

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

CHRISTOPHER INNISS and SHELTON)
STROMAN; RAYSHAWN CHANDLER)
and AVERY CHANDLER; MICHAEL)
BISHOP and JOHNNY SHANE THOMAS;)
and JENNIFER SISSON, on behalf of)
themselves and all others similarly situated,)

Plaintiffs,)

v.)

DEBORAH ADERHOLD, in her official)
capacity as State Registrar and Director of)
Vital Records; BROOK DAVIDSON, in her)
official capacity as Clerk of Gwinnett County)
Probate Court; and the Honorable Judge)
PINKIE TOOMER, in her official capacity as)
Judge of Fulton County Probate Court,)

Defendants.)

CIVIL ACTION

FILE NO. 1:14-cv-01180-WSD

DEFENDANT BROOK DAVIDSON’S RESPONSE TO MOTION TO STAY

COMES NOW, Brook Davidson, in her official capacity as Clerk of Gwinnett County Probate Court (hereinafter “Defendant Davidson”), and files this her Response to Defendant Aderhold and Defendant Fenton’s Unopposed Motion to Stay Proceedings Pending a Ruling by the United States Supreme Court (hereinafter “Motion to Stay”), and in support thereof respectfully shows the Court the following:

Defendant Davidson previously filed her Answer and Defenses to Plaintiffs' Class Action Complaint for Injunctive and Declaratory Relief on July 21, 2014. (*See* Doc. No. 31). Thereafter, on July 31, 2014, Plaintiffs filed their unopposed motion for leave to amend their complaint. (*See* Doc. No. 35). Said motion was granted on the same date, and it was also ordered that the Defendants who had answered the previously filed complaint, which included Defendant Davidson, were relieved of any obligation to answer the amended complaint. (*See* Doc. No. 35).

After this Court's January 8, 2015 denial of Defendants Aderhold's and Fenton's Motion to Dismiss the Amended Complaint, on January 20, 2015, the same Defendants filed their Motion to Stay. (*See* Doc. Nos. 49 and 53). On January 23, 2015, this Court issued an Order requesting that Plaintiffs and Defendants Davidson and Toomer, file their response to the Motion to Stay, on or before January 28, 2015, so that the Court can determine whether a Stay is warranted. (*See* Doc. No. 56).

Defendant Davidson acknowledges and agrees that Fed. Rule of Civil Procedure 26 gives trial courts broad discretion to alter the sequence of discovery for the convenience of the parties and in the interests of justice. Fed. R. Civ. P. 26(d). Defendant Davidson also agrees, based upon the issues framed by the

United States Supreme Court in its recent January 16, 2015 grant of certiorari in the four cases cited in the Motion to Stay, that the Supreme Court's decision on the stated issues will likely guide the future path of the present action. As a result, Defendant Davidson believes that a stay of the proceedings in this Court would be appropriate until the Supreme Court rules on the cases cited in its recent January 16, 2015 grant of certiorari. Therefore, Defendant Davidson consents to and hereby joins into the request for the grant of the Motion to Stay in this action.

This 26th day of January, 2015.

Respectfully submitted,

/s/ Frank E. Jenkins, III
Georgia Bar No. 390550
Attorney for Defendant Davidson

/s/ Robert L. Walker
Georgia Bar No. 554985
Attorney for Defendant Davidson

JENKINS & BOWEN, P.C.
15 South Public Square
Cartersville, Georgia 30120
(770) 387-1373 – Tel
(770) 387-2396 – Fax
fjenkins@ga-lawyers.pro
rwalker@ga-lawyers.pro

/s/ Van Stephens
Georgia Bar No. 679950
Attorney for Defendant Davidson

Gwinnett County Department of Law
75 Langley Drive
Lawrenceville, Georgia 30046-6935
(770) 822-8700 – Tel
(770) 822-8790 – Fax
Van.Stephens@gwinnettcountry.com

CERTIFICATE OF SERVICE

I hereby certify that on **January 26, 2015**, I electronically filed **Defendant Brook Davidson's Response to Motion to Stay** with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to the following attorneys of record:

Tara L. Borelli, tborelli@lambdalegal.org

Kaye Woodard Burwell, kaye.burwell@fultoncountyga.gov

William Vance Custer, IV, bill.custer@bryancave.com

Jennifer Burch Dempsey, jennifer.dempsey@bryancave.com

David P. Draigh, ddraigh@whitecase.com

Diana L. Freeman, diana.freeman@fultoncountyga.gov

Luke A. Lantta, luke.lantta@bryancave.com

Elizabeth Lynn Littrell, bethlittrell@bellsouth.net

Gregory R. Nevins, gnevins@lambdalegal.org

Jennifer Devine Odom, jennifer.odom@bryancave.com

Devon Orland, dorland@law.ga.gov

Susan L. Sommer, ssommer@lambdalegal.org

R. David Ware, david.ware@fultoncountyga.gov

Douglas E. Winter, dewinter@bryancave.com

Britt Grant, bgrant@law.ga.gov

Van Stephens, Van.Stephens@gwinnettcountry.com

Eddie Snelling, Jr., esnelling@law.ga.gov

I further certify that this document has been prepared with one of the font and point selections approved by the Court in LR 5.1(B) (Times New Roman 14 point).

Respectfully submitted,

JENKINS & BOWEN, P.C.

/s/ Robert L. Walker
Georgia Bar No. 390550
Robert L. Walker
Georgia Bar No. 554985
Attorneys for Defendant Davidson

15 South Public Square
Cartersville, Georgia 30120
(770) 387-1373 – Tel
(770) 387-2396 – Fax
fjenkins@ga-lawyers.pro
rwalker@ga-lawyers.pro