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6 **UNITED STATES DISTRICT COURT**
7 **EASTERN DISTRICT OF WASHINGTON**

8 DAROLD R.J. STENSON,
9 Plaintiff,

10 v.

11 ELDON VAIL, ET AL.,
12 Defendants.

NO. CV-08-5079-LRS
DEFENDANTS' NOTICE OF
APPEAL
INTERLOCUTORY ORDER
APPEAL
THIS IS A CAPITAL CASE

13 Notice is hereby given that Defendants, Eldon Vail, et al., by and through
14 their attorneys, ROBERT M. MCKENNA, Attorney General, JOHN J.
15 SAMSON and SARA J. OLSON, Assistant Attorneys General, appeal to the
16 United States Court of Appeals for the Ninth Circuit from the Court's Order

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entering a stay of Darold R.J. Stenson's execution, currently scheduled for December 3, 2008, entered in this action on the 25th day of November, 2008.

DATED this 25th day of November, 2008.

ROBERT M. MCKENNA
Attorney General

/s/ John J. Samson
/s/ Sara J. Olson
JOHN J. SAMSON, WSBA #22187
SARA J. OLSON, WSBA #33003
Assistant Attorneys General

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CERTIFICATE OF SERVICE

I hereby certify that on November 25, 2008, I caused to be electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

SHERILYN PETERSON SPeterson@perkinscoie.com
RICHARD COYLE RCoyle@perkinscoie.com

/s/ Kathy Jerez
KATHY JERENZ
Legal Assistant