

No. 16-60478

In the United States Court of Appeals for the Fifth Circuit

CAMPAIGN FOR SOUTHERN EQUALITY AND SUSAN HROSTOWSKI,

Plaintiffs-Appellees,

v.

PHIL BRYANT, GOVERNOR OF MISSISSIPPI, AND
JOHN DAVIS, EXECUTIVE DIRECTOR OF THE MISSISSIPPI
DEPARTMENT OF HUMAN SERVICES,

Defendants-Appellants.

On Appeal from the United States District Court
for the Southern District of Mississippi, Northern Division
Case No. 3:16-cv-442-CWR-LRA

**MOTION TO STAY PRELIMINARY INJUNCTION PENDING APPEAL
AND MOTION FOR EXPEDITED CONSIDERATION**

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CERTIFICATE OF INTERESTED PERSONS

Counsel of record certifies that the following persons and entities as described in the fourth sentence of Fifth Circuit Rule 28.2.1 have an interest in the outcome of this case. These representations are made in order that the judges of this Court may evaluate possible disqualification or recusal.

Plaintiffs	Plaintiffs' Counsel
<ul style="list-style-type: none"> • Rims Barber • Carol Burnett • Joan Bailey • Katherine Elizabeth Day • Anthony Laine Boyette • Don Fortenberry • Susan Glisson • Derrick Johnson • Dorothy C. Triplett • Renick Taylor • Brandiilyne Mangum-Dear • Susan Mangum • Joshua Generation Metropolitan Community Church • Campaign for Southern Equality • Susan Hrostowski 	<p>Robert B. McDuff Sibyl C. Byrd Jacob W. Howard MCDUFF & BYRD</p> <p>Beth L. Orlansky John Jopling Charles O. Lee Reilly Morse MISSISSIPPI CENTER FOR JUSTICE</p> <p>Alysson Mills FISHMAN HAYGOOD LLP</p> <p>Roberta A. Kaplan Andrew J. Ehrlich William B. Michael Joshua D. Kaye Jacob H. Hupart Alexia D. Korberg Zachary A. Dietert PAUL, WEISS, RIFKIND, WHARTON & GARRISON LLP</p>

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<ul style="list-style-type: none"> • Phil Bryant, Governor Of Mississippi • Jim Hood, Attorney General Of Mississippi • John Davis, Executive Director Of The Mississippi Department Of Human Services • Judy Moulder, Mississippi State Registrar Of Vital Records 	<p>Jonathan F. Mitchell D. John Sauer JAMES OTIS LAW GROUP, LLC</p> <p>Drew L. Snyder OFFICE OF GOVERNOR PHIL BRYANT</p> <p>James A. Campbell ALLIANCE DEFENDING FREEDOM</p> <p>Paul E. Barnes Tommy D. Goodwin Douglas T. Miracle OFFICE OF THE ATTORNEY GENERAL</p>

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Defendant-Appellant John Davis, Executive Director of the Mississippi Department of Human Resources, respectfully moves for a stay of the preliminary injunction entered against House Bill 1523, also known as the “Protecting Freedom of Conscience from Government Discrimination Act.” Mr. Davis also requests expedited consideration of this appeal. For the reasons stated in Governor Bryant’s motion of July 11, 2016, filed in *Barber, et al. v. Bryant*, No. 16-60477, which we incorporate by reference, this Court should stay the preliminary injunction pending appeal, consolidate this appeal with *Barber, et al. v. Bryant*, No. 16-60477, and grant expedited consideration to the consolidated appeals.

CONCLUSION

The motion for stay pending appeal and the motion for expedited consideration should be granted. The Court should consolidate this appeal with *Barber, et al. v. Bryant*, No. 16-60477.

Respectfully submitted.

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CERTIFICATE OF SERVICE

I certify that this document has been filed with the clerk of the court and served by ECF or electronic mail on July 13, 2016, upon:

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CERTIFICATE OF ELECTRONIC COMPLIANCE

Counsel also certifies that on July 13, 2016, this brief was transmitted to Mr. Lyle W. Cayce, Clerk of the United States Court of Appeals for the Fifth Circuit, via the court's CM/ECF document filing system, <https://ecf.ca5.uscourts.gov/>.

Counsel further certifies that: (1) required privacy redactions have been made, 5th Cir. R. 25.2.13; (2) the electronic submission is an exact copy of the paper document, 5th Cir. R. 25.2.1; and (3) the document has been scanned with the most recent version of Symantec Endpoint Protection and is free of viruses.

/s/ Jonathan F. Mitchell

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CERTIFICATE OF CONFERENCE

On July 11, 2016, counsel for the plaintiffs indicated by way of e-mail that they oppose this motion and intend to file a response.

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