

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)

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**ORDER**

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

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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 that reads "Elisabeth A. Shumaker". The signature is written in black ink and includes a long, sweeping horizontal flourish at the end.

ELISABETH A. SHUMAKER  
Clerk of Court