

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA**

HISPANIC INTEREST COALITION)
OF ALABAMA; *et al.*,)
)
Plaintiffs,)

vs.)

Case Number:
5:11-cv-02484-SLB

ROBERT BENTLEY, in his official capacity)
as Governor of the State of Alabama; *et al.*,)
)
Defendants.)

RT. REV. HENRY N. PARSLEY, JR., in his)
official capacity as Bishop of the Episcopal)
Church in the Diocese of Alabama; *et al.*)
)
Plaintiffs,)

vs.)

Case Number:
5:11-cv-02736-SLB

ROBERT BENTLEY, in his official capacity)
as Governor of the State of Alabama; *et al.*,)
)
Defendants.)

UNITED STATES OF AMERICA,)
)
Plaintiff,)

vs.)

Case Number:
2:11-cv-02746-SLB

STATE OF ALABAMA; GOVERNOR)
ROBERT J. BENTLEY,)
)
Defendants.)

**STATE DEFENDANTS' MOTION TO DISMISS THE
SECOND AMENDED COMPLAINT OF PLAINTIFFS PARSLEY, *et al.*
(Doc. 50 in Case No. 11-cv-2736)**

Governor Robert Bentley, Attorney General Luther Strange, and District Attorney Robert Broussard (“the State Defendants”), pursuant to Rule 12(b) of the Federal Rules of Civil Procedure, move to dismiss the Plaintiffs’ claims asserted in their Second Amended Complaint (Doc. 50, case no. 11-cv-2736), on grounds that the Plaintiffs have failed to state a claim upon which relief can be granted.

In support of this motion, the State Defendants rely on the arguments and authorities presented in their “State Defendants’ Response to Church Leaders’ Amended Motion for Preliminary Injunction and Memorandum in Support” (Doc. 107, dated August 15, 2011), and their “State Defendants’ Surreply Opposing the Church Leaders’ Motion for Preliminary Injunction” (Doc. 117, dated August 22, 2011), which pleadings are adopted and incorporated herein by reference.

Respectfully submitted,

LUTHER STRANGE
(ASB-0036-G42L)
Attorney General

BY:

s/James W. Davis
Margaret L. Fleming
(ASB-7942-M34M)
Winfield J. Sinclair
(ASB-1750-S81W)
James W. Davis
(ASB-4063-I58J)
Misty S. Fairbanks
(ASB-1813-T71F)
William G. Parker, Jr.
(ASB-5142-I72P)
Assistant Attorneys General

Of counsel:

John C. Neiman, Jr.
Solicitor General
(ASB-8093-O68N)

Prim F. Escalona
Deputy Solicitor General
(ASB-7447-H69F)

OFFICE OF THE ATTORNEY GENERAL
501 Washington Avenue
Montgomery, Alabama 36130-0152
Telephone: 334.242.7300
Facsimile: 334.242-4891
jneiman@ago.state.al.us
pescalona@ago.state.al.us

OFFICE OF THE ATTORNEY GENERAL
501 Washington Avenue
Montgomery, Alabama 36130-0152
Telephone: 334.242.7300
Facsimile: 334.353.8440
mfleming@ago.state.al.us
wsinclair@ago.state.al.us
jimdavis@ago.state.al.us
mfairbanks@ago.state.al.us
wparker@ago.state.al.us

Attorneys for Governor Bentley, Attorney General Strange, Superintendent Morton, Chancellor Hill, and District Attorney Broussard

CERTIFICATE OF SERVICE

I hereby certify that on August 23, 2011, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following (and will send by regular U.S. mail to non-CM/ECF participants):

Mary Bauer
Samuel J. Brooke
Andrew H. Turner
SOUTHERN POVERTY LAW CENTER
400 Washington Ave.
Montgomery, Alabama 36104
mary.bauer@splcenter.org
sam.brooke@splcenter.org
andrew.turner@splcenter.org

Cecilia D. Wang
Katherine Desormeau
Kenneth J. Sugarman
AMERICAN CIVIL LIBERTIES UNION
39 Drumm Street
San Francisco, California 94111
cwang@aclu.org
kdesormeau@aclu.org
irp_ks@aclu.org

Sin Yen Ling
ASIAN LAW CAUCUS
55 Columbus Avenue
San Francisco, California 94111
sinyenL@asianlawcaucus.org

Ben E. Bruner
BRUNER LAW FIRM
1904 Berryhill Road
Montgomery, Alabama 36117
Telephone: 334.201.0835
brunerlawfirm@gmail.com

Michelle R. Lapointe
Naomi Tsu
Daniel Werner
SOUTHERN POVERTY LAW CENTER
233 Peachtree St., NE, Suite 2150
Atlanta, Georgia 30303
michelle.lapointe@splcenter.org
naomi.tsu@splcenter.org
daniel.werner@splcenter.org

Erin E. Oshiro
ASIAN AMERICAN JUSTICE CENTER
1140 Connecticut Ave., NW, Ste 1200
Washington, DC 20036
eoshiro@advancingequality.org

