

November 3, 2009

Mark Langer  
Clerk of Court  
U.S. Court of Appeals for the District of Columbia Circuit  
333 Constitution Avenue, N.W.  
Washington, D.C. 20001

Nancy Mayer-Whittington  
Clerk of Court  
U.S. District Court for the District of Columbia  
333 Constitution Avenue, N.W.  
Washington, D.C. 20001

Re: *Notice Of Statutory Right To An Expedited Appeal in Sherley et al. v. Sebelius et al. (No. 09-5374)*

Dear Mr. Langer and Ms. Mayer-Whittington:

I represent the Plaintiffs-Appellants in *Sherley et al. v. Sebelius et al.* Plaintiffs-Appellants filed a Notice of Appeal in the District Court proceeding (No. 1:09-cv-01575-RCL) on October 28, 2009. The Plaintiffs-Appellants hereby invoke the statutory right to an expedited appeal pursuant to 28 U.S.C. § 1657(a) and state that they plan to file a motion to expedite the appeal.

The Notice of Appeal, Orders Appealed, and Docket Sheet were transferred to the Court of Appeals on October 29, 2009, as reflected by Docket Entry 39 on the District Court's docket. In addition, Plaintiffs-Appellants have ordered an expedited transcript of the proceedings held on October 14, 2009.

Sincerely,

/s/ Thomas G. Hungar  
Thomas G. Hungar, D.C. Bar No. 447783  
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## **CERTIFICATE OF SERVICE**

I hereby certify that on November 4, 2009, I caused a true and correct copy of the foregoing Notice of Statutory Right To An Expedited Appeal to be served on Defendants' counsel electronically by means of the Court's ECF system. In addition, I hereby certify that on the 3rd day of November, 2009, the foregoing Notice Of Statutory Right To An Expedited Appeal was served by hand at the Office of the Clerk of the Court for the United States District Court for the District of Columbia.

I hereby certify that on the 3rd day of November, 2009, the foregoing Notice Of Statutory Right To An Expedited Appeal was electronically filed with the Clerk of the Court for the United States Court of Appeals for the D.C. Circuit by using the appellate CM/ECF system. In addition, I hereby certify that on the 3rd day of November, 2009, service was also accomplished on the following by email and First Class U.S. Mail:

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/s/ Bradley J. Lingo  
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