

IN THE
UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT

Nos. 14-2386 and 14-2387

MARILYN RAE BASKIN, et al.,
Plaintiffs/Appellees,

v.

PENNY BOGAN, in her official capacity as Boone County Clerk, et al.,
Defendants/Appellants.

On Appeal from the United States District Court for the
Southern District of Indiana, Nos. 1:14-cv-355-RLY-TAB,
1:14-cv-404-RLY-TAB,
The Honorable Richard L. Young, Chief Judge

APPELLANT HAMILTON COUNTY CLERK PEGGY BEAVER
MOTION FOR A VOLUNTARY DISMISSAL OF HER APPEAL

The Appellant Hamilton County Clerk Peggy Beaver, by counsel, Darren J. Murphy, moves to voluntarily dismiss her from this Appeal from the District Court. In support thereof, the Hamilton County Clerk states as follows:

1. The Hamilton County Clerk originally joined the Indiana Attorney General and the other State of Indiana Appellants in their filing of the Notice of Appeal from District Court Judge Young's Order and findings as to the constitutionality of Indiana's same-sex marriage laws in both *Baskin et al*, No. 14-2386 and *Fujii et al*, No. 14-2387 which were consolidated on Appeal. Clerk Beaver is not a party to the *Lee et al* case, No. 14-2388.

2. The Hamilton County Clerk decided not to join in the State's brief filed with the Seventh Circuit Court of Appeals on July 15, 2014 for the two consolidated cases in which she is a party.
3. The Hamilton County Clerk has no additional arguments to add to this Appeal.
4. After discussion with undersigned counsel, the Hamilton County Clerk desires to voluntarily dismiss her Appeal pursuant to Federal Rules of Appellate Procedure Rule 42.
5. Undersigned counsel has spoken with lead counsel for the Appellees in *Baskin et al*, No. 14-2386, Mr. Paul David Castillo. Mr. Castillo, after conferring with co-counsel, does not object to the Hamilton County Clerk's voluntary dismissal.
6. Undersigned counsel has spoken with lead counsel for the Appellees in *Fujii et al*, No. 14-2387, Mr. Ken Falk. Mr. Falk, after conferring with co-counsel, does not object to the Hamilton County Clerk's voluntary dismissal.
7. Undersigned counsel has also spoken with counsel for the Appellants, the Solicitor General Thomas Fisher, as well as the attorney for the Boone County Clerk, Mr. Robert Clutter, and the attorney for the Allen County Clerk, Mr. Thomas Hardin. None of the Appellants object to Clerk Beaver's motion for voluntary dismissal.
8. In terms of costs and fees that are contemplated in Federal Rules of Appellate Procedure Rule 42 (b), there has been no assessment or determination of fees or costs against Clerk Beaver at this point by the District Court judge.
9. This motion for voluntary dismissal seeks only to dismiss the Hamilton County Clerk as an Appellant to this appeal. It is not intended to address or effect the appeal of the other remaining Appellants.

10. The Hamilton County Clerk is aware of her duty to follow any and all other orders issued either by the Seventh Circuit Court of Appeals or the District Court for the Southern District of Indiana as it pertains to this matter and agrees to do so.

WHEREFORE, the Hamilton County Clerk Peggy Beaver moves to voluntarily dismiss her Appeal and for all other relief just and proper in the premises.

Respectfully submitted,

s/ Darren J. Murphy
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CERTIFICATE OF SERVICE

I hereby certify that on July 30, 2014, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which sent notification of such filing to the following:

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UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

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ORDER

July 30, 2014

By the Court:

Nos.: 14-2386 and 14-2387	MARILYN RAE BASKIN, et al., Plaintiffs - Appellees v. PENNY BOGAN, et al., Defendants - Appellants
Originating Case Information:	
District Court Nos.: 1:14-cv-00355-RLY-TAB and 1:14-cv-00404-RLY-TAB Southern District of Indiana, Indianapolis Division District Judge Richard L. Young	

Upon consideration of the **APPELLANT HAMILTON COUNTY CLERK PEGGY BEAVER'S MOTION FOR A VOLUNTARY DISMISSAL OF HER APPEAL**, filed on July 30, 2014, by counsel for appellant Hamilton County Clerk Peggy Beaver,

IT IS ORDERED that appellant Peggy Beaver is voluntarily **DISMISSED** from appeal nos. 14-2386 and 14-2387 pursuant to Fed. R. App. P. 42(b). These appeals remain active with respect to the other appellants.