

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
WICHITA FALLS DIVISION**

STATE OF TEXAS , et al.,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 7:16-cv-54-O
)	
UNITED STATES OF AMERICA , et al.,)	
)	
Defendants.)	
_____)	

NOTICE OF APPEAL

PLEASE TAKE NOTICE that Defendants, the United States of America; the United States Department of Education; the United States Department of Justice; the United States Department of Labor; the United States Equal Employment Opportunity Commission; John B. King, Jr., in his official capacity as Secretary of Education; Loretta E. Lynch, in her official capacity as Attorney General of the United States; Vanita Gupta, in her official capacity as Principal Deputy Assistant Attorney General; Thomas E. Perez, in his official capacity as Secretary of Labor; David Michaels, in his official capacity as Assistant Secretary of Labor for Occupational Safety and Health; and Jenny R. Yang, in her official capacity as Chair of the United States Equal Employment Opportunity Commission, hereby appeal to the United States Court of Appeals for the Fifth Circuit from the Preliminary Injunction Order, ECF No. 58, entered on August 21, 2016, and from the Order, ECF No. 86, entered on October 18, 2016.

Dated: October 20, 2016

Respectfully submitted,

BENJAMIN C. MIZER
Principal Deputy Assistant Attorney General

JENNIFER D. RICKETTS
Director, Federal Programs Branch

SHEILA M. LIEBER
Deputy Director, Federal Programs Branch

/s/ Benjamin L. Berwick

BENJAMIN L. BERWICK (MA Bar No. 679207)

JAMES BICKFORD (NY Bar No. 5163498)

Trial Attorney, U.S. Department of Justice

Civil Division, Federal Programs Branch

1 Courthouse Way, Suite 9200

Boston, MA 02210

Telephone: (617) 748-3129

Facsimile: (617) 748-3965

Email: Benjamin.L.Berwick@usdoj.gov

Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on October 20, 2016, a copy of the foregoing Notice of Appeal was filed electronically via the Court's ECF system, which effects service upon counsel of record.

/s/ Benjamin L. Berwick
Benjamin L. Berwick