UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF VIRGINIA ALEXANDRIA DIVISION

Robert Updegrove, and **Loudoun Multi-Images LLC** d/b/a **Bob Updegrove Photography**,

Plaintiffs,

v.

Mark R. Herring, in his official capacity as Virginia Attorney General; and R. Thomas Payne, II, in his official capacity as Director of the Virginia Division of Human Rights and Fair Housing,

Defendants.

Civil Action No. 1:20-cv-1141

NOTICE OF APPEAL

PLEASE TAKE NOTICE that Plaintiffs, Robert Updegrove and Loudoun Multi-Images

LLC dba Bob Updegrove Photography, hereby appeal to the United States Court of Appeals for

the Fourth Circuit from the Memorandum Opinion (Doc. 60) and Order (Doc. 61) granting

Defendants' Rule 12(b)(1) Motion to Dismiss and denying Plaintiffs' Motion for Preliminary

Injunction, entered in this action on March 30, 2021.

Respectfully submitted.

Jonathan A. Scruggs Arizona Bar No. 030505 ALLIANCE DEFENDING FREEDOM 15100 N. 90th Street Scottsdale, AZ 85260 (480) 444-0020 jscruggs@ADFlegal.org s/<u>C. Douglas Wenty</u> C. Douglas Welty Virginia Bar No. 29480 C. DOUGLAS WELTY PLC 2111 Wilson Boulevard Suite 800 Arlington, Virginia 22201 (703) 276-0114 cdwelty@weltyblair.com David A. Cortman Georgia Bar No. 188810 ALLIANCE DEFENDING FREEDOM 1000 Hurricane Shoals Rd. NE Suite D-1100 Lawrenceville, GA 30043 (770) 339-0774 dcortman@ADFlegal.org

Johannes S. Widmalm-Delphonse Minnesota Bar No. 396303* ALLIANCE DEFENDING FREEDOM 20116 Ashbrook Place, Suite 250 Ashburn, VA 20147 (571) 707-4655 jwidmalmdelphonse@ADFlegal.org

Attorneys for Plaintiffs

April 28, 2021