

her stay motion. In support thereof, Davis incorporates by reference the memorandum of law that is attached to this Motion, and her prior briefing on this same motion to the Sixth Circuit.

Davis originally filed this motion in the Sixth Circuit on September 11, 2015 based in large part upon this Court's consideration of the request for an expanded injunction without notice and its remarks at the September 3, 2015 hearing, including: "We'll just include that [the order expanding the original injunction] as part of the appeal. . . . **And the Sixth Circuit can certainly decide if that's appropriate.**" D.E.78, Contempt Hr'g, PgID 1580-81 (emphasis added). Based upon the district court's actions and foregoing statements, Davis understood a motion for a stay of the expanded injunction to be "impracticable" under Federal Rule of Appellate Procedure 8(a)(1), and sought relief from the Sixth Circuit.¹ An expedited briefing schedule was set on this motion in the Sixth Circuit. On September 15, 2015, Plaintiffs and the Third-Party Defendants filed response briefs to Davis' emergency motion for a stay of the expanded injunction.² On September 16, 2015, Davis filed her reply brief.³ On September 17, 2015, the Sixth Circuit denied Davis' motion for a stay because Davis "has not sought a stay pending appeal in the district court as required by Federal Rule of Appellate Procedure 8(a)(1)," and concluded that it would not be impracticable for Davis to move this Court for a stay pending appeal.⁴

Accordingly, Davis now moves this Court for immediate and expedited consideration of her Motion to Stay this Court's September 3, 2015 injunction order. As noted above, the matter is already substantively briefed by the parties. *See* Exs. A-D. Therefore, Davis asks for an expedited decision from this Court on her Motion.

¹ A copy of Davis' Motion to Stay filed in the Sixth Circuit (without exhibits) is attached as Exhibit "A."

² A copy of the Plaintiffs' and Third-Party Defendants' response briefs are attached as Exhibits "B" and "C," respectively.

³ A copy of Davis' reply brief in support of the Motion to Stay is attached as Exhibit "D."

⁴ A copy of the Sixth Circuit's order dated September 17, 2015 is attached as Exhibit "E."

WHEREFORE, Defendant/Third-Party Plaintiff Kim Davis respectfully requests that this Court enter an order staying its September 3, 2015 injunction order pending appeal, in the form of the proposed order attached hereto.

DATED: September 18, 2015

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was filed via the Court's ECF filing system and therefore service will be effectuated by the Court's electronic notification system upon all counsel or parties of record:

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