

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

DEANNA L. GEIGER and JANINE M.  
NELSON; ROBERT DUEHMIG and  
WILLIAM GRIESAR;  
PAUL RUMMELL and BENJAMIN  
WEST; LISA CHICKADONZ and  
CHRISTINE TANNER;  
BASIC RIGHTS EDUCATION FUND,

*Plaintiffs-Appellees,*

v.

JOHN KITZHABER, in his official  
capacity as Governor of Oregon; ELLEN  
ROSENBLUM, in her official capacity as  
Attorney General of Oregon; JENNIFER  
WOODWARD, in her official capacity as  
State Registrar, Center for Health  
Statistics, Oregon Health Authority, and  
RANDY WALRUFF, in his official  
capacity as Multnomah County Assessor,

*Defendants-Appellees,*

v.

NATIONAL ORGANIZATION FOR  
MARRIAGE, INC.,

*Movant-Appellant.*

No. 14-35427

**PLAINTIFFS-APPELLEES’  
JOINDER IN MOTION TO  
DISMISS APPEAL**

D. Ct. Nos.

6:13-cv-01834-MC

6:13-cv-02256-MC

U.S. District Court for Oregon  
Eugene Division

State Defendants John Kitzhaver, Ellen Rosenblum, and Jennifer Woodward have moved to dismiss this appeal on the ground of mootness. With this submission, Plaintiffs-Appellees join in the motion.

As State Defendants correctly say, Ninth Circuit authority holds that an appeal from the denial of a motion to intervene is rendered moot when the district court enters final judgment and none of the parties appeal from that judgment. *See West Coast Seafood Processors Ass'n v. Natural Resources Defense Council, Inc.*, 643 F.3d 701, 704 (9th Cir. 2011). This squarely forecloses the instant appeal.

Plaintiffs-Appellees respectfully request that the motions panel decide this motion promptly, rather than deferring the issue to a future merits panel. While unlikely to succeed, the pendency of this appeal puts a cloud of uncertainty over the district court judgment, and there is a strong public interest in bringing this litigation to final closure as quickly as is practicable.

DATED: May 22, 2014

*s/ Thomas R. Johnson*

---

**Thomas R. Johnson**, OSB No. 010645

TRJohnson@perkinscoie.com

**Misha Isaak**, OSB No. 086430

MIsaak@perkinscoie.com

Perkins Coie LLP

Telephone: 503.727.2000

**Jennifer Middleton**, OSB No. 071510

Jmiddleton@jjslaw.com

Johnson Johnson & Schaller PC

Telephone: 541.683.2506

**Kevin Díaz**, OSB No. 970480

Kdiaz@aclu-or.org

ACLU Foundation of Oregon, Inc.

Telephone: 503.227.6928

**Amanda Goad**, *Ninth Circuit*

*admission pending*

Agoad@aclu.org

American Civil Liberties Union

Foundation

Telephone: 212.549.2627

Attorneys for Rummell, West,

Chickadonz, Tanner, and Basic Rights

Education Fund

**Lake J. Perriguet**, OSB No. 983213

lake@law-works.com

Law Works LLC

Telephone: 503-227-1928

**Lea Ann Easton**, OSB 88141

leaston@dorsayindianlaw.com

Telephone: 503-223-9483

Attorneys for Geiger, Nelson, Duehmig

& Griesar

### CERTIFICATE OF SERVICE

I hereby certify that on May 22, 2014, I directed the Plaintiffs-Appellees' Joinder in Motion to Dismiss Appeal to be electronically filed with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system.

Participants in the case who are registered CM/ECF users will be served by the appellate CM/ECF system.

I further certify that some of the participants in the case are not registered CM/ECF users. I have mailed the foregoing document by First-Class Mail, postage prepaid, or have dispatched it to a third party commercial carrier for delivery within 3 calendar days to the following non-CM/ECF participants:

Katharine von Ter Stegge  
Multnomah County Attorney's Office  
501 SW Hawthorne Blvd., Suite 500  
Portland, OR 97214

May 22, 2014

*s/ Thomas R. Johnson*

---

**Thomas R. Johnson**, OSB No. 010645

TRJohnson@perkinscoie.com

**Misha Isaak**, OSB No. 086430

MIsaak@perkinscoie.com

Perkins Coie LLP

Telephone: 503.727.2000

*Attorneys for Plaintiffs-Appellees  
Rummell, West, Chickadonz, Tanner,  
and Basic Rights Education Fund*