

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
CASE NO:1:07cv00243

JANET JOYNER and)	
CONSTANCE LYNN BLACKMON)	
)	
Plaintiffs,)	
)	NOTICE OF APPEAL
v.)	
)	
FORSYTH COUNTY, NORTH)	
CAROLINA,)	
)	
Defendant)	

Notice is hereby given that Defendant Forsyth County, North Carolina in the above named case hereby appeals to the United States Court of Appeals for the Fourth Circuit from the final judgment/order entered January 28th, 2010 (Doc # 99) granting summary judgment for Plaintiffs (Doc #63) and adopting the Magistrate's Recommendation entered November 9, 2009 (Document # 95), and denying Defendant's Motion for Summary Judgment (Doc # 79).

/s/ Bryce D. Neier
Bryce D. Neier
NC Counsel for Defendant
The Law Office of Bryce D. Neier
PO Box 87164
Fayetteville, NC 28304
Phone:910 423 5000
FAX:910 423 5506
Email:bryceneier@aol.com
NC State Bar No: 19206

/s/ J. Michael Johnson
J Michael Johnson
The Alliance Defense Fund
Senior Legal Counsel for Alliance Defense
Fund
Lead Counsel for Defendant
PO Box 52954
Shreveport, LA 71135
Phone :318.603.1435
FAX:318.603.1437
Licensed to practice in LA
Admitted LR83.1(d)

/s/David A. Cortman
David A. Cortman
Counsel for Defendant
The Alliance Defense Fund
Senior Legal Counsel for Alliance Defense
Fund
1000 Hurricane Shoals Rd, D-600
Lawrenceville, GA 30043
Phone:770.339.0774/FAX:770.339.6744
Email:dcortman@tellaadf.org
Licensed to practice law in Florida , Georgia
and District of Columbia.
Admitted LR83.1(d)

/s/ David Gibbs
David Gibbs
The Gibbs Law Firm
Counsel for Defendant
5666 Seminole Blvd, Suite 2
Seminole, FL 33772
Phone: 727.399.8300
Email: dgibbs@gibbslawfirm.com
Admitted LR83 1(d)
Gibbs licensed to practice in FL, ND,
MN,CO, TX ,OH and District of Columbia

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

JANET JOYNER and
CONSTANCE BLACKMON

Plaintiffs,

v.

FORSYTH COUNTY, NORTH
CAROLINA,

Defendant

CERTIFICATE OF SERVICE

I, hereby certify that on February 24, 2010, I electronically filed the foregoing Notice of Appeal with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the Attorney for Plaintiffs, Ms. Katherine Lewis Parker. I further certify that I placed a hard copy of said documents in a US Mail depository, first class prepaid, and mailed to Attorney for Plaintiffs, Ms. Katherine Lew Parker at ACLU of North Carolina, PO Box 28004, Raleigh, NC 27611-1344 on February 25, 2010.

Respectfully submitted by :

/s/ Bryce D. Neier
Bryce D. Neier
NC Counsel for Defendant
The Law Office of Bryce D. Neier
PO Box 87164
Fayetteville, NC 28304
Phone:910.423.5000
FAX:910.423.5506
Email:bryceneier@aol.com
NC State Bar No: 19206

<input checked="" type="checkbox"/> Notice of Filing <input type="checkbox"/> Cross Appeal <input type="checkbox"/> Interlocutory Appeal <input type="checkbox"/> Additional NOA <input type="checkbox"/> Amended NOA <input type="checkbox"/> Transmittal of Record <input type="checkbox"/> Transmittal of Certif. <input type="checkbox"/> Supplement to ROA <input type="checkbox"/> Supplemental Certif. <input type="checkbox"/> Other	UNITED STATES DISTRICT COURT for the Middle DISTRICT OF NC at GREENSBORO Caption: JANET JOYNER, et al. v. FORSYTH COUNTY, NORTH CAROLINA	District Court No.: 1:07-cv-00243 4CCA No.: _____ Consolidated with No.: _____ Case Manager: _____
---	--	---

Part I

Notice of appeal is enclosed to all parties (except to appellant in civil cases); NOA, docket entries, district court opinion and order, and magistrate judge's recommendation (if applicable) are enclosed to 4CCA.

1. NOA filed: 02/24/2010	4. Fees _____ USA no fee required \$5 filing fee: <input checked="" type="checkbox"/> paid _____ unpaid \$450 docket fee: <input checked="" type="checkbox"/> paid _____ unpaid
2. Amended NOA filed:	Pauper status: _____ granted _____ denied _____ pending in dist.ct. Does PLRA Apply? _____ Yes _____ No 3-strikes? _____ Yes _____ No [If PLRA applies, 4CCA sends forms & acts on application]
3. District Judge: JUDGE JAMES A. BEATY, JR.	5. Materials Under Seal in District Court: _____ Yes <input checked="" type="checkbox"/> No Party Names Under Seal in District Court: _____ Yes <input checked="" type="checkbox"/> No
6. Court Reporter(s) (list all): JANE CALHOUN Coordinator: GLORIA POWELL	7. Criminal/Prisoner Cases _____ recalcitrant witness Defendant's Address: _____ on death row _____ in custody _____ on bond _____ on probation

Part II

TRANSMITTAL OF RECORD/CERTIFICATE OF AVAILABILITY OF RECORD

 ORIGINAL RECORD SUPPLEMENT TO RECORD

USE FOR RECORDS IN ELECTRONIC FORM: <input type="checkbox"/> PRO SE: Automatically transmit assembled electronic record to 4CCA in pro se cases. Does electronic record include all filings? <input type="checkbox"/> YES <input type="checkbox"/> NO If NO, list contents and transmittal method for supplement here (supplement must be transmitted): _____ _____ _____ <input type="checkbox"/> COUNSELED: Available for transmittal In-court hearing(s) held? _____ YES _____ NO All transcript on file? _____ YES _____ NO 4CCA will request transmittal of record when needed in counseled cases.	USE FOR RECORDS IN PAPER FORM: <input type="checkbox"/> PRO SE: Automatically transmit paper record to 4CCA in pro se cases. List contents by volume number & number of boxes (pleadings, transcript, exhibits, state court records, sealed): _____ _____ _____ <input type="checkbox"/> COUNSELED: Available for transmittal In-court hearing(s) held? _____ YES _____ NO All transcript on file? _____ YES _____ NO 4CCA will request transmittal of record when needed in counseled cases.
--	--

Deputy Clerk: Trina LawPhone: 336-332-6030Date: 02/25/10