

Kim Davis' Battle Over the Word of God Isn't Over Yet

Liberty Counsel filed an emergency stay motion in federal appeals court. At the same hearing where Judge David Bunning ordered Kim Davis to be sent to jail for refusing to violate her conscience, Judge Bunning, without notice, expanded the injunction against Davis while it was already on appeal. The emergency stay motion argues that the expansion of the order beyond the original plaintiffs without notice violated a fundamental rule of due process.

Judge Bunning's initial order (Injunction) covered only the four named plaintiffs that sued Davis. In the Expanded Injunction, Judge Bunning impermissibly broadened it to cover anyone in the world who seeks a license for same-sex marriage.

Once the initial Injunction was appealed by Davis to the Sixth Circuit Court of Appeals, Judge Bunning had no jurisdiction over it, and thus no authority, to expand the Injunction. Therefore, Liberty Counsel filed for an emergency stay of the expanded Injunction in the Sixth Circuit Court of Appeals.

The original Injunction ordering Kim Davis to issue marriage licenses should be moot because the plaintiffs who sought such licenses received them last Friday after Judge Bunning told the Deputy Clerks he summoned to court that they must issue the licenses or be sent to jail. One plaintiff has not sought a license, but it appears this plaintiff never intended to get a license and does not want a license. Thus, the original Injunction against Kim Davis should be moot and dismissed because it applied only to the named plaintiffs who have no further claim.

"The injunction against Kim Davis ordering her to issue marriage licenses cannot, without proper notice and briefing,

be expanded to cover the entire world. That original injunction is moot and should be dismissed. We are asking the court of appeals to stay its enforcement now that plaintiffs received what they sought," said Mat Staver, Founder and Chairman of Liberty Counsel.