

**General Docket
Tenth Circuit Court of Appeals**

Court of Appeals Docket #: 14-4060

Docketed: 06/05/2014

Nature of Suit: 3440 Other Civil Rights

Termed: 10/08/2014

Evans, et al v. State of Utah, et al

Appeal From: United States District Court for the District of Utah -
Salt Lake City

Fee Status: Fee Paid

Case Type Information:

- 1) civil
- 2) private
- 3) -

Originating Court Information:

District: 1088-2 : [2:14-CV-00055-DAK](#)

Court Reporter: Raymond Fenlon, -

Court Reporter: Patti Walker, -

Trial Judge: Dale A. Kimball, -, U.S. District Judge

Date Filed: 01/28/2014

Date NOA Filed:

06/04/2014

Date Rec'd COA:

06/05/2014

Prior Cases:

None

Current Cases:

None

Panel Assignment: Not available

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v.

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JONELL EVANS; STACIA IRELAND; MARINA GOMBERG; ELENOR HEYBORNE;
MATTHEW BARRAZA; TONY MILNER; DONALD JOHNSON; KARL FRITZ
SHULTZ,

Plaintiffs - Appellees,

v.

STATE OF UTAH; GARY HERBERT, in his official capacity as Governor of Utah; SEAN
REYES, in his official capacity as Attorney General of Utah,

Defendants - Appellants.


06/05/2014	 40 pg, 327.2 KB	[10181275] Civil case docketed. Preliminary record filed. DATE RECEIVED: 06/05/2014 Docketing statement due 06/19/2014 for Gary Herbert, Sean Reyes and State of Utah. Transcript order form due 06/19/2014 for Joni J. Jones. Notice of appearance due on 06/19/2014 for Matthew Barraza, Jonell Evans, Marina Gomberg, Gary Herbert, Elenor Heyborne, Stacia Ireland, Donald Johnson, Sean Reyes, Carl Fritz Shultz and State of Utah. [14-4060] [Entered: 06/05/2014 08:44 AM]
06/05/2014		[10181287] Notice of an NDA re-sent to Kathryn Harstad. [14-4060] [Entered: 06/05/2014 09:05 AM]
06/05/2014	 116 pg, 1.42 MB	[10181446] Motion filed by Appellants Gary Herbert, Sean Reyes and State of Utah for stay of Preliminary Injunction Pending Appeal. Served on: 06/05/2014. Manner of service: email. This pleading complies with all required (privacy, paper copy and virus) certifications: Yes. [14-4060] PD [Entered: 06/05/2014 11:07 AM]
06/05/2014		This entry ([10181494] Notice of appearance submitted by Erik Strindberg) has been removed from the docket and will not be filed. There is no certificate of interested parties or certificate of service. [SLS] ES [Entered: 06/05/2014 12:43 PM]
06/05/2014	 1 pg, 79.77 KB	[10181653] Order filed by Clerk. A temporary stay of the district court's order is granted. Appellees shall respond to the stay motion no later than 11:59 p.m. MDT on Thursday 06/12/2014 for Matthew Barraza, Jonell Evans, Marina Gomberg, Elenor Heyborne, Stacia Ireland, Donald Johnson and Carl Fritz Shultz. Served on 06/05/2014. [14-4060] --[Edited 06/05/2014 by SLS to correct clerical error to order (no panel is assigned).] [Entered: 06/05/2014 04:42 PM]
06/06/2014	 23 pg, 205 KB	[10181847] Response filed by Mr. Matthew Barraza, Jonell Evans, Ms. Marina Gomberg, Ms. Elenor Heyborne, Ms. Stacia Ireland, Mr. Donald Johnson and Mr. Carl Fritz Shultz to Appellants' Motions for Stay Pending Appeal and Temporary Stay Pending Resolution of Motion to Stay. Served on 06/06/2014. Manner of Service: US mail, email. This pleading complies with all required (privacy, paper copy and virus) certifications: Yes. [14-4060] LF [Entered: 06/06/2014 02:00 PM]
06/09/2014	 13 pg, 106.64 KB	[10181998] Reply filed by Gary Herbert, Sean Reyes and State of Utah to Plaintiff-Appellees' Opposition to Motions for Stay Pending Appeal and Temporary Stay Pending Resolution of Motion to Stay. Served on 06/09/2014. Manner of Service: email. This pleading complies with all required (privacy, paper copy and

virus) certifications: Yes. [14-4060] PD [Entered: 06/09/2014 09:32 AM]

