

No. A14-\_\_\_\_\_

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In the  
Supreme Court of the United States

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COALITION FOR THE PROTECTION OF MARRIAGE,

*Applicant,*

BRIAN SANDOVAL, in his official capacity as Governor of the State of Nevada;  
DIANA ALBA, in her official capacity as Clerk of Clark County; AMY HARVEY, in  
her official capacity as Clerk for Washoe County; and ALAN GLOVER, in his official  
capacity as Clerk-Recorder for Carson City,

*Non-participating defendants and appellees,*

v.

BEVERLY SEVCIK and MARY BARANOVICH; ANTIOCO CARRILLO and  
THEODORE SMALL; KAREN GOODY and KAREN VIBE; FLETCHER  
WHITWELL and GREG FLAMER; MIKYLA MILLER and KATRINA MILLER;  
ADELE TERRANOVA and TARA NEWBERRY; CAREN CAFFERATA-JENKINS  
and FARRELL CAFFERATA-JENKINS; and MEGAN LANZ and SARA GEIGER,

*Respondents.*

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**Emergency Application to Stay Mandate  
Pending Disposition of Applications for Stay Pending Rehearing And  
Certiorari**

**DIRECTED TO THE HONORABLE ANTHONY M. KENNEDY  
ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED  
STATES  
AND CIRCUIT JUSTICE FOR THE NINTH CIRCUIT**

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Monte Neil Stewart  
STEWART TAYLOR & MORRIS PLLC  
12550 W. Explorer Drive, Suite 100  
Boise, Idaho 83713

*Counsel for Applicant*

October 8, 2014

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To the Honorable Anthony M. Kennedy, Associate Justice of the Supreme Court of the United States and Circuit Justice for the United States Court of Appeals for the Ninth Circuit:

In connection with the Nevada same-sex marriage case known at the Ninth Circuit as *Sevcik v. Sandoval*, Case No. 12-17668 (“*Sevcik*”), Applicant Coalition for the Protection of Marriage (“Coalition”) respectfully applies for the same relief that Circuit Justice Kennedy granted this morning on this morning’s application by Idaho’s Governor Otter, a party to the Idaho same-sex marriage case known at the Ninth Circuit as *Latta v. Otter*, Case Nos. 14-35420 & 14-35421 (“*Latta*”). The Ninth Circuit previously consolidated *Sevcik* and *Latta* for purposes of disposition, including its order to immediately issue that court’s mandate.

In support of this application, Applicant incorporates by reference here the entirety of Governor Otter’s application of this morning.

Justice Kennedy’s order of this morning granting relief is attached as Exhibit 1. By its terms, that order applies to *Sevcik* and Nevada as well as to *Latta* and Idaho, as it should given that the same material interests, considerations, and circumstances are present in both cases. Two distinctions that may be drawn between the two cases do not make a difference for purposes of this application. One, unlike Idaho’s district court decision, Nevada’s district court decision upheld Nevada’s laws preserving marriage as the union of a man and a woman. Hence, the Ninth Circuit opinion reversed the Nevada district court’s judgment, directing at page 34 that

the [*Sevcik*] case is REMANDED to the district court for the prompt issuance of an injunction permanently enjoining the state, its political subdivisions, and its officers, employees, and agents, 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.

That directive has the same practical effect as the Ninth Circuit's affirmance of the Idaho district court's judgment and injunction.

Two, unlike in Idaho, Nevada's officials named as defendants (the Governor and three county clerks) are neither defending against nor taking a position in favor of the plaintiffs' claims. The Coalition, however, as a party defendant since virtually the beginning of this civil action is defending Nevada's marriage laws, and there is no question that it is as much a party defendant as is, for example, Nevada's Governor. Nor is there any question that the *Sevcik* case before the Ninth Circuit satisfied all Article III justiciability requirements. Further, the Nevada officials' non-defense does not deprive the Coalition of standing to seek relief from this Court. As a party to this civil action, the Coalition has its own adequate and independent standing, as well established in the record made at the district court. Specifically, the plaintiffs' *Moreno-Cleburne-Romer-Windsor* animus claim focused specifically and by name on the Coalition—and no other actor—in singling the Coalition out as the source of what the Complaint characterized as demeaning and animus-driven campaign literature. In short, the Coalition's reputational interests are uniquely at stake in this civil action, and those interests are far from de minimis; everyone knows what it means in this Nation to be tarred a bigot. The

Coalition also has associational standing on behalf of its members, who, as established without contravention in the record, have personal liberty interests uniquely at stake in this civil action, liberty interests sounding both in conscience and religious identity and in participation in the man-woman marriage institution rather than the fully supplanting and radically different genderless marriage institution sought by plaintiffs and now mandated by the Ninth Circuit. Finally, the Coalition is not relying, for standing purposes, on its status as the proponent of Nevada's constitutional marriage amendment.

In light of all the foregoing, the Coalition respectfully requests that Justice Kennedy's order of this morning, as applying to *Sevcik*, continue in full force and effect and otherwise requests the same relief sought by Governor Otter.

Respectfully submitted,

A handwritten signature in cursive script that reads "Monte Neil Stewart". The signature is written in black ink and is positioned above a horizontal line.

Monte Neil Stewart  
STEWART TAYLOR & MORRIS PLLC  
12550 W. Explorer Drive, Suite 100  
Boise, Idaho 83713  
208-345-3333

*Counsel for Applicant*

October 8, 2014

**Supreme Court of the United States**

No. 14A374

C.L. "BUTCH" OTTER, GOVERNOR OF IDAHO, ET AL.,

Applicants

v.

SUSAN LATTA, ET AL.

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**ORDER**

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UPON CONSIDERATION of the application of counsel for the applicants,

IT IS ORDERED that the mandate of the United States Court of Appeals for the Ninth Circuit, case Nos. 12-17668, 14-35420 & 14-35421, is hereby stayed pending further order of the undersigned or of the Court. It is further ordered that a response to the application be filed on or before Thursday, October 9, 2014, by 5 p.m.


/s/ Anthony M. Kennedy  
Associate Justice of the Supreme  
Court of the United States

Dated this 8th  
day of October 2014.



**CERTIFICATE OF SERVICE**

I, Monte Neil Stewart, counsel for the Applicant, certify that I have caused a copy of this Application to be served on all counsel for all parties in *Sevcik v. Sandoval*, Case No. 12-17668 (9th Cir.).

A handwritten signature in black ink that reads "Monte Neil Stewart". The signature is written in a cursive style with a horizontal line underneath it.

Monte Neil Stewart  
STEWART TAYLOR & MORRIS PLLC  
12550 W. Explorer Drive, Suite 100  
Boise, Idaho 83713

*Counsel for Applicant*

October 8, 2014