

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
NORTHERN DIVISION AT ASHLAND

APRIL MILLER, *et al.*,

Plaintiffs,

v.

KIM DAVIS, *et al.*,

Defendants.

Case No. 0:15-cv-00044-DLB

Electronically filed

**UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE A REPLY IN
SUPPORT OF PLAINTIFFS' MOTION TO ENFORCE [RE #120]**

Plaintiffs, on behalf of themselves and the putative class, hereby move pursuant to Federal Rule of Civil Procedure 6(b) and Local Civil Rule 7.1(b) for an order extending the time for them to file a reply in support of their Motion to Enforce September 3 and September 8 Orders (“Motion to Enforce”). [RE # 120.] Plaintiffs specifically request an extension on filing their reply until seven days *after* the Third-Party Defendants file their response to Plaintiffs’ Motion to Enforce. In support of this motion, Plaintiffs state the following:

Plaintiffs filed their Motion to Enforce on September 21, 2015, requesting that the Court direct the Rowan County Deputy Clerks to issue marriage licenses in the same form and manner as those that were issued on or before September 8, 2015. The crux of Plaintiffs’ Motion to Enforce is that Davis’ has significantly interfered with the form and content of marriage licenses being issued as of this Court’s September 8 Order and, in doing so, violated the Court’s clear directive and materially altered those licenses rendering their validity questionable at best.

On October 13, 2015, Davis filed her response in opposition to Plaintiffs' motion indicating that Governor Beshear stated that the licenses being issued by the Rowan County Clerk's Office are "going to be recognized as valid in the Commonwealth." [RE # 133, at 7.]

After Davis filed her response, the Court entered an order on October 14, 2015, directing the Third-Party Defendants, Governor Beshear and Commissioner Onkst, to file a written response to Plaintiffs' Motion to Enforce within thirty days, *i.e.*, no later than November 13, 2015. [RE # 135.] The Court further directed the Third-Party Defendants to address the validity of the marriage licenses issued by the Rowan County Clerk's Office on or after September 14, 2015. [*Id.*]

Plaintiffs' reply in support of their Motion to Enforce is currently due before the Third-Party Defendants are required to respond. *See* Local Civil Rule 7.1(c). Because the Third-Party Defendants have been directed to address the validity of the licenses currently being issued by the Rowan County Clerk's Office, Plaintiffs respectfully request an extension of time to file their reply until seven days after the Third-Party Defendants file their response so that Plaintiffs may simultaneously address the responses of Davis and the Third-Party Defendants.

Undersigned counsel for the Plaintiffs has consulted via email with counsel for Defendant Davis, Defendant Rowan County, and the Third-Party Defendants, and they all confirmed via email that they do not oppose this request for an extension of time.

WHEREFORE, Plaintiffs move this Court for an order extending the time for Plaintiffs to file their reply in support of their Motion to Enforce until seven days after the Third-Party Defendants file their response.

Respectfully submitted,

Daniel Mach*
Heather L. Weaver*
AMERICAN CIVIL LIBERTIES UNION
FOUNDATION
915 15th Street NW
Washington, DC 20005
(202) 675-2330
dmach@aclu.org

Daniel J. Canon
Laura E. Landenwich
L. Joe Dunman
CLAY DANIEL WALTON & ADAMS, PLC
462 South Fourth Street
Suite 101
Louisville, KY 40202
(502) 561-2005
ACLU OF KENTUCKY Cooperating
Attorneys
dan@justiceky.com
laura@justiceky.com
joe@justiceky.com

/s William E. Sharp
William E. Sharp
Legal Director
ACLU OF KENTUCKY
315 Guthrie Street, Suite 300
Louisville, KY 40202
(502) 581-9746
sharp@aclu-ky.org

Ria Tabacco Mar*
James D. Esseks*
AMERICAN CIVIL LIBERTIES UNION
FOUNDATION
125 Broad Street
New York, NY 1004
(212) 549-2627
rmar@aclu.org
jesseks@aclu.org

Counsel for Plaintiffs

* Admitted *pro hac vice*

CERTIFICATE OF SERVICE

I certify that on October 20, 2015, I filed this motion and accompanying proposed order with the Clerk of the Court by using the CM/ECF system, which will send a notice of electronic filing to the following:

Jeffrey C. Mando
Claire E. Parsons
Cecil Watkins
jmando@aswdlaw.com
cparsons@aswdlaw.com
cwatkins@prosecutors.ky.gov

Counsel for Rowan County

William M. Lear, Jr.
Palmer G. Vance II
william.lear@skofirm.com
gene.vance@skofirm.com

*Counsel for Governor Beshear and
Commissioner Onkst*

Anthony C. Donahue
Roger Gannam
Jonathan Christman
Horatio G. Mihet
acdonahue@donahuelawgroup.com
rgannam@lc.org
jchristman@lc.org
hmihet@lc.org

Counsel for Kim Davis

s/ William E. Sharp
Counsel for Plaintiffs

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ORDER

Motion having been made, and the Court being sufficiently advised,

IT IS HEREBY ORDERED:

Plaintiffs' Unopposed Motion for Extension of Time to File a Reply in Support of Plaintiffs' Motion to Enforce [RE # 120] is hereby **GRANTED**.

IT IS FURTHER ORDERED:

Plaintiffs may file a reply memorandum in support of their Motion to Enforce [RE # 120] within seven (7) days of service of Third-Party Defendants' response.