

**IN THE 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,

and

UNITED STATES OF AMERICA,

Plaintiff-Intervenor,

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
BLAYLOCK, 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

Case No.

2:22-cv-184-LCB-SRW

Honorable Liles C. Burke

Judicial Circuit; and DANNY CARR, in his official capacity as District Attorney for Jefferson County.

Defendants.

PLAINTIFF-INTERVENOR UNITED STATES' AND DEFENDANTS'
JOINT MOTION TO DISMISS GOVERNOR KAY IVEY

COME NOW the United States and Defendants and jointly move to dismiss Defendant Kay Ivey, in her official capacity as Governor of the State of Alabama (“Defendant Ivey”). In an effort to streamline this action, the United States agrees to dismiss Defendant Ivey without prejudice from its Amended Complaint in Intervention in this action on the following conditions:

1. Defendant Ivey and her employees, agents, and successors in office agree to be bound by the terms of the Preliminary Injunction issued against the Attorney General and the other Defendants in this action on May 13, 2022 (ECF No. 107), as corrected on May 17, 2022 (ECF No. 110) and on May 19, 2022 (ECF No. 112), which prohibits enforcement of Section 4(a)(1)-(3) of the Alabama Vulnerable Child Compassion and Protection Act pending trial in this case.
2. Defendant Ivey and her employees, agents, and successors in office shall only be bound by injunctive, declaratory, or other relief falling within the preceding paragraph to the extent such relief remains binding against the

Attorney General or any other Defendants in this action.

3. Defendant Ivey and her employees, agents, and successors in office shall not be bound by any relief that is later reversed, vacated, set aside, or otherwise limited as to the Attorney General or any other Defendants.

WHEREFORE, PREMISES CONSIDERED, based upon the above agreed conditions, the United States and Defendants respectfully request that Defendant Kay Ivey be dismissed from its Amended Complaint in Intervention, without prejudice.

Dated: May 20, 2022

Respectfully submitted,

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s/ Jason R. Cheek

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CERTIFICATE OF SERVICE

I hereby certify that on May 20, 2022, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to counsel of record.

Respectfully submitted,

s/ Jason R. Cheek

Jason R. Cheek

Assistant U.S. Attorney