

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

LITTLE ROCK FAMILY PLANNING SERVICES, et al.,

PLAINTIFFS,

v.

Case No. 4:19-cv-00449-KGB

**LESLIE RUTLEDGE, in her official capacity as
Attorney General of the State of Arkansas, et al.,**

DEFENDANTS.

NOTICE OF APPEAL

Notice is hereby given that Defendants hereby appeal to the United States Court of Appeals for the Eighth Circuit from the preliminary injunction order entered in this action on August 6, 2019 and docketed as Document 119. Defendants additionally appeal from the *ex parte* Order granting Plaintiffs' motion to consolidate this case with *Planned Parenthood of Ark. & Eastern Okla. v. Jegley*, Case No. 4:15-cv-00784-KGB, entered on June 27, 2019 and docketed as Document 14, and the Order denying Defendants' motion to reconsider the *ex parte* Order granting consolidation, entered on July 5, 2019 and docketed as Document 29.

The United States Court of Appeals for the Eighth Circuit has jurisdiction over this interlocutory appeal pursuant to 28 U.S.C. 1292(a)(1) because it challenges the District Court's order granting a preliminary injunction. *See, e.g., Barrett v. Claycomb*, 705 F.3d 315, 318 (8th Cir. 2013); *Bacon v. Neer*, 631 F.3d 875, 877 (8th Cir. 2010). The Eighth Circuit has jurisdiction over the interlocutory appeal of the *ex parte* consolidation order (DE 14) and denial of reconsideration of that order (DE 29) because those orders are inextricably intertwined with the Order granting a preliminary injunction. *See, e.g., Novus Franchising, Inc. v. Dawson*, 725 F.3d 885, 892 (8th Cir. 2013).

Dated: August 6, 2019

Respectfully submitted,

LESLIE RUTLEDGE
Attorney General

Nicholas J. Bronni (2016097)
Solicitor General

Vincent M. Wagner (2019071)
Deputy Solicitor General

Michael A. Cantrell (2012287)

Dylan L. Jacobs (2016167)

Assistant Solicitors General

OFFICE OF THE ARKANSAS

ATTORNEY GENERAL

323 Center Street, Suite 200

Little Rock, Arkansas 72201

(501) 682-2007

(501) 682-2591 (fax)

nicholas.bronni@arkansasag.gov

Counsel for Defendants