

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BRUCE T. MORGAN and
BRIAN P. MERUCCI,

Plaintiffs,

Case No. 1:14-CV-632

v.

HON. GORDON J. QUIST

RICK SNYDER and
MARY HOLLINRAKE,

Defendants.

**ORDER DENYING PLAINTIFFS' MOTION TO LIFT STAY
AND TO ENTER JUDGMENT IN FAVOR OF PLAINTIFFS
PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 56**

On December 23, 2014, the Court entered an Order Staying Case (dkt. # 31), in which it noted that the Sixth Circuit's decision in *DeBoer v. Snyder*, 772 F.3d 388 (6th Cir. 2014), addressed the specific issue Plaintiffs raise in this case—whether it is unconstitutional for a state to refuse to recognize out-of-state same-sex marriages when that state defines marriage as a relationship between a man and a woman. The Sixth Circuit held that it is not. *Id.* at 418. This Court noted that it was bound by the *DeBoer* decision. Since the Court issued the December 23, 2014 Order, the United States Supreme Court has granted certiorari in the *DeBoer* case, specifying that one of the issues it will consider is whether “the Fourteenth Amendment require[s] a state to recognize a marriage between two people of the same sex when their marriage was lawfully licensed and performed out-of-state.” *DeBoer v. Snyder*, ___ U.S. ___, 135 S. Ct. 1040 (2015). Accordingly, in deciding the *DeBoer* case, the Supreme Court will address the issue Plaintiffs raise in this case. Oral

argument in the Supreme Court is currently set for April 28, 2015, and a decision will issue by the end of June 2015.

Plaintiffs have now filed a motion to lift the stay, arguing that circumstances have changed since the Court issued the stay order. In particular, Plaintiffs contend that the decision from the Eastern District of Michigan in *Caspar v. Snyder*, ___ F. Supp. 3d ___, No. 14-CV-11499, 2015 WL 224741 (E.D. Mich. Jan. 15, 2015), requires this Court to lift the stay and enter judgment for Plaintiffs. Plaintiffs contend that the *Caspar* decision, which the State of Michigan has decided not to appeal, means that the State of Michigan must recognize Plaintiffs' out-of-state marriage.

Contrary to Plaintiffs' argument, *Caspar* does not change the circumstances giving rise to the Court's initial decision to stay the case.¹ First, *Caspar* is a decision from a coordinate district court that is not binding on this Court. *See Camreta v. Greene*, ___ U.S. ___, 131 S. Ct. 2020, 2033 n.7 (2011) ("A decision of a federal district court judge is not binding precedent in either a different judicial district, the same judicial district, or even upon the same judge in a different case." (internal quotation marks omitted)). More importantly, however, *Caspar* did not involve recognition of out-of-state same-sex marriages. Rather, *Caspar* concerned whether the State of Michigan could refuse to recognize same-sex marriages that were performed in Michigan and "solemnized pursuant to Michigan marriage licenses issued in accordance with Michigan law" during the brief period of time between the district court's ruling in *DeBoer* and the Sixth Circuit's issuance of a temporary stay. *Caspar*, 2015 WL 224741, at *1; *see also id.* at *6 ("More specifically, this case implicates the right to *maintain* one's marital status once it has been lawfully acquired under the laws of the state seeking to defeat it."). The *Caspar* court considered a discrete issue and the district court's holding

¹Alternatively, the Court could have dismissed the case in light of the Sixth Circuit's decision in *DeBoer*.

