

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

CAMPAIGN FOR SOUTHERN EQUALITY, ET AL.

PLAINTIFFS

VS.

CIVIL ACTION NO. 3:15cv578-DPJ-FKB

**The MISSISSIPPI DEPARTMENT OF HUMAN
SERVICES, ET AL.**

DEFENDANTS

**EXECUTIVE DIRECTOR DAVIS'S MOTION TO CONVERT
PRELIMINARY INJUNCTION ORDER INTO
PERMANENT INJUNCTION AND FINAL JUDGMENT**

Defendant John Davis, in his official capacity as Executive Director of the Mississippi Department of Human Services (“Executive Director Davis”), moves the Court to convert its order on the Plaintiffs’ motion for preliminary injunction and the defendants’ motions to dismiss [Dkt. 67] into a permanent injunction and enter final judgment, and states:

1. On March 31, 2016, the Court entered its Order granting “the Motion to Dismiss for Lack of Subject Matter Jurisdiction and Failure to State a Claim [52] filed by Defendants the Tenth, Fourteenth, and Twentieth District Chancery Courts and Judges Dawn Beam, M. Ronald Doleac, Deborah J. Gambrell, Johnny L. Williams, Kenneth M. Burns, Dorothy W. Colom, Jim Davidson, John Grant, and John McLaurin, Jr.,” granting in part “(1) the Motion for Preliminary Injunction [13] as to Defendant Davis; and (2) the Motions to Dismiss for Lack of Subject Matter Jurisdiction [15, 55] as to Plaintiffs Brittany Rowell and Jessica Harbuck and Defendants DHS, Governor Phil Bryant, and Attorney General Jim Hood,” and ordering that “[t]he Executive Director of DHS is hereby preliminarily enjoined from enforcing Mississippi Code section 93-17-

3(5).” [Order at pp. 27-28, Dkt. 67].

2. On May 2, 2016, the time period for appeal of interlocutory orders prescribed by 28 U.S.C. § 1292(a)(1) expired with no party having noticed an appeal of the Court’s March 31, 2016 Order.

3. Executive Director Davis submits that, in light of the Court’s factual findings and conclusions of law established in its March 31, 2016, there are no remaining factual or legal issues between the remaining parties to this lawsuit to be resolved. Accordingly, Executive Director Davis requests that the Court (1) enter a final order adopting all of its factual findings and legal conclusions contained in the March 31, 2016 Order, and awarding the remaining Plaintiffs a permanent injunction consistent with the March 31, 2016 Order specifically providing that the Executive Director of the Mississippi Department of Human Services is permanently enjoined from enforcing Mississippi Code Section 93-17-3(5), and (2) enter a final judgment consistent with its order.

4. Executive Director Davis submits that the grounds for his requested relief are fully set forth in his motion, and therefore requests that the Court dispense with the requirement of filing a separate memorandum brief supporting his motion pursuant to Local Rule 7(b)(4).

FOR THESE REASONS, Executive Director Davis requests that the Court (1) enter a final order adopting all of its factual findings and legal conclusions contained in the March 31, 2016 Order, and awarding the remaining Plaintiffs a permanent injunction consistent with the March 31, 2016 Order providing that the Executive Director of the Mississippi Department of Human Services is permanently enjoined

from enforcing Mississippi Code section 93-17-3(5), and (2) enter a final judgment consistent with its order.

THIS the 5th day of May, 2016.

Respectfully submitted,

JOHN DAVIS, in his official
capacity as Executive Director of the
Mississippi Department of Human Services

By: S/Tommy D. Goodwin
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CERTIFICATE OF SERVICE

I hereby certify that the foregoing document has been filed with the Clerk of Court using the Court's ECF system and thereby served on all counsel of record who have entered their appearance in this action to date.

THIS the 5th day of May, 2016.

S/Tommy D. Goodwin
Tommy D. Goodwin