

1 JOHN J. SAMSON, WSBA#22187  
2 SARA J. OLSON, WSBA #33003  
3 Assistant Attorneys General  
4 Corrections Division  
5 PO Box 40116  
6 Olympia, WA 98504-0116  
7 (360) 586-1445  
8 johns@atg.wa.gov  
9 sarao@atg.wa.gov

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

17 //  
18 //  
19 //  
20 //  
21 //

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22

**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