

Judge Grants Kentucky Clerk Time to Appeal Over Gay Marriage License

A federal judge in Kentucky on Monday said he would give a county clerk time to appeal before her office needs to start issuing marriage licenses to same-sex couples, an act she has said would violate her religious beliefs.

U.S. District Court Judge David Bunning in his ruling said he was temporarily staying his order for the office of Rowan County Clerk Kim Davis to resume issuing marriage licenses while the U.S. 6th Circuit Court of Appeals in Cincinnati weighs her appeal.

“In recognition of the constitutional issues involved, and realizing that emotions are running high on both sides of the debate, the court finds it appropriate to temporarily stay this order pending review” of the appellate court, Bunning said in his ruling.

Davis, who has refused to issue any marriage licenses since a U.S. Supreme Court ruling in late June legalizing gay marriage, had sought a complete stay of Bunning’s order for the office to resume its duties, but Bunning rejected that request on Monday, saying her appeal was not likely to succeed.

“While Judge Bunning isn’t going to change his mind, he at least is going to give her an opportunity to pursue that relief in the 6th Circuit,” said Roger Gannam, Davis’s attorney.

Gannam added his office will file an emergency motion to the appeals court within 24 hours seeking a complete stay allowing Davis to continue to not issue any marriage licenses.

In asking Bunning to delay his order to process same-sex marriage licenses, Davis said on Friday in court documents filed by her attorneys that processing such applications would violate her religious beliefs.

Davis's attorneys had asked that her office be allowed to wait until her case is settled in the courts.

Kentucky is not alone in facing unresolved issues related to gay marriage since the top U.S. court's ruling. Lawsuits linked to the issue were filed last week in Colorado, Florida, Mississippi and South Carolina.

Bunning had previously granted a preliminary injunction calling for Davis to begin issuing marriage licenses again, something her office had still refused to do.

Davis's attorneys had argued that their client would be harmed if forced to issue the licenses now, while any affected gay couples in the interim could simply turn to other clerks' offices in the state for service.

Last week, Bunning issued his injunction ordering Davis' office to process license applications from all couples, saying she had to live up to her responsibilities as county clerk despite her religious beliefs. Davis filed an appeal the same day, and the next day asked Bunning to stay his injunction.

Shortly after the Supreme Court's landmark ruling, Kentucky Governor Steve Beshear ordered the state's 120 county clerks to begin processing same-sex marriage licenses. A few, including Davis, decided to disregard it because of what they said was their Christian belief that marriage can be only between a man and a woman.

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