## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

JAMES L. SHERLEY, et al.,	)	
Plaintiffs,	)	
v.	)	Case No. 1:09-cv-01575-RCL
KATHLEEN SEBELIUS, in her official	)	
capacity as Secretary of the Department of Health and Human Services, <i>et al.</i> ,	)	
Defendants.	)	

## **NOTICE OF APPEAL**

PLEASE TAKE NOTICE that defendants Kathleen Sebelius, in her official capacity as Secretary of the Department of Health and Human Services; the Department of Health And Human Services; Dr. Francis S. Collins, in his official capacity as Director of the National Institutes of Health; and the National Institutes of Health appeal to the United States Court of Appeals for the District of Columbia Circuit from the Opinion and Order granting Plaintiffs' Motion for Preliminary Injunction (Dkt Nos. 44 and 45), entered August 23, 2010.

Dated: August 31, 2010 Respectfully submitted,

TONY WEST

**Assistant Attorney General** 

RONALD C. MACHEN JR. United States Attorney

SHEILA LIEBER

Deputy Branch Director, Federal Programs Branch

/s/ Kyle R. Freeny

ERIC R. WOMACK, IL Bar No. 6279517 JOEL McELVAIN, DC Bar No. 448431 TAMRA MOORE, DC Bar No. 488392 KYLE R. FREENY, CA Bar No. 247857 Trial Attorneys, Federal Programs Branch U.S. Department of Justice, Civil Division P.O. Box 883, Washington, DC 20044

Telephone: (202) 514-5108 Facsimile: (202) 616-8470 Email: Kyle.Freeny@usdoj.gov

Counsel for Defendants