

Nevada: No need for court to rehear gay marriage

By Ken Ritter, AP

LAS VEGAS — A federal appeals court should reject a request by the Coalition for the Protection of Marriage for a full-court rehearing of a landmark decision allowing gay marriage in Nevada, the state's governor and an advocacy group representing eight same-sex couples said.

In strongly worded filings submitted on a Wednesday deadline to the 9th U.S. Circuit Court of Appeals, Gov. Brian Sandoval declared the same-sex marriage question settled in Nevada, and Lambda Legal lawyer Tara Borelli said the coalition had no standing to mount what she called a "final act of desperation" to prolong the case.

"While the question whether same-sex marriage can be prohibited remains in controversy elsewhere, it is not here," Sandoval, a former U.S. District Court judge, said in a 10-page filing submitted by the Nevada state attorney general's office. "The legal resolution of the matter in Nevada is in the public interest and should not be deferred by further proceedings."

Hundreds of couples have married since a three-judge appeals court panel in San Francisco struck down Idaho and Nevada bans on gay marriage last month as a violation of equal-protection rights, Lambda Legal said in a 28-page document.

The ruling generated a wave of same-sex marriages in Las Vegas, which bills itself as the marriage capital of the world, but no tsunami. Same-sex couples made up a little more than 10 percent of about 2,300 couples who obtained marriage licenses around the state in the week after the gay marriage ban was dissolved.

Borelli derided the coalition's involvement in the case as the architect of a Nevada state constitutional amendment passed in 2002 to prohibit same-sex marriage, but not a named party in the case Lambda filed in 2012. The case challenged the state law as a violation of the Equal Protection clause of the U.S. Constitution.

Monte Neil Stewart, lawyer for the Boise, Idaho-based coalition, didn't immediately respond Thursday to messages.

"Intervenor has no direct stake in the outcome of this appeal," Borelli wrote, "it has no standing to petition for rehearing en banc. Intervenor's final act of desperation – attacking this court's integrity – is wholly devoid of merit and should be rejected."

The coalition filed documents last month claiming bias by Judges Stephen Reinhardt, Marsha Berzon and Ronald Gould; alleging that Reinhardt and Berzon weren't randomly appointed to hear gay-marriage cases from Nevada, Idaho and Hawaii; and accusing Reinhardt and Berzon of favoring the rights of gay men and lesbians.