formulated government interests were proffered by the Kentucky Governor and numerous less restrictive alternatives are available that provide Plaintiffs with Kentucky marriage licenses and do not impose a burden on Davis' religious freedom.

3. Whether the Kentucky Governor's directive mandating that Davis personally affix her name and other personal identifiers to SSM licenses against her conscience and beliefs implicates and irreparably harms her free speech rights in violation of the United States and Kentucky Constitutions.

4. Whether the Kentucky Governor's directive mandating that public officeholders in Kentucky who participate in marriages must abandon their personal

religious convictions about marriage and instead affirm SSM to remain qualified for public office constitutes an improper religious litmus test in violation of the United States and Kentucky Constitutions.