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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO**

SUSAN LATTA and TRACI EHLERS, LORI)
WATSEN and SHARENE WATSEN, SHELIA)
ROBERTSON and ANDREA ALTMAYER,)
AMBER BEIERLE and RACHAEL)
ROBERTSON,)

Plaintiffs,)

vs.)

C.L. (BUTCH) OTTER, as Governor of the State)
of Idaho, in his official capacity, and)
CHRISTOPHER RICH, as Recorder of Ada)
County, Idaho, in his official capacity,)

Defendants,)

and)

STATE OF IDAHO,)

Defendant-Intervenor.)

Case No. 1:13-cv-00482-CWD

**GOVERNOR OTTER'S
EMERGENCY REQUEST FOR AN
IMMEDIATE HEARING ON HIS
MOTION TO STAY PENDING
APPEAL**

EMERGENCY REQUEST FOR HEARING

Defendant Governor Otter, with full respect for this Court and its processes but also with the strongest sense of urgency for the State he leads, requests that this Court convene and conduct a hearing on his pending Motion to Stay Pending Appeal (Dkt. Nos. 97 and 97-1) (“Stay Motion”)¹ before noon on Wednesday, May 14, 2014.

The two days that this Court has granted the Governor to seek a stay from the Ninth Circuit, see Memorandum Decision and Order (Dkt. No. 98) at p. 57:

1. was apparently formulated without regard to or consideration of the Stay Motion and its powerful arguments in favor of a stay from *this* Court to remain in effect during the pendency of all appeals or, at the very least, for seven days so as to allow for a fair and orderly pursuit of a Ninth Circuit stay;

2. is contrary to the practice in the Ninth Circuit, seen in the Proposition 8 case, of giving appellants defending man-woman marriage seven days to pursue a Ninth Circuit stay (which the Ninth Circuit granted);

3. is grossly inadequate for a fair and orderly pursuit of a Ninth Circuit stay; and

4. consequently, it does not properly accommodate both the State of Idaho and its place in our federal system and the Ninth Circuit and its processes.

Governor Otter’s request for a hearing before Wednesday noon is based on the reality that, absent a hearing or some other appropriate relief from this Court by that time, he will have no choice but to file a Notice of Appeal (with all that means for this Court’s

¹ The Stay Motion when filed was a contingent motion, that is, it was contingent upon this Court entering the kind of adverse order that it entered late in the day Wednesday with its Memorandum Decision and Order (Dkt. No. 98). As of the moment of the entry of that order, the Stay Motion ceased to be contingent.

