

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

**KATHERINE VARNUM, et al.,
Plaintiffs,**

vs.

**TIMOTHY J. BRIEN,
Defendant.**

Case No. CV5965

**RULING ON DEFENDANT'S
AMENDED MOTION FOR STAY OF
JUDGMENT**

This matter comes before the Court upon Defendant's Amended Motion For Stay of Judgment whereby Defendant requests a stay of all proceedings under this Court's previous ruling of August 30, 2007, regarding the parties' opposing motions for summary judgment pending resolution of Defendant's appeal of said ruling. The Court is advised by Defendant's counsel that an appeal of said ruling to the Iowa Supreme Court has been perfected. Further, Defendant's Amended Motion For Stay of Judgment has been further amended such that Defendant now moves exclusively pursuant to Iowa Rule of Appellate Procedure 6.7(3) which states as follows:

Where the state or any of its political subdivisions appeal a judgment or order, the district court may, upon motion and for good cause shown, stay all proceedings under the order or judgment being appealed without the filing of a supersedeas bond.

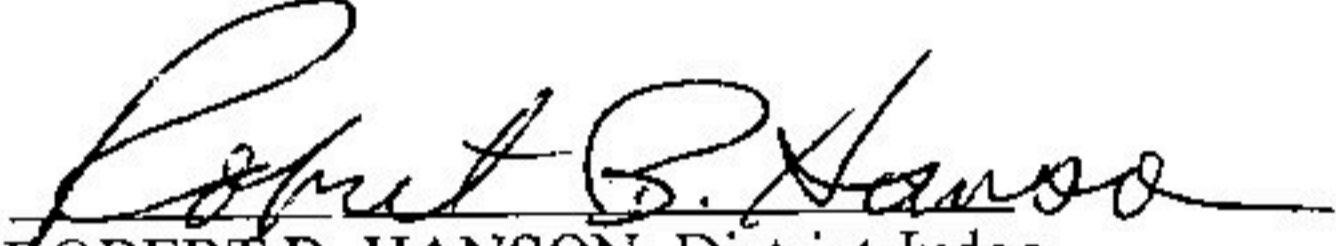
The Defendant contends that good cause for a stay exists because of the general importance of the Court's ruling to application of the Iowa statutory law concerning marriage and to avoid further confusion and complications which might arise should the ruling be

enforced during the pendency of the appeal then subsequently be reversed by the Iowa Supreme Court. Plaintiffs argue that the foregoing does not amount to good cause.

This Court believes the grant or denial of a stay under the aforementioned rule of appellate procedure is largely within its discretion. The Court concludes that the reasons cited by Defendant do indeed constitute good cause for the issuance of the requested stay.

IT IS THEREFORE ORDERED that all proceedings under this Court's ruling on the parties' respective motions for summary judgment entered herein on August 30, 2007, are hereby stayed pending final resolution of the appeal therefrom to the Iowa Supreme Court.

Dated this 31st day of August, 2007.


ROBERT B. HANSON, District Judge
Fifth Judicial District of Iowa

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