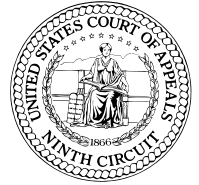




Office of the Clerk  
**UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT**  
95 Seventh Street  
Post Office Box 193939  
San Francisco, California 94119-3939



Molly Dwyer  
Clerk of Court

(415) 355-8800

*This summary constitutes no part of the opinion of the court.  
It has been prepared by court staff for the convenience of the reader.*

Latta v. Otter, 14-35420, 14-35421

Sevcik v. Sandoval, 12-17668

Opinion Filed: 10/7/14

Panel: Reinhardt (author & concurring) Gould Berzon (concurring)

The panel affirmed the district court's judgment in *Latta v. Otter* and reversed the district court's judgment in *Sevcik v. Sandoval* in suits brought by same-sex couples who live in Idaho and Nevada and wish either to marry there or to have marriages entered into elsewhere recognized in their home states.

Both Idaho and Nevada passed statutes and enacted constitutional amendments preventing same-sex couples from marrying and refusing to recognize same-sex marriages validly performed elsewhere. The panel held that the Idaho and Nevada laws at issue violate the Equal Protection Clause of the Fourteenth Amendment because they deny lesbians and gays who wish to marry persons of the same sex a right that they afford to individuals who wish to marry persons of the opposite sex, and do not satisfy the heightened scrutiny standard the Court adopted in *SmithKline Beecham Corp. v. Abbott Labs.*, 740 F.3d 471 (9th Cir. 2014).

In the Nevada case, *Sevcik v. Sandoval*, the panel further held that a case or controversy still existed, even though the Nevada state governor and clerk recorder had declined to continue pursuing the appeal. The panel held that it was not precluded from hearing the appeal because it presented substantial federal questions.

In a footnote, the panel held that a disposition in *Jackson v. Abercrombie*, Nos. 12-16995 & 12-16998, which challenged Hawaii's former statutory ban on same-sex marriage, would be forthcoming separately.

In remanding *Sevcik v. Sandoval*, the panel instructed the district court to promptly

issue an injunction permanently enjoining the state from enforcing any constitutional provision, statute, regulation or policy preventing otherwise qualified same-sex couples from marrying, or denying recognition to marriages celebrated in other jurisdictions which, if the spouses were not of the same sex, would be valid under the laws of the state.

---