

FILED

United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

December 23, 2013

Elisabeth A. Shumaker
Clerk of Court

DEREK KITCHEN, individually;
MOUDI SBEITY, individually;
KAREN ARCHER, individually;
KATE CALL, individually;
LAURIE WOOD, individually;
KODY PARTRIDGE, individually,

Plaintiffs-Appellees,

v.

GARY R. HERBERT, in his official
capacity as Governor of Utah; JOHN
SWALLOW, in his official capacity as
Attorney General of Utah,

Defendants-Appellants,

and

SHERRIE SWENSEN, in her official
capacity as Clerk of Salt Lake County,

Defendant.

No. 13-4178
(D.C. No. 2:13-CV-00217-RJS)
(D. Utah)

ORDER

Before **HOLMES** and **BACHARACH**, Circuit Judges.

This matter is before the court on the Defendants-Appellants' renewed
"Emergency Motion for Temporary Stay Pending Resolution of Stay Motion(s)."
Upon consideration, the motion is denied to the extent it asks this court to stay the

district court's order pending that court's resolution of the State's motion for stay pending appeal. Likewise, the anticipatory request to stay the district court's order in the event of an adverse ruling is also denied. As we noted in our order of yesterday, this denial is without prejudice to filing a renewed request in accord with Fed. R. App. P. 8 and 10th Cir. R. 8.1 if the district court denies Defendants-Appellants' motion.

Entered for the Court

A handwritten signature in cursive script, reading "Elisabeth A. Shumaker", with a long horizontal flourish extending to the right.

ELISABETH A. SHUMAKER
Clerk of Court