

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

**MICAH FIALKA-FELDMAN,**

Plaintiff,

Case Number 08-CV-14922

Hon. Patrick J. Duggan

v.

**OAKLAND UNIVERSITY BOARD  
OF TRUSTEES, GARY D. RUSSI, MARY BETH  
SNYDER, and LIONEL MATEN,** in their  
official capacities,

Defendants.

**NOTICE OF APPEAL**

Notice is hereby given that Defendants, Oakland University Board of Trustees and Gary D. Russi, Mary Beth Snyder and Lionel Maten, in their official capacities, hereby appeal to the United States Court of Appeals for the Sixth Circuit from the “Opinion and Order” entered on December 23, 2009 [Document 53] and the “Judgment” entered on January 7, 2010 [Document 54] by the Hon. Patrick J. Duggan, United States District Court Judge for the Eastern District of Michigan, Southern Division. Specifically, Defendants appeal the Judgment in its entirety and that portion of Judge Duggan’s Opinion and Order denying Defendants’ Motion for Summary Judgment as to Count IV of Plaintiff’s Second Amended Complaint, Violation of Section 504 of the Rehabilitation Act of 1973, Denial of Reasonable Accommodation.

Pursuant to Fed. R. App. P. 4(a)(1)(A), this Notice has been filed within 30 days of entry of the District Court’s Opinion and Order Granting in Part and Denying in Part Defendants’ Motion for Summary Judgment [37] and Granting in Part and Denying in Part Plaintiff’s Motion for

Substitution of Defendant, Summary Judgment and Permanent Injunction [39] entered by Judge Duggan on December 23, 2009 and within 30 days of entry of the Judgment on January 7, 2010.

Respectfully submitted,

**BUTZEL LONG, a professional corporation**

By: /s/ Robert A. Boonin  
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**Attorneys for Defendants**

Dated: January 19, 2010

**Certificate of Service**

I hereby certify that on January 19, 2010, I electronically filed the foregoing paper, Notice of Appeal, with the Clerk of the Court using the ECF system which will send notification of such filing to the attorneys of record.

Respectfully submitted,

**BUTZEL LONG, a professional corporation**

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