

FILED

**United States Court of Appeals
Tenth Circuit**

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

January 28, 2014

**Elisabeth A. Shumaker
Clerk of Court**

MARY BISHOP, et al.,

Plaintiffs - Appellees,

and

SUSAN G. BARTON, et al.,

Plaintiffs - Appellees/Cross-
Appellants,

v.

SALLY HOWE SMITH, in her official
capacity as Court Clerk for Tulsa County,
State of Oklahoma,

Defendant - Appellant/Cross-
Appellee,

and

UNITED STATES OF AMERICA, ex rel.
ERIC H. HOLDER, JR., in his official
capacity as Attorney General of the United
States of America,

Defendant.

BIPARTISAN LEGAL ADVISORY
GROUP OF THE U.S. HOUSE OF
REPRESENTATIVES, et al.,

Intervenors-Defendants.

Nos. 14-5003 & 14-5006
(D.C. No. 4:04-CV-00848-TCK-TLW)

ORDER

These matters are before the court on Sally Howe Smith's *Motion to Expedite Appeal*, which was filed in number 14-5003 on January 17, 2014. Since the motion was filed, we have opened cross appeal number 14-5006. The directives in this order apply in both cases.

In the motion, Ms. Smith requests an expedited briefing schedule, assignment of the cases to the same panel considering number 13-4178, *Kitchen, et al. v. Herbert, et al.*, and also asks the court to permit amicus briefs to be filed jointly in number 13-4178 and these matters. The motion notes plaintiffs consent to the requests in full.

Upon consideration, and at the direction of the court, the motion is granted. These cases will be assigned to the same panel considering number 13-4178, but the appeals will brief separately and be set for oral argument separately. The parties will be advised of the date and time for the oral argument setting in numbers 14-5003 and 14-5006 via separate order.

In addition, amicus parties may, consistent with Federal Rule of Appellate Procedure 29, file briefs jointly in all three cases. In that regard, jointly filed briefs shall be submitted electronically in these matters and number 13-4178, and shall include all three cases numbers on the brief. Counsel need only forward a total of 7 hard copies of the briefs to the clerk's office, however, consistent with 10th Circuit local rule 31.5. Unless an alternate schedule is approved via submission of a motion and upon order of

the court, any joint amicus briefs submitted shall be filed in accord with the briefing timeline in number 13-4178. *See* Fed. R. App. P. 29(e)(setting deadlines for filing amicus briefs).

These matters (numbers 14-5003 and 14-5006) will be set on a cross appeal briefing schedule. *See* Fed. R. App. P. 28.1(c). The first brief and appendix, *see* 10th Cir. R. 30, shall be filed by Ms. Smith on or before Monday February 24, 2014. The second brief and any supplemental appendix, if needed, shall be filed on or before Monday March 17. The third brief shall be filed on or before Tuesday April 1st, and the final optional reply shall be filed on or before Monday April 7, 2014. In light of the expedited nature of the schedule, requests for extension of time are discouraged.

Finally, a copy of this order shall be forwarded to all counsel of record in number 13-4178, *Kitchen, et al. v. Herbert, et al.*

Entered for the Court

A handwritten signature in cursive script, reading "Elisabeth A. Shumaker", with a long horizontal flourish extending to the right.

ELISABETH A. SHUMAKER, Clerk