

THE CIRCUIT COURT OF PULASKI COUNTY, ARKANSAS
SECOND DIVISION

M. KENDALL WRIGHT, ET AL.	:	
	:	
	:	
V.	:	Case No: 60CV-13-2662
	:	
	:	
STATE OF ARKANSAS, ET AL.	:	
	:	

FINAL ORDER AND RULE 54(b) CERTIFICATION

Comes now the Court on this 15th day of May, 2014 to make clarification of the ruling made in this case in the “Order Granting Summary Judgment in Favor of the Plaintiffs and Finding Act 144 of 1997 and Amendment 83 Unconstitutional” dated May 9, 2014.

Defendants filed their Motion for Immediate Stay on May 9, 2014 and appealed this matter to our State’s Supreme Court the next day, a non-business day, on May 10, 2014. The latter filing had the effect of removing the case from this Court’s jurisdiction prior to ruling on the motion for stay and without certification pursuant to Arkansas Rules of Civil Procedure 54(b). Rule 2(a)(1) of the Ark. R. Appellate Procedure provides that an appeal may be taken only from final judgment. It was argued above that the Court’s May 9th Order was not yet final. The Arkansas Supreme Court agreed, dismissed the appeal as premature and returned the matter to this Court’s jurisdiction for further adjudication.

In addition to the analysis and findings included in this Court’s Order entered in this matter on May 9, 2014, it is and was the intent of the Order to grant Plaintiffs’ Motion for Summary Judgment without exception and as to all injunctive relief requested therein. In fact, this was the expressly stated title of the May 9, 2014 Order. Plaintiffs’ motion requested injunctive relief and properly identified the relevant laws at issue in this challenge.

With respect to the issues determined by the Order entered May 9, 2014 and the above judgment, the Court finds:

that its May 9, 2014 Order is hereby incorporated herein by reference;

that Plaintiffs' Motion for Summary Judgment is GRANTED;

that Defendants' Motion for Summary Judgment is DENIED;

that for the reasons stated in this Court's Order entered May 9, 2014 and herein, Amendment 83 of the Arkansas Constitution, Act 146 of 1997, § 1(b)-(c) (codified at Ark. Code Ann. 9-11-208 (a)(1)-(2)) and Act 144 of 1997 (Ark. Code Ann. §§ 9-11-107(b) and 109) violate the Equal Protection and Due Process Clauses of the United States and Arkansas Constitutions, and are hereby declared unconstitutional; and

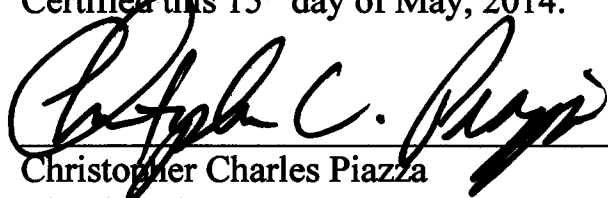
that Plaintiffs' request for a permanent injunction is GRANTED and the Court does hereby permanently enjoin all Defendants, including their officers, employees, agents, representatives, instrumentalities and political subdivisions from enforcing Amendment 83 of the Arkansas Constitution, Act 146 of 1997, § 1(b)-(c) (codified at Ark. Code Ann. 9-11-208 (a)(1)-(2)) and Act 144 of 1997 (codified at Ark. Code Ann. §§ 9-11-107(b), -109); and all other state and local laws and regulations identified in Plaintiff's complaint or otherwise in existence to the extent they do not recognize same-sex marriages validly contracted outside Arkansas, prohibit otherwise qualified same-sex couples from marrying in Arkansas or deny same-sex married couples the rights, recognition and benefits associated with marriage in the State of Arkansas.

Upon the basis of the foregoing factual findings, the Court hereby certifies, in accordance with Rule 54(b)(1), Ark. R. Civ. P., that it has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the judgment shall be a final judgment for all purposes.

This final order is entered to reflect the original intent of the Court's May 9, 2014 Order and to clarify and protect the rights and interests of all who reasonably relied upon and/or acted in accordance with the letter, spirit and/or intent of this Court's May 9, 2014 Order and to further serve the interest of justice in this matter.

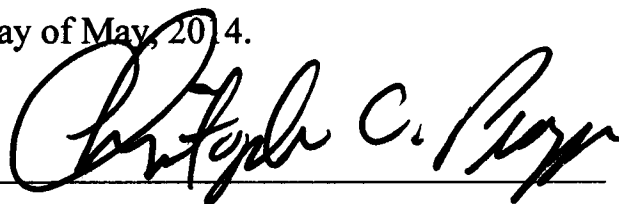
By entry of this order, Plaintiffs motion for clarification is moot.

Certified this 15th day of May, 2014.

A handwritten signature in black ink, appearing to read "Christopher C. Piazza", written over a horizontal line.

Christopher Charles Piazza
Circuit Judge

IT IS SO ORDERED this 15th day of May, 2014.

A handwritten signature in black ink, appearing to read "Christopher C. Piazza", written over a horizontal line.

CHRISTOPHER CHARLES PIAZZA
CIRCUIT COURT JUDGE