

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

REV. PAUL A. EKNES-TUCKER;
BRIANNA BOE, individually and on behalf
of her minor son, MICHAEL BOE; JAMES
ZOE, individually and on behalf of his minor
son, ZACHARY ZOE; MEGAN POE,
individually and on behalf of her minor
daughter, ALLISON POE; KATHY NOE,
individually and on behalf of her minor son,
CHRISTOPHER NOE; JANE MOE, Ph.D.;
and RACHEL KOE, M.D.,

Plaintiffs,

v.

KAY IVEY, in her official capacity as
Governor of the State of Alabama; STEVE
MARSHALL, in his official capacity as
Attorney General of the State of Alabama;
DARYL D. BAILEY, in his official capacity
as District Attorney for Montgomery County;
C. WILSON BAYLOCK, in his official
capacity as District Attorney for Cullman
County; JESSICA VENTIERE, in her official
capacity as District Attorney for Lee County;
TOM ANDERSON, in his official capacity as
District Attorney for the 12th Judicial Circuit;
and DANNY CARR, in his official capacity
as District Attorney for Jefferson County,

Defendants.

Civil Action No.
2:22-cv-00184-184-LCB

Hon. Liles C. Burke

**PLAINTIFFS' RESPONSE TO THE UNITED STATES'
MOTION TO INTERVENE (DOC. 58) AND DEFENDANTS' RESPONSE
(DOC. 63)**

Plaintiffs do not oppose the request of the United States to intervene in this action pursuant to Federal Rule of Procedure 24.

Plaintiffs strongly oppose, however, Defendants' alternative request, in Defendants' partial opposition to the government's motion to intervene, that if the United States is permitted to intervene, the currently scheduled hearing on Plaintiffs' motion for a temporary restraining order and preliminary injunction be delayed by at least two weeks. (Doc. 63 at 9.) While the undersigned counsel for Plaintiffs indicated at the April 22 hearing that Plaintiffs' evidentiary presentation could take 1 ½ days, Plaintiffs have since streamlined their anticipated witness presentations where Plaintiffs believe they can complete their case in one day. At the April 22 hearing, counsel for Defendants represented that their presentation of evidence could be completed in one-half day. Plaintiffs therefore expect that the current hearing schedule would enable the United States to offer one additional witness, and for the parties to fully respond to the United States' argument and evidence. Moreover, Defendants offer no reason why the addition of the United States' single witness requires two more weeks to prepare for the hearing.

Alternatively, if the Court concludes that granting intervention to the United States would require delay of the currently scheduled hearing, then Plaintiffs oppose the United States' intervention until completion of the hearing as scheduled. As argued more fully in Plaintiffs' memorandum in support of their motion for

temporary restraining order and preliminary injunction (Doc. 8), any delay would severely prejudice Plaintiffs, as they will suffer irreparable harm should the challenged statute go into effect as scheduled on May 8, 2022.

Respectfully submitted this 2nd day of May, 2022.

/s/ Melody H. Eagan

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CERTIFICATE OF SERVICE

I certify that, on May 2, 2022, I electronically filed the foregoing Reply and accompanying Declaration with the Clerk of Court using the CM/ECF filing system, which will provide notice of such filing to all counsel of record.

/s/ Melody H. Eagan

Attorney for Plaintiffs