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*Attorneys for State Defendants*

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IN THE UNITED STATES DISTRICT COURT

IN AND FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

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JONELL EVANS, STACIA IRELAND,  
MARINA GOMBERG, ELLENOR  
HEYBORNE, MATTHEW BARRAZA,  
TONY MILNER, DONALD JOHNSON,  
and CARL FRITZ SHULTZ,

Plaintiffs,

v.

STATE OF UTAH, GOVERNOR GARY  
HERBERT, in his official capacity; and  
ATTORNEY SEAN REYES, in his official  
capacity,

Defendants.

**NOTICE OF APPEAL**

Case No. 2:14-cv-00055-DAK

Judge Dale A. Kimball

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Pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Defendants State of Utah, Governor Gary Hebert, in his official capacity, and Attorney Sean Reyes, in his official

capacity, (collectively referred to as “the State”) hereby appeal to the United States Court of Appeals for the Tenth Circuit from the Memorandum Decision entered on May 19, 2014. ([Doc. 45](#).) The Memorandum Decision granted Plaintiffs’ motion for a preliminary injunction, requiring the State to recognize and grant all benefits to their marriages which were performed before the United States Supreme Court issued its stay of *Kitchen v. Herbert*, 2:13cv217 (D. Utah Dec. 23, 2013).

Because the Memorandum Decision granted a preliminary injunction, it is immediately appealable pursuant to 28 U.S.C. § 1292.

DATED this 4th day of June, 2014.

OFFICE OF THE UTAH ATTORNEY GENERAL

                    /s/ Joni J. Jones

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**CERTIFICATE OF SERVICE**

I certify that on June 4, 2014, I caused a copy of the foregoing Notice of Appeal to be served on the following by electronic filing using the Court's CM/ECF system:

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