

2-19-15
@ 8:52 AM

NO. _____

SARAH GOODFRIEND AND
SUZANNE BRYANT

PLAINTIFFS

VS.

DANA DEBEAUVOIR, TRAVIS
COUNTY CLERK

DEFENDANT.

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IN THE DISTRICT COURT

OF TRAVIS COUNTY, TEXAS

_____ JUDICIAL DISTRICT

ORDER

Plaintiffs Sarah Goodfriend and Suzanne Bryant have filed Plaintiffs' Original Petition and Application for Temporary Restraining Order, supported by affidavit, against Defendant Dana DeBeauvoir, the County Clerk of Travis County.

It clearly appears from the facts set forth in the Application that because of the current, unconstitutional statutory and state constitutional prohibitions in Texas against same-sex marriage, including as set out in and applied through Texas Family Code §§ 2.001, 2.012, and 6.204, and in Article I, § 32 of the Texas Constitution, Plaintiffs are unable to obtain issuance of a marriage license by Defendant DeBeauvoir.

The Court finds that unless the Court immediately issues a Temporary Restraining Order, the unconstitutional denial of a marriage license to Plaintiffs will cause immediate and irreparable damage to Plaintiffs, based solely on their status as a same-sex couple. That irreparable injury includes the ongoing violation of their rights under the Due Process Clause and the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution, through the denial of their vital, personal right to marry. Based on the Plaintiff's sworn pleading regarding the severity and uncertainty of Plaintiff Goodfriend's health condition, the Court finds

that Plaintiff Goodfriend's health condition strongly militates in favor of issuing immediate relief, before a hearing can be held on Plaintiffs' request for temporary injunction and before a final trial on the merits of permanent injunctive relief. Plaintiffs have no adequate remedy at law for the damage and the continuing harm that this course of action is causing them and will continue to cause them, and thus the only remedy available to Plaintiffs is the issuance of a temporary restraining order to prevent that ongoing unconstitutional denial of Plaintiffs' constitutional rights.

IT IS THEREFORE ORDERED that Defendant Dana DeBeauvoir, County Clerk of Travis County, is hereby commanded forthwith to cease and desist relying on the unconstitutional Texas prohibitions against same-sex marriage as a basis for not issuing a marriage license to Plaintiffs Sarah Goodfriend and Suzanne Bryant.

The clerk of this Court shall on the filing of the bond, as specified below, issue a temporary restraining order in conformity with the law and the terms of this Order.

This Order shall remain in place and effective for 14 calendar days after the date this Order is signed.

The Plaintiffs' request for temporary injunction shall be set for hearing on 3.5, 2015, at 9:00 AM

This Order shall not be effective unless and until Plaintiffs execute and file with the clerk a cash bond, in conformity with the law, in the amount of \$ 100.

SIGNED on 2-19, 2015.


PRESIDING JUDGE

2-19-15
@ 8:51 AM

NO. _____

SARAH GOODFRIEND AND
SUZANNE BRYANT

PLAINTIFFS

VS.

DANA DEBEAUVOIR, TRAVIS
COUNTY CLERK

DEFENDANT.

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IN THE DISTRICT COURT

OF TRAVIS COUNTY, TEXAS

_____ JUDICIAL DISTRICT

ORDER

Plaintiffs Goodfriend and Bryant in the above-styled and numbered action are seeking an immediate Temporary Restraining Order to prohibit the defendant from continuing to enforce prohibitions against issuance of marriage licenses to same-sex persons. Given the time urgency, and the other circumstances in this case, and the ongoing violations of Plaintiffs' constitutional rights, the Court has concluded that good cause exists to allow filing of the pleadings in this matter in paper form, rather than by e-filing, and to permit filing directly with the Court in accordance with Tex. R. Civ. P. 21(f)(4)C and 74.

It is so Ordered.

SIGNED this the 19 day of February, 2014.

Judge Presiding