

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN**

CAROL CHESEMORE, DANIEL
DONKLE, THOMAS GIECK, MARTIN
ROBBINS, and NANETTE STOFLET, on
behalf of themselves, individually, and on
behalf of all others similarly situated,

Plaintiff,

v.

ALLIANCE HOLDINGS, INC., A.H.I., INC.,
AH TRANSITION CORPORATION, DAVID B.
FENKELL, KAREN FENKELL, PAMELA
KLUTE, JAMES MASTERANGELO, STEPHEN
W. PAGELOW, JEFFREY A. SEEFELDT,
ALPHA INVESTMENT CONSULTING
GROUP, LLC, and JOHN MICHAEL MAIER,

Defendants,

and

TRACHTE BUILDING SYSTEMS, INC.
EMPLOYEE STOCK OWNERSHIP PLAN and
ALLIANCE HOLDINGS, INC. EMPLOYEE
STOCK OWNERSHIP PLAN AND TRUST,

Nominal Defendants.

Case 3:09-cv-000413-wmc

Hon. William M. Conley

**DEFENDANT-APPELLANT DAVID B.
FENKELL'S NOTICE OF APPEAL**

Defendant-Appellant David B. Fenkell hereby notices his appeal to the United States Court of Appeals for the Seventh Circuit from (1) this Court's August 28, 2015, Opinions and Orders [Dkts. 1085, 1086, and 1087 (at Dkt. 1087, which Judge William M. Conley signed on the 27th day of August, 2015, and entered in this action on the 28th day of August, 2015, Judge Conley granted in part the "Motion of Judgment Creditors Alliance Holding[s, Inc.] ESOP [(Employee Stock Ownership Plan and Trust)] to Enforce the Judgment, for a Constructive Trust, Temporary Restraining Order and Injunction Freezing Fenkell Assets, and for Attorneys' Fees," and, among other things, ordered Mr. Fenkell to restore to the Alliance ESOP \$2,044,014.42 within seven (7) days of this Court's Order or show cause why he should not be held in civil contempt of court; (2) this Court's November 18, 2015, Opinion and

1 Order [Dkt. 1121], denying Mr. Fenkell's Motion for Reconsideration of this Court's August 28, 2015,
2 Opinions and Orders; (3) this Court's December 9, 2015, Agreed Consent Order [Dkt. 1132](e.g.,
3 including without limitation, to the extent that this Court's December 9, 2015, Agreed Consent Order
4 renders this Court's November 18, 2015, Opinion and Order a non-final order, and/or with respect to the
5 denial of Mr. Fenkell's Motion to Stay, Mr. Fenkell being held in civil contempt, the requirement of Mr.
6 Fenkell to post a *supersedeas* bond and to have pledged collateral that he did not own and was otherwise
7 exempt from attachment in order to secure the *supersedeas* bond and cure this Court's holding of Mr.
8 Fenkell in civil contempt, and this Court's imposition of fines and imprisonment consistent with this
9 Court's November 18, 2015, Opinion and Order); and (4) this Court's February 3, 2015, Opinion and
10 Order [Dkt. 1031]. The Docketing Statement required pursuant to Circuit Rule 3(c)(1) of the United
11 States Court of Appeals for the Seventh Circuit is filed as an attachment to this Notice of Appeal.
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13 Dated: December 9, 2015

Respectfully submitted,

HAWKINS PARNELL THACKSTON & YOUNG

16 By: /s/ David R. Johanson
17 David R. Johanson (0176102)
18 445 S. Figueroa Street, Suite 3200
19 Los Angeles, CA 90071
20 Telephone: (213) 486-8010
21 Facsimile: (707) 581-1704
22 E-Mail: djohanson@hptylaw.com

/s/ Douglas A. Rubel
23 Douglas A. Rubel (29824)
24 P.O. Box 1285
25 Cary, North Carolina 27512-1285
26 Telephone: (919) 523-3638
27 Facsimile: (404) 614-7500
28 E-Mail: drubel@hptylaw.com

Attorneys for David B. Fenkell

CERTIFICATE OF SERVICE

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2 This is to certify that on this 9th day of December 2015, I caused to be electronically filed the
3 foregoing NOTICE OF APPEAL (including the Docketing Statement required pursuant to Circuit Rule
4 3(c)(1) of the United States Court of Appeals for the Seventh Circuit filed as an attachment to this
5 Notice of Appeal along with a separate Certificate of Service for the Docketing Statement) via this
6 Court's CM/ECF system, which sent electronic notice to all counsel of record.
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8 /s/ Douglas A. Rubel
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