

<p>SUPREME COURT OF COLORADO 2 East 14th Ave., Denver, CO 80203</p>	<p>DATE FILED: October 6, 2014 4:07 PM FILING ID: 39C9E2C91550B CASE NUMBER: 2014SA212</p>
<p>Appeal from District Court, Adams County, Colorado, Case No. 13CV32752, Hon. C. Scott Crabtree</p>	
<p>DEFENDANT/APPELLANT: STATE OF COLORADO, et al. v. PLAINTIFFS/APPELLEES: REBECCA BRINKMAN, et al.</p>	
<p>Consolidated with District Court, City and County of Denver, Colorado, Case No. 14CV30731: DEFENDANT/APPELLANT: STATE OF COLORADO, et al. v. PLAINTIFFS/APPELLEES: G. KRISTIAN McDANIEL-MICCIO, et al.</p>	<p>▲ COURT USE ONLY ▲</p>
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JOINT MOTION TO DISMISS APPEAL AND VACATE C.A.R. 8 ORDER

Plaintiffs-Appellees Rebecca Brinkman and Margaret Burd, G. Kristian McDaniel-Miccio and Nan McDaniel-Miccio, Sandra Abbott and Amy Smart, Wendy Alfredsen and Michelle Alfredsen, Kevin Bemis and Kyle Bemis, Tommy Craig and Joshua Wells, James Davis and Christopher Massey, Sara Knickerbocker and Jessica Ryann Peyton, Jodi Lupien and Kathleen Porter, and Tracey MacDermott and Heather Shockey, Defendant-Appellant State of Colorado, and Defendants John W. Hickenlooper, and Debra Johnson hereby move pursuant to C.A.R. 42 to dismiss the appeal in this matter. Karen Long, in her official capacity as Clerk and Recorder of Adams County does not oppose the relief sought by this motion.

C.A.R. 42(b) permits voluntary dismissal by Appellant on motion upon such terms as may be fixed by the Court. Because of the United States Supreme Court's denial of certiorari in *Herbert v. Kitchen, et al.*, and *Smith v. Bishop*, both issued on

October 6, 2014, Defendant-Appellant State of Colorado moves to dismiss this appeal. The parties jointly request that this appeal be dismissed. Nothing in this motion is intended to compromise any request for costs and fees under 42 U.S.C. § 1988.

To provide clarity, all the parties also jointly move the Court to vacate its July 18th, 2014 order entered pursuant to C.A.R. 8 staying Karen Long, in her official capacity as Clerk and Recorder of Adams County and Debra Johnson, in her official capacity as Clerk and Recorder for the City and County of Denver, from issuing marriage licenses to same-sex couples pending resolution of this appeal.

The State of Colorado intends to file similar motion in the related appeal No. 2014SC582, captioned *State of Colorado v. Hillary Hall*.

DATED this 6th day of October, 2014.

s/ John McHugh

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