06/17/2014

[10184521] Notice of appearance submitted by Leah Farrell, John Mejia for Appellees Mr. Matthew Barraza, Jonell Evans, Ms. Marina Gomberg, Ms. Elenor Heyborne, Ms. Stacia Ireland, Mr. Donald Johnson, Mr. Carl Fritz Shultz and Mr. Anthony Milner for court review. Certificate of Interested Parties: No. Served on 06/17/2014. Manner of Service: email, US mail. [14-4060] -- [Edited 06/17/2014 by SLS to remove PDF file from docket entry and to add party to docket text.] LF [Entered: 06/17/2014 04:13 PM]

06/17/2014


 5 pg, 102.51 KB

[10184532] Notice of appearance filed by Ms. Leah Farrell and Mr. John M. Mejia for Ms. Jonell Evans, Ms. Stacia Ireland, Ms. Marina Gomberg, Ms. Elenor Heyborne, Mr. Matthew Barraza, Mr. Donald Johnson, Mr. Carl Fritz Shultz and Mr. Tony Milner. CERT. OF INTERESTED PARTIES: n. Served on 06/17/2014. Manner of Service: email, US mail. [14-4060] [Entered: 06/17/2014 04:28 PM]

06/18/2014

[10184660] Notice of appearance submitted by Erik Strindberg, Lauren I. Scholnick, Kathryn Harstad for Appellees Mr. Matthew Barraza, Jonell Evans, Ms. Marina Gomberg, Ms. Elenor Heyborne, Ms. Stacia Ireland, Mr. Donald Johnson, Mr. Tony Milner and Mr. Carl Fritz Shultz for court review. Certificate of Interested Parties: Yes. Served on 06/18/2014. Manner of Service: email. [14-4060]--[Edited 06/18/2014 by AT to remove PDF as pleading was filed on 6/18/14.] ES [Entered: 06/18/2014 09:58 AM]








06/18/2014

 4 pg, 70.05 KB








[10184691] Notice of appearance filed by Ms. Kathryn Harstad, Ms. Lauren I. Scholnick, and Mr. Erik Strindberg for Jonell Evans, Ms. Stacia Ireland, Ms. Marina Gomberg, Ms. Elenor Heyborne, Mr. Matthew Barraza, Mr. Donald Johnson, Mr. Carl Fritz Shultz, and Mr. Tony Milner. CERT. OF INTERESTED PARTIES: y. Served on 06/18/2014. Manner of Service: email. [14-4060] [Entered: 06/18/2014 10:49 AM]

06/18/2014








[10184759] Notice of appearance submitted by Joshua Block for Appellees Mr. Matthew Barraza, Jonell Evans, Ms. Marina Gomberg, Ms. Elenor Heyborne, Ms. Stacia Ireland, Mr. Donald Johnson, Mr. Tony Milner and Mr. Carl Fritz Shultz for court review. Certificate of Interested Parties: No. Served on 06/18/2014. Manner of Service: US mail. [14-4060]--[Edited 06/18/2014 by KLP to delete the attachment; entry filed.] JAB [Entered: 06/18/2014 01:02 PM]





06/18/2014	 4 pg, 92.39 KB	[10184795] Notice of appearance filed by Mr. Joshua A. Block for Appellees Jonell Evans, Ms. Stacia Ireland, Ms. Marina Gomberg, Ms. Elenor Heyborne, Mr. Matthew Barraza, Mr. Donald Johnson and Mr. Carl Fritz Shultz. CERT. OF INTERESTED PARTIES: n. Served on 04/18/2014. Manner of Service: email. [14-4060] [Entered: 06/18/2014 01:57 PM]
06/19/2014	 2 pg, 20.34 KB	[10184942] Admissions letter sent. Response date set to 07/21/2014 for Kathryn Harstad. [14-4060] [Entered: 06/19/2014 08:38 AM]
06/30/2014	 2 pg, 22.94 KB	[10187389] Deficiency notice issued. Type of deficiency: no preliminary documents filed. Docketing statement, transcript order form and notice of appearance due on 07/10/2014 for Gary Herbert, Sean Reyes and State of Utah [14-4060] [Entered: 06/30/2014 12:34 PM]
07/01/2014		[10187628] Notice of appearance submitted by Joni J. Jones, Kyle J. Kaiser, Parker Douglas for Appellants Gary Herbert, Sean Reyes and State of Utah for court review. Certificate of Interested Parties: No. Served on 07/01/2014. Manner of Service: email. [14-4060]-- [Edited 07/01/2014 by KLP to delete the attachment; entry filed.] JJJ [Entered: 07/01/2014 07:20 AM]
07/01/2014	 3 pg, 132.14 KB	[10187674] Notice of appearance filed by Mr. Parker Douglas, Ms. Joni Jean Jones and Mr. Kyle J. Kaiser for State of Utah, Gary Herbert and Sean Reyes. CERT. OF INTERESTED PARTIES: n. Served on 07/01/2014. Manner of Service: email. [14-4060] [Entered: 07/01/2014 08:30 AM]
07/01/2014	 44 pg, 289.57 KB	[10187925] Docketing statement filed by Gary Herbert, Sean Reyes and State of Utah. Served on 07/01/2014. Manner of Service: email. [14-4060] JJJ [Entered: 07/01/2014 02:52 PM]
07/01/2014	 2 pg, 76.05 KB	[10187929] Acknowledgment of transcript order filed by Ms. Joni Jean Jones for State of Utah, Gary Herbert and Sean Reyes. Transcript ordered: Argument on Plaintiffs' Motion for Preliminary Injunction held on March 12, 2014. Served on: 07/01/2014. Manner of Service: email. [14-4060] JJJ [Entered: 07/01/2014 02:56 PM]
07/01/2014		[10187955] Minute order filed - Transcript order form due 07/15/2014 for Patti Walker. (Text Only - No Attachment) [14-4060] [Entered: 07/01/2014 03:36 PM]
07/11/2014	 6 pg, 61.77 KB	[10190608] Order filed by Judges Kelly, concurring in part and dissenting in part, Lucero and Holmes - We conclude that the appellants have not made showings sufficient to warrant a stay

