UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ARIZONA

Diaz, et al. v. Brewer, et al.

THE HONORABLE JOHN W. SEDWICK 2:09-cv-2402 JWS

PROCEEDINGS: ORDER FROM CHAMBERS Date: December 10, 2014

At docket 140, plaintiffs ask the court to vacate the order at docket 139 pursuant to which the preliminary injunction in this case is dissolved effective at midnight MST on December 31, 2014. Defendants respond at docket 145, and plaintiffs reply at docket 146. Oral argument would not assist the court.

The motion at docket 140 lacks merit. Plaintiffs and all other similarly situated gay and lesbian couples may obtain the employee benefits they were awarded in the preliminary injunction through marriage. This is the same manner in which heterosexual couples may obtain such benefits. Plaintiffs' motion rests on speculation that maybe someday the United States Supreme Court will rule that there is no constitutional right to same sex marriage and further speculation that such a ruling would allow the State of Arizona to somehow cease recognition of gay and lesbian marriages lawfully entered in the meantime. Such speculative worries do not amount to a concrete dispute sufficient to create an actual case or controversy supporting jurisdiction for further proceedings. The motion at docket 140 is DENIED.

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