

FILED

**United States Court of Appeals
Tenth Circuit**

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

November 6, 2012

**Elisabeth A. Shumaker
Clerk of Court**

JOHN HICKENLOOPER, Governor of
Colorado, in his official capacity,

Petitioner,

v.

ANDY KERR, Colorado State
Representative; NORMA V. ANDERSON;
JANE M. BARNES, member Jefferson
County Board of Education; ELAINE
GANTZ BERMAN, member State Board
of Education; ALEXANDER E.
BRACKEN; WILLIAM K. BREGAR,
member Pueblo District 70 Board of
Education; BOB BRIGGS, Westminster
City Councilman; BRUCE W.
BRODERIUS, member Weld County
District 6 Board of Education; TRUDY B.
BROWN; JOHN C. BUECHNER, Ph.D.,
Lafayette City Councilman; STEPHEN A.
BURKHOLDER; RICHARD L. BYYNY,
M.D.; LOIS COURT, Colorado State
Representative; THERESA L. CRATER;
ROBIN CROSSAN, member Steamboat
Springs RE-2 Board of Education;
RICHARD E. FERDINANDSEN;
STEPHANIE GARCIA, member Pueblo
City Board of Education; KRISTI
HARGROVE; DICKEY LEE
HULLINGHORST, Colorado State
Representative; NANCY JACKSON,
Arapahoe County Commissioner;
WILLIAM G. KAUFMAN; CLAIRE
LEVY, Colorado State Representative;
MARGARET (MOLLY) MARKERT,
Aurora City Councilwoman; MEGAN J.
MASTEN; MICHAEL MERRIFIELD;

No. 12-710
(D.C. No. 1:11-CV-01350-WJM-BNB)
(D. Colo.)

MARCELLA (MARCY) L. MORRISON;
JOHN P. MORSE, Colorado State Senator;
PAT NOONAN; BEN PEARLMAN,
Boulder County Commissioner;
WALLACE PULLIAM; FRANK
WEDDIG, Arapahoe County
Commissioner; PAUL WEISSMANN;
JOSEPH W. WHITE,

Respondents.

ORDER

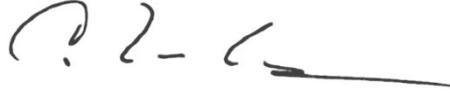
Before **KELLY, TYMKOVICH**, and **MATHESON**, Circuit Judges.

This matter is before the court on the Petition for Permission to Appeal, filed by Governor John Hickenlooper, pursuant to 28 U.S. C. § 1292 (b) and Fed. R. App. P. 5. The Respondents have filed an answer in opposition to the Petition and the Governor has filed a motion for leave to file a reply, accompanied by the proposed reply brief. The motion for leave to file a reply is granted. The Governor's reply brief shall be filed as of the date received.

The Petition for Permission to Appeal is granted. The date of this order shall serve as the date of the notice of appeal for calculation of time under Federal Rule of Appellate Procedure 5 (d). Accordingly, all required fees shall be paid to the district court clerk within 10 days of the date of this order. All preliminary documents shall be filed in this

court within 10 days of the date of this order. 10th Cir. R. 3, 46. The briefing schedule shall follow Tenth Circuit Rule 31.

Entered for the Court
ELISABETH A. SHUMAKER, Clerk

A handwritten signature in black ink, appearing to read 'C. Van Coney', with a long horizontal line extending to the right.

by: Christine Van Coney
Counsel to the Clerk