## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY

LINDA FRANULOVIC,

both individually and on behalf of a Class of others similarly situated,

Plaintiff,

: Civil Action No. 1:07-CV-00539-JHR-JS

v.

COCA-COLA, COMPANY, et al.,

Defendant.

**CLASS ACTION** 

## **NOTICE OF APPEAL**

Notice is hereby given that Plaintiff Linda Franulovic, individually and on behalf of others similarly situated, hereby appeals to the United States Court of Appeals for the Third Circuit from the following orders in this case:

- 1. Order filed October 25, 2007 (Doc. 61), granting motion to dismiss.
- 2. Order filed March 10, 2008 (Doc. 75).
- 3. Order filed, April 16, 2009 (Doc. 119), denying motion for continuance, granting motion for summary judgment, denying motion for class certification, and ordering that Plaintiff may, consistent with the accompanying Opinion, move to alter the judgment and move to amend the complaint.
- 4. Order filed June 19, 2009 (Doc. 126), granting in part the motion to amend the complaint.

<u>Dated</u>: July 14, 2009

## Respectfully submitted,

/s/ Mark R. Cuker

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ATTORNEYS FOR PLAINTIFF AND PROPOSED CLASS

## **CERTIFICATE OF SERVICE**

I hereby certify that the foregoing Notice of Appeal has been served upon Defendant via

ECF upon the following counsel:

Gita F. Rothschild, Esquire Peter J. Boyer, Esquire McCarter & English, LLP Four Gateway Center 100 Mulberry Street P.O. Box 652 Newark, NJ 07102-0652

Dated: July 14, 2009

/s/ Mark R. Cuker
Mark R. Cuker