

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 1:12-cv-01123-JLK-KMT

WILLIAM NEWLAND;
PAUL NEWLAND;
JAMES NEWLAND;
CHRISTINE KETTERHAGEN;
ANDREW NEWLAND; and
HERCULES INDUSTRIES, Inc., a Colorado corporation;

Plaintiffs,

v.

KATHLEEN SEBELIUS, in her official capacity as
Secretary of the United States Department of Health and Human Services;
HILDA SOLIS, in her official capacity as
Secretary of the United States Department of Labor;
TIMOTHY GEITHNER, in his official capacity as
Secretary of the United States Department of the Treasury;
UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES;
UNITED STATES DEPARTMENT OF LABOR; and
UNITED STATES DEPARTMENT OF THE TREASURY;

Defendants.

NOTICE OF APPEAL

PLEASE TAKE NOTICE that Defendants, Kathleen Sebelius, in her official capacity as Secretary of the United States Department of Health and Human Services; the United States Department of Health and Human Services; Hilda Solis, in her official

capacity as Secretary of the United States Department of Labor; the United States Department of Labor; Timothy Geithner, in his official capacity as Secretary of the United States Department of the Treasury; and the United States Department of the Treasury, hereby appeal to the United States Court of Appeals for the Tenth Circuit from the Order granting Plaintiffs' Motion for Preliminary Injunction (Dkt. No. 30), entered July 27, 2012.

Dated: September 25, 2012

Respectfully submitted,

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s/ Michelle R. Bennett
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Attorneys for Defendants.

CERTIFICATE OF SERVICE (CM/ECF)

Undersigned counsel for defendants, Michelle R. Bennett, hereby certifies that on September 25, 2012, the foregoing was electronically filed with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following e-mail addresses:

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s/ Michelle R. Bennett
MICHELLE R. BENNETT