

UNITED STATES DISTRICT COURT
EASTERN DIVISION OF KENTUCKY
NORTHERN DIVISION
CASE NO. 15-CV-00044-003

MILLER, et al.,

PLAINTIFF,

VS.

DAVIS, et al.,

DEFENDANT.

NOTICE

Comes now the Hon. Richard A. Hughes, counsel for the Defendant Brian Mason, and CJA having been appointed to represent him in the above styled matter, pursuant to the order of September 8, 2015, makes the following report.

Mr. Mason informs me and the record confirms such, that he has issued the appropriate marriage licenses for same-sex marriage pursuant to the court's orders, and has continued to do so in light of changes that had been made by the Clerk, Ms. Davis. He is the only deputy clerk that is doing so by mutual agreement between the others wherein Mr. Mason agreed he would take care of those matters himself if it would ease the stress of the situation, although they all stand ready to do so in his absence as they had promised the court.

On September 14, 2015 Ms. Davis came into their office and he tells me the following:

Kim Davis came to the office and confiscated all the original forms, and provided a changed form which deletes all mentions of the County, fills in one of the blanks that would otherwise be the County with the Court's styling, deletes her name, deletes all of

the deputy clerk references, and in place of deputy clerk types in the name of Brian Mason, and has him initial rather than sign. There is now a notarization beside his initials in place of where otherwise signatures would be.

I discussed with Mr. Mason in my opinion he had done nothing wrong and is continuing to follow his sworn testimony to the court, however it also appears to this counsel those changes were made in some attempt to circumvent the court's orders and may have raised to the level of interference against the court's orders. Mr. Mason is concerned because he is in a difficult position that he continues to issue the licenses per the court's order, but is issuing licenses which had some remote questionable validity, but now with these changes may in fact have some substantial questions about validity.

It is part of this report to notify the court of the changes and it is expected there will be other parties to the action that will bring a request to this court for a review on whether or not her actions are against the orders of the court and the likelihood that the validity of these marriages licenses would have to be entertained if not in federal district court, state courts. Again Mr. Mason's concern is he does not want to be the party that is issuing invalid marriage licenses and he is trying to follow the court's mandate as well as his superior ordering him to issue only these changed forms and only with initials and only as notarized, which in the last example I have seen are not even notarized. To date, upon the filing of this report the circumstances remain the same, and counsel addresses this court with the newest information he has available.

RESPECTFULLY SUBMITTED,

/s/Richard A. Hughes
HON. RICHARD A. HUGHES
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NOTICE

All parties please take notice the foregoing motion shall be brought before this honorable court at it's earliest convenience.

CERTIFICATION

The above styled motion was mailed, postage prepaid, or hand delivered to the following:

Counsel of record

This the 18th day of September, 2015.

/s/Richard A. Hughes
HON. RICHARD A. HUGHES