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Attorneys for all Defendants

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**

MATTHEW HAMBY and CHRISTOPHER
SHELDEN, a married couple, CHRISTINA
LABORDE and SUSAN TOW, a married
couple, SEAN EGAN and DAVID
ROBINSON, a married couple, TRACEY
WIESE and KATRINA CORTEZ, a married
couple, and COURTNEY LAMB and
STEPHANIE PEARSON, unmarried
persons,

Plaintiffs,

v.

SEAN C. PARNELL, in his official capacity
as Governor of Alaska, MICHAEL
GERAGHTY, in his official capacity as
Attorney General of the State of Alaska,
WILLIAM J. STREUR, in his official
capacity as Commissioner of the State of
Alaska, Department of Health and Social
Services, and PHILLIP MITCHELL, in his
official capacity as State Registrar and
Licensing Officer, Alaska Bureau of Vital
Statistics,

Defendants.

Case No. 3:14-cv-00089-TMB

DEFENDANTS' NOTICE OF APPEAL

Notice is hereby given that the State Defendants' in the above-named case, under Rule 3 of the Federal Rules of Appellate Procedure, hereby appeal to the United States Court of Appeals for the Ninth Circuit from the order entered in this action at docket number 38 on the 12th day of October, 2014.¹

DATED October 13, 2014.

MICHAEL C. GERAGHTY
ATTORNEY GENERAL

By: s/William Milks
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¹ While a judgment has not been set out in a separate document pursuant to Fed. R. Civ. P. 58, the Ninth Circuit has stated the following:

Even though the district court failed to issue and enter on the docket a separate judgment on the order granting the County of Santa Barbara Defendants summary judgment, as was required, *see* Fed.R.Civ.P. 58(a)(1), 79(a), the district court's September 25, 2008 Order granting summary judgment "in favor of all County Defendants ... on all claims" and containing no equivocal language regarding its finality (1) is a "full adjudication of the issues," and (2) "clearly evidences the judge's intention that it be the court's final act in the matter." *Casey v. Albertson's, Inc.*, 362 F.3d 1254, 1258 (9th Cir.2004); *accord Long v. Cnty. of L.A.*, 442 F.3d 1178, 1184 n. 3 (9th Cir.2006). "[N]either the Supreme Court nor this court views satisfaction of Rule 58 as a prerequisite to appeal." *Kirkland v. Legion Ins. Co.*, 343 F.3d 1135, 1140 (9th Cir.2003).

Bravo v. City of Santa Maria, 665 F.3d 1076, 1089 at n. 5 (9th Cir. 2011).

CERTIFICATE OF SERVICE

I hereby certify that on October 13, 2014, true and correct copies of the foregoing, **DEFENDANTS' NOTICE OF APPEAL** were served electronically on the following parties of record pursuant to the Court's electronic filing procedures:

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