

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MISSOURI

Kyle Lawson, et al., )  
)  
Plaintiffs, )  
)  
v. ) No. 4:14-cv-00622-ODS  
)  
Robert Kelly, )  
Defendant. )  
\_\_\_\_\_)  
)  
State of Missouri, )  
)  
Intervenor. )

**MOTION FOR PERMANENT INJUNCTION**

Come now Plaintiffs and move this Court for entry of a permanent injunction. In support, Plaintiffs state:

1. In this case, Plaintiffs allege that Missouri’s laws excluding same-sex couples from marriage—Mo. Rev. Stat. § 451.022, Mo. Const. art. I, § 33, and any other provision of Missouri statutory or common law barring same-sex couples from marrying—violate the Due Process Clause and the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution.
2. Plaintiffs filed this case against Robert Kelly, in his official capacity as Director of the Jackson County Recorder of Deeds. State of Missouri intervened and removed the case to this Court.
3. The petition seeks the following relief:
  - A. Enter a declaratory judgment that § 451.022 RSMo; Mo. Const. art. I, § 33; and any other provision of Missouri statutory or common law barring

same-sex couples from marrying violate the Due Process Clause of the Fourteenth Amendment to the United States Constitution;

- B. Enter a declaratory judgment that § 451.022 RSMo; Mo. Const. art. I, § 33; and any other provision of Missouri statutory or common law barring same-sex couples from marrying violate the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution;
- C. Enter an injunction directing defendant to issue marriage licenses to same-sex couples upon completion of an application for a marriage license and receipt of all fees and other documents required for the issuance of a marriage license under the laws of the State of Missouri.
- D. Award costs of suit, including reasonable attorneys' fees under 42 U.S.C. § 1988; and
- E. Enter all further relief to which plaintiffs may be justly entitled.

- 4. In addition to the relief specified in the petition, as "further relief to which plaintiffs may be justly entitled," Plaintiffs request that this Court enter a permanent injunction prohibiting Intervenor-Defendant State of Missouri, including its political subdivisions, their officers, agents, servants, employees, attorneys, and all persons acting in concert with them, or in connection with them, from enforcing § 451.022 RSMo; Mo. Const. art. I, § 33; and any other provision of Missouri statutory or common law barring same-sex couples from marrying.
- 5. Although § 451.022 RSMo; Mo. Const. art. I, § 33; and any other provision of Missouri statutory or common law barring same-sex couples from marrying, are

unconstitutional, Intervenor-Defendant State of Missouri continues to enforce the provisions.

6. For the reasons set forth in the suggestions in support filed herewith, Plaintiffs are entitled to a permanent injunction.

Wherefore, Plaintiffs respectfully request this Court enter a permanent injunction prohibiting Intervenor-Defendant State of Missouri, including its political subdivisions, their officers, agents, servants, employees, attorneys, and all persons acting in concert with them, or in connection with them, from enforcing § 451.022 RSMo; Mo. Const. art. I, § 33; and any other provision of Missouri statutory or common law barring same-sex couples from marrying.

Respectfully submitted,

/s/ Anthony E. Rothert  
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ATTORNEYS FOR PLAINTIFFS

**Certificate of Service**

I certify that a copy of the forgoing was filed electronically on September 15, 2014, and made available to counsel of record.

/s/ Anthony E. Rothert