

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

**CAMPAIGN FOR SOUTHERN EQUALITY;
REBECCA BICKETT; ANDREA SANDERS;
JOCELYN PRITCHETT; and CARLA WEBB**

PLAINTIFFS

VS.

CIVIL ACTION NO. 3:14cv818-CWR-LRA

**PHIL BRYANT, in his official capacity as
Governor of the State of Mississippi; JIM
HOOD, in his official capacity as Mississippi
Attorney General; and ZACK WALLACE,
in his official capacity as Hinds County
Circuit Clerk**

DEFENDANTS

AGREED ORDER

WHEREAS on June 27, 2016 the Court entered an order granting in part plaintiffs' motion to reopen this matter to address certain sections of 2016 House Bill 1523 and directed the parties to meet and confer on related issues [Dkt. 52];

WHEREAS on June 30, 2016, the Court entered an order in *Campaign for Southern Equality v. Bryant*, 3:16-cv-442 ("CSE IV") enjoining the enforcement of 2016 House Bill 1523 (the "CSE IV Injunction Order");

WHEREAS in light of the CSE IV Injunction Order, the Court entered an order on September 1, 2016, staying the reopening of this matter (the "Stay Order") [Dkt. 53] and directing the parties to meet and confer and submit a proposal for how to proceed in this action within thirty (30) days of the United States Court of Appeals for the Fifth Circuit's issuance of its mandate in Cause No. 16-60477;

WHEREAS on June 22, 2017, the *CSE IV* Injunction Order was reversed by the United States Court of Appeals for the Fifth Circuit, Cause No. 16-60477;

WHEREAS on October 10, 2017, the Fifth Circuit issued its mandate in Cause No. 16-60477 and 2016 House Bill 1523 is now in effect throughout Mississippi; and

WHEREAS on October 16, 2017, the Court held a telephonic status conference with the parties to discuss how to proceed in this matter;

THEREFORE, IT IS HEREBY ORDERED that the stay in this action is lifted. The plaintiffs are hereby authorized to serve, on or before October 30, 2017, up to five written interrogatories governed by Federal Rule of Civil Procedure 33 seeking to identify how many and which of the 82 county Circuit Clerk's Offices in Mississippi, if any, have employees who have sought to recuse themselves from issuing marriage licenses to gay or lesbian couples, and the process by which they plan to handle such recusals pursuant to §3(8) of 2016 House Bill 1523. The parties agree that the defendants will serve their responses and objections, if any, to the plaintiffs' written interrogatories on or before November 13, 2017, or such time as the parties may otherwise agree.

The Court directs the parties to continue to meet and confer regarding further discovery, if any, that may be required, the potential for a uniform procedure to apply statewide when a county Circuit Clerk's Office employee has sought recusal pursuant to §3(8) of 2016 House Bill 1523, and the possibility of certifying a defendant class of Mississippi county Circuit Clerks pursuant to Federal Rule of Civil Procedure 23. If the parties cannot agree on the terms of future discovery, or any other issues, the parties shall seek relief via motion(s) filed with the Court

within thirty (30) days of service of the defendants' responses to the written interrogatories authorized above.

The plaintiffs acknowledge and agree that, by agreeing to the entry of this order, responding to the written interrogatories authorized above, continuing to meet and confer with plaintiffs, or otherwise, defendants have not waived, and do not waive, any defenses, objections, and/or appeal rights they may have with respect to the Court's prior orders, this order, or further proceedings in this matter.

SO ORDERED, this the 27th day of October, 2017.

s/ Carlton W. Reeves
UNITED STATES DISTRICT JUDGE

Agreed:

s/ Roberta A. Kaplan
Roberta A. Kaplan, Esq.
Alysson L. Mills, Esq.
Joshua D. Kaye, Esq.
Jaren Janghorbani, Esq.

Counsel for Plaintiffs

s/ Justin L. Matheny
Justin L. Matheny, Esq.
Paul E. Barnes, Esq.

Counsel for Defendant Attorney General Hood

s/ Tommy D. Goodwin
Tommy D. Goodwin, Esq.

Counsel for Defendant Governor Bryant