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ATTORNEYS FOR PLAINTIFFS

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION**

**CITIZENS FOR FAIR
REPRESENTATION, CITY OF
COLUSA, CITY OF WILLIAMS,
THE CALIFORNIA INDEPENDENT
PARTY, THE CALIFORNIA
LIBERTARIAN PARTY, SHASTA
INDIAN NATION, MARK BAIRD,
CINDY BROWN, WIN CARPENTER,
KYLE CARPENTER, JOHN
D'AGOSTINI, DAVID GARCIA, ROY
HALL, JR., LESLIE LIM, MIKE
POINDEXTER, LARRY WAHL,
MICHAEL THOMAS, STEVEN
BAIRD, TERRY RAPOZA, MANUEL
MARTINEZ, KEVIN MCGARY, AND
RAYMOND WONG, and OTHER
PLAINTIFFS NAMED IN FIRST
AMENDED COMPLAINT, including
MARY CORDRAY, BRITTNEY
KRISTINE COURNYER, DAVID
CURTIS, SARA HEMPHILL, TANYA
NEMCIK, CHARLES NOTT,
CLAYTON TERRY REPOZA,**

Case No.: 2:17-cv-00973-KJM-DMC

**PLAINTIFFS' NOTICE OF APPEAL
TO THE UNITED STATES COURT
OF APPEALS FOR THE NINTH
CIRCUIT**

REPRESENTATION STATEMENT

**Judge: Hon. Kimberly J. Mueller
Courtroom: 3**

Action Filed: 5/8/17

**HOWARD THOMAS, and ANDY
VASQUEZ,**

Plaintiffs,

v.

**SECRETARY OF STATE ALEX
PADILLA,**

Defendant.

NOTICE OF APPEAL

NOTICE OF APPEAL is hereby given and filed that Plaintiffs CITIZENS FOR FAIR REPRESENTATION (CFR), CITY OF COLUSA, CITY OF WILLIAMS, THE CALIFORNIA INDEPENDENT PARTY, SHASTA INDIAN NATION, THE CALIFORNIA LIBERTARIAN PARTY, MARK BAIRD, CINDY BROWN, WIN CARPENTER, KYLE CARPENTER, JOHN D'AGOSTINI, DAVID GARCIA, ROY HALL, JR., LESLIE LIM, MIKE POINDEXTER, LARRY WAHL, MICHAEL THOMAS, STEVEN BAIRD, TERRY RAPOZA, MANUEL MARTINEZ, KEVIN MCGARY, RAYMOND WONG, and OTHER PLAINTIFFS NAMED IN CFR'S FIRST AMENDED COMPLAINT, including MARY CORDRAY, BRITTNEY KRISTINE COURNYER, DAVID CURTIS, SARA HEMPHILL, TANYA NEMCIK, CHARLES NOTT, CLAYTON TERRY REPOZA, HOWARD THOMAS, and ANDY VASQUEZ appeal to the United States Court of Appeals for the Ninth Circuit, from the United States District Court, Eastern District of California – Sacramento Division, Judge Kimberly J. Mueller's following Orders and Docket Entities in this case:

(1) the Judgment entered in this case per the above Order, on November 29, 2018, Docket No. 68;

(2) Order dismissing Plaintiffs' CFR, et. al., Second Amended Complaint, with prejudice, signed November 28, 2018 and entered in this case on November 29, 2018, Docket No. 67;

(3) the Minute Order dated August 24, 2017, Docket No. 22, Granting Defendant Padilla's Ex Parte Application for Reconsideration (Docket No. 15) that reversed and withdrew the Minute Order dated August 2, 2017, Docket No. 14, that stated in pertinent part, "In light of plaintiffs complaint and notice of requirement of three judge court, (ECF Nos. 1, 12), the court has determined this case implicates 28 U.S.C. § 2284(2), providing for the convening of a three judge court. The court thereby DIRECTS the Clerk of Court to formally notify the Chief Judge of the Ninth Circuit of the pendency of this action, as 20 [28] U.S.C. § 2284(b)(1) requires, so that he may appoint a three judge court. SO ORDERED.";

(4) the Order signed January 31, 2018 and entered February 1, 2018, Docket No. 32, dismissing Plaintiffs' CFR, et. al.'s First Amended Complaint, with Leave to Amend, and;

(5) the Order signed and entered on August 1, 2018, Docket No. 63, denying without prejudice, Plaintiffs' CFR, et. al.'s Motion to Convene a Three Judge Court, Docket No. 43, filed April 30, 2018.

Dated: 12/27/2018

Respectfully submitted,

/s/ Gary L. Zerman

Gary L. Zerman, Attorney for Plaintiffs
CITIZENS FOR FAIR REPRESENTATION, et. el.

Dated: 12/27/2018

Respectfully submitted,

 /s/ Scott E. Stafne

Scott Stafne, Attorney for Plaintiffs
CITIZENS FOR FAIR REPRESENTATION, et. el.

REPRESENTATION STATEMENT

The undersigned attorneys represent the following Plaintiffs and Appellants in this matter: CITIZENS FOR FAIR REPRESENTATION, CITY OF COLUSA, CITY OF WILLIAMS, THE CALIFORNIA INDEPENDENT PARTY, THE CALIFORNIA LIBERTARIAN PARTY, MARK BAIRD, CINDY BROWN, WIN CARPENTER, KYLE CARPENTER, JOHN D'AGOSTINI, DAVID GARCIA, ROY HALL, JR., LESLIE LIM, MIKE POINDEXTER, LARRY WAHL, AND RAYMOND WONG.

The Defendant in this matter, CALIFORNIA SECRETARY OF STATE, ALEX PADILLA, is represented by the Office of the California Attorney General, XAVIER BECERRA, through Deputy Attorney George Michael Waters at 1300 I Street, Suite 125, PO Box 944255, Sacramento, California 94244-2550. The telephone number for Deputy Attorney General Waters is 916-323-8050.

Dated: 12/27/2018

Respectfully submitted,

/s/ Gary L. Zerman

Gary L. Zerman, Attorney for Plaintiffs
CITIZENS FOR FAIR REPRESENTATION, et. el.

Dated: 12/27/2018

Respectfully submitted,

/s/ Scott E. Stafne

Scott Stafne, Attorney for Plaintiffs
CITIZENS FOR FAIR REPRESENTATION, et. el.

CERTIFICATE OF SERVICE

I, LeeAnn Halpin, hereby certify that on the 27th day of December, 2018, I electronically filed a true and correct copy of PLAINTIFFS' NOTICE OF APPEAL TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT the REPRESENTATION STATEMENT by using the CM/ECF system.

DATED this 27th day of December, 2018 at Arlington, Washington.

BY: s/LeeAnn Halpin
LeeAnn Halpin, Paralegal