

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

<hr/>)
Annie TUMMINO, <i>et al.</i> ,)
)
<i>Plaintiffs,</i>)
v.)
)
Dr. Margaret HAMBURG, Commissioner of Food and Drugs, <i>et al.</i> ,)
)
<i>Defendants.</i>)
<hr/>)

No. 12-CV-763 (ERK/VVP)

(Korman, J.)

(Pohorelsky, M.J.)

NOTICE OF APPEAL

PLEASE TAKE NOTICE that defendants Dr. Margaret Hamburg, Commissioner of Food and Drugs, and the Honorable Kathleen Sebelius, Secretary of Health and Human Services, hereby appeal to the United States Court of Appeals for the Second Circuit from the judgment of this Court entered on April 10, 2013 (ECF No. 87), and this Court’s Memorandum and Order of April 5, 2013 (ECF No. 85).

Dated: May 1, 2013

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, F. Franklin Amanat, hereby certify under penalties of perjury that on this 1th day of May, 2013, I did cause true and correct copies of the above and foregoing instruments, Notice of Appeal, to be served by electronic mail and ECF notification on the following persons:

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