

**IN THE CIRCUIT COURT SIXTEENTH JUDICIAL CIRCUIT  
IN AND FOR MONROE COUNTY, FLORIDA**

**AARON R. HUNTSMAN**, et al.,  
Plaintiffs,

**CASE NO.: 2014-CA-305-K**

vs.

**AMY HEAVILIN**, as Clerk of the Courts  
of Monroe County, Florida, in her official  
capacity,  
Defendant,

and

**STATE OF FLORIDA**,  
Intervenor-Defendant.

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**ORDER ON EMERGENCY JOINT MOTION TO LIFT STAY**

This matter comes before the court on the Plaintiff and Defendant, Amy Heavilin, as Clerk of the Courts of Monroe County, Florida, Emergency Joint Motion to Lift the Stay filed on January 2, 2015. The court having considered the motion and the response of Amici Curiae Florida Family Action, Inc., Florida Democratic League, Inc. and People United to Lead the Struggle for Equality, Inc. and from their letter dated January 5, 2015, the State of Florida takes no position regarding the stay and leaves the request to the Court's discretion. The court makes the following findings:

In July of 2014, this court held that Florida's Constitutional Amendment banning same-sex marriage was a violation of both the Equal Protection Clause and Due Process Clause of the United States Constitution. The court also issued a stay of the court's ruling in order to allow higher courts to speak on the issue. Subsequent to this court's July, 2014 ruling, other circuit courts in Florida have declared the ban on same-sex marriages as unconstitutional.

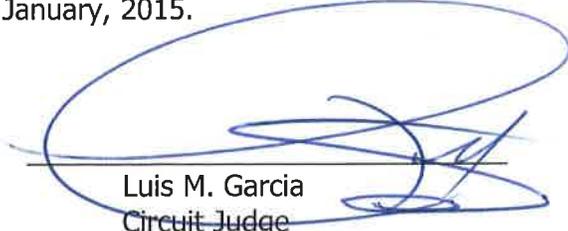
In a similar case, Federal District Court Judge Robert L. Hinkle held that Florida's ban on same-sex marriage was a violation of the rights protected by the United States Constitution.

The defendants before Judge Hinkle sought extensions of Judge Hinkle's stay before the United States 11<sup>th</sup> Circuit Court of Appeals and the United States Supreme Court. By refusing to intervene, the higher courts have allowed Judge Hinkle's ruling to take full effect. As a result, the law of the land in Florida is that the ban on same-sex marriage, as codified in statutes and the Florida Constitution, is in contravention of the rights insured by the United States Constitution and is thus unenforceable. It is therefore,

**ORDERED AND ADJUDGED** as follows:

This court hereby vacates the stay on January 5, 2015 at midnight, thus allowing the Clerk of Monroe County to issue same-sex marriage licenses to all qualified same-sex couples at 12:01 a.m. on January 6, 2015.

**DONE and ORDERED** this the 5<sup>th</sup> day of January, 2015.



Luis M. Garcia  
Circuit Judge

Copies to:

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