

<p>SUPREME COURT OF COLORADO 2 East 14th Ave., Denver, CO 80203</p>	<p>DATE FILED: October 6, 2014 4:23 PM FILING ID: 2FCD3F5BB76EA CASE NUMBER: 2014SC582</p>
<p>C.A.R. 50 Certiorari Court of Appeals, 2014CA1368 District Court, Boulder County, 2014CV30833</p>	
<p>Petitioner: The State Of Colorado, v. Respondent: Hillary Hall, in her official capacity as Boulder County Clerk and Recorder.</p>	<p>▲ COURT USE ONLY ▲ 2014SC582</p>

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JOINT MOTION TO DISMISS APPEAL AND VACATE C.A.R. 8 ORDER

Petitioner State of Colorado and Respondent Hillary Hall, in her official Capacity as Boulder County Clerk and Recorder hereby move pursuant to C.A.R. 42 to dismiss the appeal in this matter and vacate the Rule 8 order issued July 29, 2014.

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, Petitioner 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 29th, 2014 order entered pursuant to C.A.R. 8 staying Hillary Hall, in her official capacity as Clerk and Recorder of Boulder County from issuing marriage licenses to same-sex couples pending resolution of this appeal.

The State of Colorado has filed a similar motion in the related appeal No.2014SA000212, captioned *State of Colorado et al. v. Rebecca Brinkman, et al.* The Intervenors in the trial court, not parties to this appeal, have been advised of this motion and have made no objection.

DATED this 6th day of October, 2014.

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*Original Signature on File
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By: /s/ David Hughes

David Hughes

Deputy County Attorney

ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

This is to certify that I have duly served the foregoing **PETITION FOR RELIEF PURSUANT TO C.A.R. 50** upon the following parties or their counsel electronically via ICCES, or via electronic mail, at Denver, Colorado this 6th day of October, 2014, addressed as follows:

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