G. Brian Spears
G. BRIAN SPEARS PC
1126 Ponce de Leon Avenue
Atlanta, Georgia 30306
bspears@mindspring.com

Foster S. Maer
Ghita Schwartz
LATINOJUSTICE PRLDEF
99 Hudson Street – 14th Floor
New York, New York 10013
fmaer@latinojustice.org
gschwarz@latinojustice.org

Andre Segura
Elora Mukherjee
Omar C. Jadwat
Lee Gelernt
Michael K.T. Tan
AMERICAN CIVIL LIBERTIES UNION
FOUNDATION
125 Broad Street, 18th Floor
New York, New York 10004
asegura@aclu.org
emukherjee@aclu.org
ojadwat@aclu.org
lgelernt@aclu.org
mtan@aclu.org

Linton Joaquin
Karen C. Tumlin
Vivek Mittal
Melissa S. Keaney
Shiu-Ming Cheer
NATIONAL IMMIGRATION LAW CENTER
3435 Wilshire Boulevard, Suite 2850
Los Angeles, California 90010
joaquin@nilc.org
tumlin@nilc.org
mittal@nilc.org
keaney@nilc.org
cheer@nilc.org

Tanya Broder
NATIONAL IMMIGRATION LAW CENTER
405 14th Street, Suite 1400
Oakland, California 94612
broder@nilc.org

Freddy Rubio
RUBIO LAW FIRM, P.C.
438 Carr Avenue, Suite 1
Birmingham, Alabama 35209
frubio@rubiofirm.com

Herman Watson, Jr.
Eric J. Artrip
Rebekah Keith McKinney
WATSON, MCKINNEY & ARTRIP, LLP
203 Greene Street
Post Office Box 18368
Huntsville, Alabama 35801
watson@watsonmckinney.com
artrip@watsonmckinney.com
mckinney@watsonmckinney.com

Diana S. Sen
LATINOJUSTICE PRLDEF
99 Hudson Street – 14th Floor
New York, New York 10013
dsen@latinojustice.org

Victor Viramontes
Martha L. Gomez
MEXICAN AMERICAN LEGAL DEFENSE
AND EDUCATION FUND
634 S. Spring Street, 11th Floor
Los Angeles, California 90014
vviramontes@maldef.org
mgomez@maldef.org

Amy Pedersen
MEXICAN AMERICAN LEGAL DEFENSE
AND EDUCATION FUND
1016 16th Street, Suite 100
Washington, D.C. 20036
apedersen@maldef.org

J.R. Brooks, Jr.
Taylor P. Brooks
LANIER FORD SHAVER & PAYNE, P.C.
Post Office Box 2087
Huntsville, Alabama 35804-2087
jrb@lfsfp.com
tpb@lanierford.com

Donald B. Sweeney, Jr.
BRADLEY ARANT BOULT CUMMINGS
One Federal Place
1819 Fifth Avenue North, 7th Floor
Post Office Box 830709
Birmingham, Alabama 35283-0709
dsweeney@babbc.com

C. Lee Reeves, II
Joshua Wilkenfeld
Varu Chilakamarri
U.S. DEPT OF JUSTICE, CIVIL DIVISION
FEDERAL PROGRAMS BRANCH
20 Massachusetts Avenue NW
Washington, DC 20530
lee.reeves@usdoj.gov
Joshua.i.wilkenfeld@usdoj.gov
varudhini.chilakamarri@usdoj.gov

Joyce White Vance
Praveen Krishna
US ATTORNEY'S OFFICE
1801 4th Avenue North
Birmingham, AL 35203-2101
joyce.vance@usdoj.gov
Praveen.krishna@usdoj.gov

Terry McElheny
DOMINICK FLETCHER YEILDING
WOOD & LLOYD
P.O. Box 1387
Birmingham, AL 35201
tmc@dfy.com

Augusta S. Dowd
WHITE ARNOLD & DOWD PC
2025 3rd Avenue, North, Suite 600
Birmingham, AL 35203
adowd@waadlaw.com

F. Grey Redditt, Jr.
VICKERS RIIS MURRAY & CURRAN LLC
106 St. Francis Street, 11th Floor
P.O. Drawer 2568
Mobile, AL 36652-2568
gredditt@vickersriis.com

John F. Whitaker
WHITAKER MUDD SIMMS LUKE
& WELLS LLC
2001 Park Place North, Suite 400
Birmingham, AL 35203
jwhitaker@wmslawfirm.com

Nina Perales
MEXICAN AMERICAN LEGAL DEFENSE
AND EDUCATION FUND
100 Broadway, Suite 300
San Antonio, Texas 78205
nperales@maldef.org

s/James W. Davis

Margaret L. Fleming (ASB-7942-M34M)

Winfield J. Sinclair (ASB-1750-S81W)

James W. Davis (ASB-4063-I58J)

Misty S. Fairbanks (ASB-1813-T71F)

William G. Parker, Jr.

(ASB-5142-I72P) *Assistant Attorneys General*

OFFICE OF THE ATTORNEY GENERAL

501 Washington Avenue

Montgomery, Alabama 36130-0152

Telephone: 334.242.7300

Facsimile: 334.353.8440

mfleming@ago.state.al.us

wsinclair@ago.state.al.us

jimdavis@ago.state.al.us

mfairbanks@ago.state.al.us

wparker@ago.state.al.us