

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO**

Civil Action No. 1:16-cv-02372-MSK-CBS

303 CREATIVE LLC, a limited liability company; and  
LORIE SMITH,

*Plaintiffs,*

vs.

AUBREY ELENIS, Director of the Colorado Civil Rights  
Division, in her official capacity;  
ANTHONY ARAGON,  
ULYSSES J. CHANEY,  
MIGUEL “MICHAEL” RENE ELIAS,  
CAROL FABRIZIO,  
HEIDI HESS,  
RITA LEWIS, and  
JESSICA POCOCK, as members of the Colorado Civil Rights  
Commission, in their official capacities; and  
CYNTHIA H. COFFMAN, Colorado Attorney General,  
in her official capacity;

*Defendants.*

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**NOTICE OF APPEAL**

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Notice is hereby given that *Order Granting in Part and Denying in Part Motion to Dismiss and Denying Motion for Preliminary Injunction and Motion for Summary Judgment, with Leave to Renew*, Plaintiffs in the above named case, 303 Creative LLC and Lorie Smith, hereby appeal to the United States Court of Appeals for the Tenth Circuit from the Order which granted in part and denied in part Defendants’ Motion to Dismiss and denied Plaintiffs’ Motions for Preliminary Injunction and Summary Judgment, with leave to renew only after the United States Supreme Court issues a final ruling in *Masterpiece Cakeshop, Ltd. v. Colo. Civil Rights Comm’n*, 16-111 (U.S. filed July 22, 2016) entered in this action on September 1, 2017.

Respectfully submitted this 28th day of September, 2017.

s/ Katherine L. Anderson

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### **CERTIFICATE OF SERVICE**

I hereby certify that on September 28, 2016, I electronically filed the foregoing Notice of Appeal with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

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