

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA  
SOUTHEASTERN DIVISION

Ron Ramsay, Peter Vandervort, Celeste  
Carlson Allebach, Amber Carlson  
Allebach, Brock Dahl, Austin Lang,  
Michele Harmon, Joy Haarstick, Bernie  
Erickson, David Hamilton, Matthew  
Lee Elmore, Beau Thomas Downey,  
Stephanie Bock, and Siana Bock,

Plaintiffs,

v.

Jack Dalrymple, in his official capacity  
as Governor of North Dakota, Wayne  
Stenhjem, in his official capacity as  
Attorney General of North Dakota,  
Ryan Rauschenberger, in his official  
capacity as Tax Commissioner of North  
Dakota, Terry Dwelle in his official  
capacity as State Health Officer, and  
Charlotte Sandvik in her official  
capacity as Cass County Treasurer,

Defendants.

**AMENDED ORDER GRANTING  
MOTION TO LIFT STAY,  
GRANTING MOTION FOR  
SUMMARY JUDGMENT, AND  
DENYING MOTION TO DISMISS  
FOR FAILURE TO STATE A  
CLAIM**

Case No. 3:14-cv-57

Before the court is the plaintiffs' unopposed Motion to Lift Stay and Enter Judgment in Favor of the Plaintiffs.<sup>1</sup> The plaintiffs seek an order requiring the State of North Dakota to recognize and license the marriages of same-sex couples on the same terms as those of opposite-sex couples.<sup>2</sup>

On June 26, 2015, the Supreme Court held in Obergefell v. Hodges that "the right to marry is a fundamental right inherent in the liberty of the person, and under the Due

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<sup>1</sup> Doc. #59, Mot. to Lift Stay and Enter Judgment; Docs. ## 61, 62, Response.

<sup>2</sup> Doc. #60, Mem. in Support of Mot. to Lift Stay and Enter Judgment.

Process and Equal Protection Clauses of the Fourteenth Amendment couples of the same-sex may not be deprived of that right and that liberty” and that full faith and credit extends to marriages validly performed in another state.<sup>3</sup>

The Motion to Lift Stay and Enter Judgment is **GRANTED**. The plaintiffs’ Motion for Summary Judgment is **GRANTED**. The N.D. Constitution Art. XI § 28, and North Dakota Century Code §§ 14-03-01 and 14-03-08 are declared unconstitutional and invalid as applied to same sex marriages, and the defendants are ordered to issue marriage licenses to same-sex couples, subject to the same restrictions and limitations applicable to opposite-sex couples. The defendants’ Motions to Dismiss for Failure to State a Claim is **DENIED**.

**IT IS SO ORDERED.**

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated this 29th day of June, 2015.

/s/ Ralph R. Erickson  
Ralph R. Erickson, Chief District Judge  
United States District Court

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<sup>3</sup> Obergefell v. Hodges, 576 U.S. \_\_\_\_, slip op. at pp. 22, 28 (2015).