

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

SUSAN WATERS and SALLY WATERS, )  
NICKOLAS KRAMER and JASON )  
CADEK, CRYSTAL VON KAMPEN and )  
CARLA MORRIS-VON KAMPEN, )  
GREGORY TUBACH and WILLIAM )  
ROBY, JESSICA KALLSTROM- )  
SCHRECKENGOST and KATHLEEN )  
KALLSTROM-SCHRECKENGOST, )  
MARJORIE PLUMB and TRACY WEITZ, )  
and RANDALL CLARK and THOMAS )  
MADDOX, )

Civil Action No. 8:13-cv-00215

Plaintiffs, )

v. )

**MOTION FOR  
PRELIMINARY INJUNCTION**

DAVE HEINEMAN in his official )  
capacity as Governor of Nebraska, JON )  
BRUNING in his official capacity as )  
Attorney General of Nebraska, KIM )  
CONROY in her official capacity as Tax )  
Commissioner of the Nebraska Department )  
of Revenue, KERRY WINTERER in his )  
official capacity as CEO of the Nebraska )  
Department of Health and Human Services, )  
and DAN NOLTE in his official capacity as )  
the Lancaster County Clerk, )

Defendants. )

Plaintiffs Sally and Susan Waters, Nickolas Kramer and Jason Cadek, Crystal Von Kampen and Carla Morris-Von Kampen, Gregory Tubach and William Roby, Jessica and Kathleen Kallstrom-Schreckengost, Marjorie Plumb and Tracy Weitz, and Randall Clark and Thomas Maddox, by and through their attorneys, move this Court pursuant to Fed. R. Civ. P. 65 for entry of a preliminary injunction:

1. enjoining all defendants and their agents from enforcing Neb. Const. art. I, § 29 and any other sources of state law that i) exclude same-sex couples from marrying, or ii) refuse recognition of the marriages of same-sex couples that were validly entered into in other jurisdictions;
2. enjoining all defendants and their agents from denying same-sex spouses any incidents of marriage available to opposite-sex spouses;
3. directing defendant CEO of the Department of Health and Human Services to i) amend the marriage worksheet that the Department provides to county clerks, which currently provides a space for “groom” and a space for “bride,” to allow couples to apply for a marriage license regardless of gender; and ii) accept records of marriages regardless of the genders of the spouses; and
4. enjoining defendant Lancaster County Clerk from denying marriage licenses to same-sex couples who otherwise meet the requirements to marry under Nebraska law;

The grounds for the motion, set forth in detail in the accompanying Brief in Support of Motion for Preliminary Injunction and Exhibits A through N attached hereto, are that i) Plaintiffs have a strong likelihood of success on the merits of their claims; ii) Plaintiffs will suffer irreparable harm absent a preliminary injunction; iii) the harm to Plaintiffs absent a preliminary injunction outweigh any harm to defendants; and iv) granting a preliminary injunction is in the public interest.

WHEREFORE, Plaintiffs respectfully request that this Court issue a preliminary injunction affording the requested relief.

Dated this 2<sup>nd</sup> day of December, 2014

Respectfully submitted,

s/SUSAN KOENIG, #16540  
s/ANGELA DUNNE, #21938  
Koenig | Dunne Divorce Law, PC, LLO  
1266 South 13<sup>th</sup> Street.  
Omaha, Nebraska 68108-3502  
(402) 346-1132  
[susan@nebraskadivorce.com](mailto:susan@nebraskadivorce.com)  
[angela@nebraskadivorce.com](mailto:angela@nebraskadivorce.com)

Amy A. Miller, #21050  
ACLU of Nebraska Foundation  
941 O Street #706  
Lincoln NE 68508  
402-476-8091  
[amiller@aclunebraska.org](mailto:amiller@aclunebraska.org)

Leslie Cooper  
(*pro hac vice* admission pending)  
Joshua Block  
(*pro hac vice* admission pending)  
ACLU Foundation  
125 Broad St., 18<sup>th</sup> Floor  
New York, New York 10004  
(212) 549-2627  
[lcooper@aclu.org](mailto:lcooper@aclu.org)  
[jblock@aclu.org](mailto:jblock@aclu.org)

**CERTIFICATE OF SERVICE**

I hereby certify that the counsel of record for the Defendants, Jon Bruning, is being served with a copy of this document via certified mail to 2115 State Capital, Lincoln, Nebraska on the 2<sup>nd</sup> day of December, 2014.

/s/ Angela Dunne