

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

IN RE: ASHLAND CIVIL ACTIONS:

15-44-DLB APRIL MILLER, et al. v. KIM DAVIS, individually and in her official capacity, et al.

15-46-DLB DAVID ERMOLD, et al. v. KIM DAVIS, individually and in her official capacity, et al.

15-62-DLB JAMES YATES, et al. v. KIM DAVIS, individually and in her official capacity, et al.

In 2015, Plaintiffs filed the above-captioned actions to contest the “no marriage licenses” policy implemented by Defendant Kim Davis, Rowan County Clerk. (Doc. # 1).¹ After hearing oral argument from the parties, the Court entered a Memorandum Opinion and Order granting Plaintiffs’ Motion for Preliminary Injunction. (Docs. # 2 and 43). The Court later clarified that Davis was enjoined from applying her “no marriage licenses” policy to future marriage license requests submitted by Plaintiffs as well as other individuals who were legally eligible to marry in Kentucky. (Doc. # 74). It also held Davis in contempt for her refusal to abide by the Court’s Order. (Doc. # 75). Davis sought review of these rulings by filing several appeals with the United States Court of Appeals for the Sixth Circuit. (Doc. # 44, 66, 82, and 83).

While these appeals were pending, marriage licenses were issued without incident. (Docs. # 114-119). Matt Bevin also won the Kentucky gubernatorial election. (Doc. # 155).

1) All citations to the record will refer to the lead case, *Miller v. Davis*, 0:15-cv-44-DLB.

Upon taking office, Governor Bevin signed an executive order removing the names of County Clerks from marriage licenses. (Doc. # 157). This executive order eventually led to the proposal of Kentucky Senate Bill 216 (“SB 216”), which creates a new marriage license form that does not require the County Clerk’s signature. (*Id.*). On April 1, 2016, the Kentucky Senate passed SB 216. See Legislative Research Commission, SB 216, <http://www.lrc.ky.gov/record/16RS/SB216.htm>. Governor Bevin signed it into law less than two weeks later. *Id.*

On July 13, 2015, the United States Court of Appeals for the Sixth Circuit dismissed the consolidated appeals for lack of jurisdiction. (Doc. # 179). The Sixth Circuit reasoned that the issues raised on appeal were rendered moot by the enactment of SB 216. (*Id.*). Accordingly, the Sixth Circuit remanded the matter to the Court “with instructions to vacate its August 12, 2015 preliminary injunction order and its September 3, 2015 order modifying that injunction.” (*Id.*). The Mandate has now issued, and the Court has complied with these instructions via separate Order. (Docs. # 180 and 181).

In light of these proceedings, and in view of the fact that the marriage licenses continue to be issued without incident (Docs. # 172-176), there no longer remains a case or controversy before the Court. Accordingly, for the reasons stated herein,

IT IS ORDERED as follows:

(1) In *Miller, et al. v. Davis, et al.*, 0:15-cr-44, Plaintiffs’ Motion to Certify a Class (Doc. # 31), Defendant Kim Davis’ Motion to Dismiss (Doc. # 32), Defendant Kim Davis’ Motion for Preliminary Injunction (Doc. # 39), Third-Party Defendant Steven Beshear’s Motion to Dismiss (Doc. # 92), and Third-Party Defendant Matt Bevin’s Motion to Dismiss

(Doc. # 157) be, and are, hereby **DENIED AS MOOT**;

(2) The stays imposed in *Ermold, et al. v. Davis, et al.*, 0:15-cv-46, and *Yates, et al. v. Davis, et al.*, 0:15-cv-62, be, and are, hereby **LIFTED**;

(3) In *Ermold, et al. v. Davis, et al.*, 0:15-cv-46, Defendant Kim Davis' Motion to Dismiss (Doc. # 11) and Plaintiffs' Motion to Set Briefing Schedule (Doc. # 14) be, and are, hereby **DENIED AS MOOT**;

(4) The CJA Attorneys representing the Rowan County Deputy Clerks be, and are, hereby **DISCHARGED** from further service in this matter; and

(5) The three above-captioned actions be, and are, hereby **DISMISSED** and **STRICKEN** from the Court's active docket.

This 18th day of August, 2016.



Signed By:

David L. Bunning DB

United States District Judge

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