pending appeal. We will however, leave the temporary stay in place until 8:00 a.m., MDT, on Monday, July 21, 2014, to allow appellants time to seek relief from the United States Supreme Court. Served on 07/11/2014. [14-4060] [Entered: 07/11/2014 05:08 PM]

- 07/18/2014  1 pg, 24.74 KB [10192295] Supreme Court order granting stay of district court preliminary injunction filed. [14-4060] [Entered: 07/18/2014 03:40 PM]
- 07/22/2014  2 pg, 66.8 KB [10193055] Transcript order form filed by Ms. Patti Walker. Transcript due 09/22/2014 for Patti Walker. [14-4060] [Entered: 07/22/2014 03:00 PM]
- 07/23/2014  2 pg, 20.4 KB [10193168] Attorney admission letter, second notice sent. Attorney admission response date set to 08/04/2014. [14-4060] [Entered: 07/23/2014 08:45 AM]
- 08/08/2014 [10197175] Attorney Ms. Kathryn Harstad for Jonell Evans, Ms. Stacia Ireland, Ms. Marina Gomberg, Ms. Elenor Heyborne, Mr. Matthew Barraza, Mr. Donald Johnson, Mr. Carl Fritz Shultz and Mr. Tony Milner admitted to the bar of this court. [14-4060] [Entered: 08/08/2014 11:03 AM]
- 08/12/2014  1 pg, 101.52 KB [10198070] Filed notice record is complete. Served on 08/12/2014. Appellants' brief and appendix due on 09/22/2014 for Gary Herbert, Sean Reyes and State of Utah. [14-4060] [Entered: 08/12/2014 03:55 PM]
- 08/18/2014  3 pg, 90.73 KB [10199457] Motion filed by Appellants Gary Herbert, Sean Reyes and State of Utah to extend time to file appellant/petitioner's brief until 10/22/2014. Served on: 08/18/2014. Manner of service: email. This pleading complies with all required (privacy, paper copy and virus) certifications: Yes. [14-4060] JJJ [Entered: 08/18/2014 03:31 PM]
- 08/19/2014  9 pg, 116.29 KB [10199683] Response filed by Mr. Matthew Barraza, Jonell Evans, Ms. Marina Gomberg, Ms. Elenor Heyborne, Ms. Stacia Ireland, Mr. Donald Johnson, Mr. Tony Milner and Mr. Carl Fritz Shultz to Appellants' Motion for Enlargement of Time to File Opening Brief. Served on 08/19/2014. Manner of Service: email, US mail. This pleading complies with all required (privacy, paper copy and virus) certifications: Yes. [14-4060] LF [Entered: 08/19/2014 10:30 AM]
- 08/20/2014  10 pg, 122.01 KB [10199972] Reply filed by Gary Herbert, Sean Reyes and State of Utah to Motion for Enlargement of Time to File Opening Brief. Served on 08/20/2014. Manner of Service: email. This pleading

complies with all required (privacy, paper copy and virus) certifications: Yes. [14-4060] PD [Entered: 08/20/2014 08:59 AM]

