

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

NATHAN SMITH
Plaintiff,

v.

THE ABANDONED VESSEL,
In Rem

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CIVIL ACTION No. 4:07-00784

TEXAS HISTORICAL COMMISSION'S NOTICE OF APPEAL

TO THE HONORABLE JUDGE OF THE COURT:

The Texas Historical Commission (Hereinafter, "Commission"), hereby gives notice of its appeal to the United States Court of Appeals for the Fifth Circuit from the Order by the District Court denying the Commission's Amended Motion to Intervene, issued by the Court on February 23, 2009. The denial of a motion to intervene as a matter of right is a final, appealable order. *Heaton v. Monogram Credit Card Bank*, 297 F.3d 171 (5th Cir. 2002). The Commission sought to intervene in this case as a party-defendant.

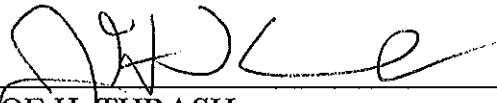
Respectfully submitted,

GREG ABBOTT
Attorney General of Texas

ANDREW WEBER
First Assistant Attorney General

DAVID A. MORALES
Deputy Attorney General for Civil Litigation

BARBARA B. DEANE
Chief, Environmental Protection and
Administrative Law Division



JOE H. THRASH
State Bar Card No. 19995500
Assistant Attorney General
Environmental Protection and
Administrative Law Division
Office of the Attorney General
P.O. Box 12548
Austin, Texas 78711-2548
Telephone (512) 475-4685
Fax (512) 320-0167

**ATTORNEYS FOR APPELLANT
TEXAS HISTORICAL COMMISSION**

NOTICE OF ELECTRONIC FILING

I, Joe H. Thrash, Assistant Attorney General of Texas, do hereby certify that I have electronically submitted for filing a true and correct copy of the foregoing Notice of Appeal in accordance with the Electronic Case Files System of the Southern District of Texas - Houston Division, on this the 24th day of March, 2009.



JOE H. THRASH

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing document has been delivered via Certified U. S. Mail, Return Receipt Requested, to counsel of record, on March 24, 2009, as follows:

Ronald B. Walker
Walker, Keeling & Carroll, L.L.P.
210 E. Constitution
P.O. Box 108
Victoria, Texas 77902-0108

Richard A. Schwartz
Schwartz, Junell, Greenberg & Oathout, L.L.P.
909 Fannin Street, Suite 2700
Houston, Texas 77010



JOE H. THRASH