

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

BIDZIRK, LLC, DANIEL G. SCHMIDT,)
III, and JILL PATTERSON,)
)
Plaintiffs,)
)
v.)
)
PHILIP J. SMITH,)
)
Defendant.)

Civil Action No. 6:06-CV-00109-HMH

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN that BidZirk, LLC, Plaintiff in the above-captioned action, hereby appeals pursuant to 28 U.S.C. § 1292(a)(1), to the United States Court of Appeals for the Fourth Circuit, the decision of the United States District Court for the District of South Carolina entered April 10, 2006 denying BidZirk, LLC's motion for preliminary injunction.

This 21st day of April, 2006.

/s/ Kevin M. Elwell

KEVIN M. ELWELL
USDC Bar No. 9706

K.M. ELWELL, P.C.
111 East North Street
Greenville, South Carolina 29601
(864) 232-8060
(404) 759-2124 e-facsimile
kmelwell@kmelwell.com

Attorneys for Plaintiffs BidZirk, LLC,
Daniel G. Schmidt, III and Jill Patterson

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CERTIFICATE OF SERVICE

This is to certify that I have this day served a copy of the foregoing NOTICE OF APPEAL by depositing same in the United States Mail in a properly-addressed envelope with adequate postage affixed to:

Mr. Philip J. Smith
601 Cleveland Street, Apartment 5-B
Greenville, South Carolina 29601

This 21st day of April, 2006.

/s/ Kevin M. Elwell

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USCD Bar No. 9706

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Greenville, South Carolina 29601
(864) 232-8060
(404) 759-2124 e-facsimile
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Attorneys for Plaintiffs BidZirk, LLC,
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