- 08/26/2014  1 pg, 23.26 KB [10201411] Order filed by Judges Gorsuch and Bacharach granting motion to extend time to file appellants' brief. Appellants' brief and appendix now due on 10/22/2014 for Gary Herbert, Sean Reyes and State of Utah. Served on 08/26/2014. [14-4060] [Entered: 08/26/2014 11:14 AM]
- 10/07/2014  4 pg, 86.04 KB [10213088] Motion filed by Appellants Gary Herbert, Sean Reyes and State of Utah to dismiss case. Served on: 10/07/2014. Manner of service: email. This pleading complies with all required (privacy, paper copy and virus) certifications: Yes. [14-4060] PD [Entered: 10/07/2014 11:16 AM]
- 10/08/2014 [10213743] Order filed by Judges Kelly, Lucero and Holmes (as set forth in the dismissal order) granting appellants' motion to dismiss. (Text only entry - no attachment.) [14-4060] [Entered: 10/08/2014 02:12 PM]
- 10/08/2014  2 pg, 14.25 KB [10213749] Dismissed. Denying request for remand as unnecessary. Procedural termination after other judicial action. Written, unsigned, unpublished. Judges Kelly, Lucero and Holmes. Mandate to issue forthwith. [14-4060] [Entered: 10/08/2014 02:19 PM]
- 10/08/2014  2 pg, 16.45 KB [10213750] Mandate issued. [14-4060] [Entered: 10/08/2014 02:19 PM]
- 10/20/2014  4 pg, 81.26 KB [10216642] Stipulated Motion filed by parties to extend time to file for attorneys' fees and costs until 10/29/2014. Served on: 10/20/2014. Manner of service: email. This pleading complies with all required (privacy, paper copy and virus) certifications: Yes.-- [Edited 10/21/2014 by BV to edit docket text to reflect proper relief requested] [14-4060] ES [Entered: 10/20/2014 05:13 PM]
- 10/21/2014  1 pg, 23.23 KB [10216774] Order filed by Clerk of the Court granting stipulated motion to extend time to file for costs and fees until October 29, 2014. Served on 10/21/2014. [14-4060] [Entered: 10/21/2014 11:01 AM]
- 10/28/2014  4 pg, 249.98 KB [10219125] Motion filed by Appellees Mr. Matthew Barraza, Jonell Evans, Ms. Marina Gomberg, Ms. Elenor Heyborne, Ms. Stacia Ireland, Mr. Donald Johnson, Mr. Tony Milner and Mr. Carl Fritz Shultz to file motion for extension of time until 11/10/2014 to file for attorneys' fees and costs. Served on: 10/28/2014. Manner of service: email. This pleading complies with all required (privacy, paper copy and virus) certifications: Yes.--[Edited 10/28/2014 by

		BV to change the event/relief codes and edit docket text to reflect proper relief requested] [14-4060] ES [Entered: 10/28/2014 01:57 PM]
10/28/2014	 1 pg, 23.26 KB	[10219224] Order filed by Clerk of the Court granting second stipulated motion to extend time to file for costs and fees until November 10, 2014. Served on 10/28/2014. [14-4060] [Entered: 10/28/2014 03:53 PM]
11/10/2014		This motion is withdrawn per the court's order dated 11/25/2014. [AT] LIS [Entered: 11/10/2014 04:39 PM]
11/12/2014	 1 pg, 23.17 KB	[10223268] Order filed by Clerk of the Court: This matter is before the court on Appellees' Motion for Fees and Costs of Appeal (the "Motion"). The Appellants are directed to file a response to the Motion on or before 11/26/2014. Served on 11/12/2014. [14-4060] [Entered: 11/12/2014 12:22 PM]
11/25/2014	 2 pg, 54.49 KB	[10227274] Motion filed by Appellees Mr. Matthew Barraza, Jonell Evans, Ms. Marina Gomberg, Ms. Elenor Heyborne, Ms. Stacia Ireland, Mr. Donald Johnson, Mr. Tony Milner and Mr. Carl Fritz Shultz to strike Motion for Fees and Costs. Served on: 11/25/2014. Manner of service: email. This pleading complies with all required (privacy, paper copy and virus) certifications: Yes. [14-4060] ES [Entered: 11/25/2014 08:56 AM]
11/25/2014	 1 pg, 23.54 KB	[10227360] Order filed by Clerk of the Court (EAS) This matter is before the court on the plaintiff's Motion to Dismiss Motion for Fees and Costs. The request is unopposed. Upon consideration, we construe this motion as one to withdraw the request for fees and costs filed in this court on 11/10/2014. As construed, the motion is granted. The initial request will be stricken from the docket. Served on 11/25/2014. [14-4060] [Entered: 11/25/2014 11:44 AM]