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COUNSEL FOR DEFENDANTS-APPELLANTS

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT  
CAUSE NO. 14-35987

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ANGELA ROLANDO and TONYA ROLANDO; CHASE WEINHANDL and  
BENJAMIN MILANO; SUSAN HAWTHORNE and ADEL JOHNSON; and  
SHAUNA GOUBEAUX and NICOLE GOUBEAUX,

Plaintiffs-Appellees,

v.

TIM FOX, in his official capacity as Attorney General of the State of Montana;  
MICHAEL KADAS, in his official capacity as the Director of the Montana  
Department of Revenue; and FAYE McWILLIAMS, in her official capacity as  
Clerk of Court of Cascade County,

Defendants-Appellants.

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On Appeal from United States District Court For The District Of Montana  
Case No. 4:14 CV 00040, The Honorable Brian Morris, Presiding

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**UNOPPOSED MOTION TO STAY NINTH CIRCUIT PROCEEDINGS PENDING  
RESOLUTION OF THE SAME ISSUES BY THE SUPREME COURT**

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Appellants file this unopposed motion to stay proceedings in this matter  
pending the Supreme Court's resolution of four cases from the Sixth Circuit

addressing whether a state may define and recognize marriage as an opposite-sex union, which is the same question at issue in this case.

On October 7, 2014, this Court decided that Idaho and Nevada's constitutional and statutory provisions limiting marriage to opposite-sex couples and prohibiting recognition of same-sex couples' marriage licenses from other states was unconstitutional. *Latta v. Otter*, 771 F.3d 496 (9th Cir. 2014). Basing its decision on *Latta*, the district court below ruled that Montana's similar constitutional provisions were likewise unconstitutional. *Rolando v. Fox*, 23 F. Supp. 3d 1227 (D. Mont. 2014). The state filed a timely notice of appeal.

Subsequently, the Supreme Court granted certiorari in four consolidated cases from the Sixth Circuit, addressing the same issues. *DeBoer v. Snyder*, 772 F.3d 388 (6th Cir. 2014), *cert. granted*, \_\_\_ S. Ct. \_\_\_, Nos. 14-556, 14-562, 14-571, 14-574 (Jan. 16, 2015) (Ex. 1). Specifically, the Court granted certiorari on the following questions: "1) Does the Fourteenth Amendment require a state to license a marriage between two people of the same sex. 2) Does the Fourteenth Amendment require a state to recognize a marriage between two people of the same sex when their marriage was lawfully licensed and performed out-of-state?" *Id.*

The Supreme Court's resolution of *DeBoer v. Snyder* will likely resolve this case in its entirety. Thus, Appellants move to stay this case pending the Supreme Court's decision in *DeBoer*. Appellees do not oppose this motion. Appellants further suggest that the Court direct the parties to notify this Court within 30 days

of the Supreme Court's decision in *DeBoer* as to what issues, if any, remain in this case.

Respectfully submitted this 6th day of February, 2015.

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By:           /s/ Dale Schowengerdt            
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**CERTIFICATE OF SERVICE**

I hereby certify that I electronically filed the foregoing document with the clerk of the court for the United States District Court for the District of Montana, using cm/ecf system. Participants in the case who are registered cm/ecf users will be served by the cm/ecf system.

Dated: February 6, 2015

          /s/ Dale Schowengerdt            
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