



Relief in the United States District Court for the Middle District of Alabama. See Roy S. Moore v. Judicial Inquiry Commission et al., No. 2:16-CV-388-WHA (M.D. Ala.).

3. On May 31, 2016, Chief Justice Moore filed a motion in this Court requesting an indefinite extension to file his responsive pleading to the Commission's Complaint until the federal court rules on his motion for preliminary injunction. This would effectively suspend the adjudication of this state matter.

4. Chief Justice Moore requests, in the alternative, a 14-day extension to file his responsive pleading from the date this Court rules on his motion.

5. Rule 7 of the Court of the Judiciary's Rules of Procedure states:

**Dilatory motions will be treated with disfavor.** Any action which, in the opinion of the Court, would interfere with the prompt disposition of the proceedings pending before the Court shall be discharged, and may be avoided by proper order of the Court.

Ala. R. P. Ct. Jud. Rule 7 (emphasis added).

6. In violation of Rule 7, Chief Justice Moore's request for any extension unequivocally interferes with the prompt disposition of these proceedings. Any request for an extension of time to file an answer is merely dilatory,

against the interests of all parties, and most importantly against the interests of this state's judiciary.

7. Chief Justice Moore has been well aware of the nature of the allegations under investigation and the evidence regarding those allegations. Pursuant to Rules 6C and 6D of the Commission's Rules of Procedure, as promulgated by the Alabama Supreme Court, the Commission has been required to serve Chief Justice Moore every 42 days throughout its investigation with "all materials of any nature whatsoever not already served upon him . . . tending to establish that the conduct either did or did not occur or that the investigation is or is not still appropriate." Ala. R. P. Jud. Inq. Comm'n 6D. In addition, the Commission has been required to advise Chief Justice Moore of those aspects of the complaints under investigation. Id.

8. In his federal court filing, Chief Justice Moore claims the Commission's filing of the Complaint against him in the Court of the Judiciary has caused him irreparable harm, disrupts the orderly functioning of the Alabama judiciary, and undermines judicial administration in the state. He also argues that the Commission and this Court can have a judge suspended indefinitely. Id. If his claims are taken at face

value, it would therefore be in his best interests to resolve these present proceedings as soon as possible.

9. Chief Justice Moore has failed to demonstrate "good cause" for the delay requested in his motion. Pursuant to Ala. R. P. Ct. Jud. Rule 5, this Court may extend the 30-day period for filing a responsive pleading only "[f]or good cause shown." A pending federal court action filed three weeks **after** the Commission's Complaint does not constitute "good cause" for delaying the expeditious resolution of this matter. Chief Justice Moore waited until only five business days remained for him to file his responsive pleading to file his federal suit and ask for an extension in this matter. Any additional burden he now claims is strictly of his own volition.

10. In addition to denying Chief Justice Moore's Motion for Extension of Time, the Commission respectfully moves this Court to set a hearing upon the Complaint as expeditiously as possible pursuant to Rule 8. Ala. R. P. Ct. Jud. Rule 8.

11. Rule 8 provides:

**The Court shall fix a date for hearing upon the complaint as expeditiously as possible.** Notice of the date, time and place of the hearing shall be served upon the judge and any counsel designated by him not less than thirty (30) days prior to the date upon which the hearing is set **unless otherwise agreed to by the parties and the Court.**

Ala. R. P. Ct. Jud. Rule 8 (emphasis added).

12. As discussed in ¶ 7 above, Chief Justice Moore has been served with copies of all documents and materials the Commission has obtained over the course of its investigation, as required by Rules 6C and 6D. Ala. R. P. Jud. Inq. Comm'n 6.

13. Chief Justice Moore claims that every day he is suspended from the bench, irreparable harm is visited upon the judiciary, the citizens of Alabama, and himself. Moore Complaint ¶ 2, 3. Per Rule 8, Chief Justice Moore is allowed, and indeed encouraged, to waive the 30-day notice requirement and agree to hold his hearing as soon as this Court can fix a date. The Commission is ready for trial. All parties involved in these proceedings will benefit from the expeditious resolution of this matter.

WHEREFORE, the Judicial Inquiry Commission respectfully moves this Court to deny Chief Justice Moore's Motion for Extension of Time, and to grant the Commission's Motion to Set a Hearing Date.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that I have this 31<sup>st</sup> day of May, 2016, served a copy of this notice on attorneys for the Respondent, through electronic mail with a hard copy sent via regular U.S. mail to:

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