

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

**COMMONWEALTH OF VIRGINIA,  
ex rel. KENNETH T. CUCCINELLI, II,  
in his official capacity as  
Attorney General of Virginia,**

**Plaintiff,**

v.

**Case No. 3:10-cv-00188-HEH**

**KATHLEEN SEBELIUS,  
Secretary of the Department of Health  
and Human Services, in her official capacity,**

**Defendant.**

**NOTICE OF APPEAL**

Notice is hereby given that the Commonwealth of Virginia, ex rel. Kenneth T. Cuccinelli, II, in his official capacity as Attorney General of Virginia, plaintiff in the above named case, hereby appeals to the United States Court of Appeals for the Fourth Circuit from those aspects of the Final Order (Doc. 162) and Memorandum Opinion (Doc. 161) pertaining to severance, scope of severance, and remedy, entered in this action on the 13<sup>th</sup> day of December 2010, and from any other adverse rulings in the cause.

Respectfully Submitted,

*/s/ E. Duncan Getchell, Jr.*

E. DUNCAN GETCHELL, JR.

Virginia State Bar No. 14156

*Counsel for Commonwealth of Virginia*

OFFICE OF THE ATTORNEY GENERAL

900 East Main Street

Richmond, Virginia 23219

Telephone: (804) 786-2436

Facsimile: (804) 786-1991

dgetchell@oag.state.va.us

**CERTIFICATE OF SERVICE**

This is to certify that on the 18<sup>th</sup> day of January, 2011, I electronically filed the foregoing NOTICE OF APPEAL with the Clerk of Court using the CM/ECF System, which will send notice of such filing to all registered CM/ECF users including opposing counsel Jonathan H. Hambrick, Virginia State Bar No. 37590, Assistant United States Attorney, Office of the United States Attorney, 600 East Main Street, Suite 1800, Richmond, Virginia 23219.

*/s/ E. Duncan Getchell, Jr.*

\_\_\_\_\_  
E. DUNCAN GETCHELL, JR.  
Virginia State Bar No. 14156  
*Counsel for the Commonwealth of Virginia*

OFFICE OF THE ATTORNEY GENERAL  
900 East Main Street  
Richmond, Virginia 23219  
Telephone: (804) 786-2436  
Facsimile: (804) 786-1991  
dgetchell@oag.state.va.us