

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION**

TEXAS, WISCONSIN, ALABAMA,  
ARKANSAS, ARIZONA, FLORIDA,  
GEORGIA, INDIANA, KANSAS,  
LOUISIANA, PAUL LePAGE, Governor of  
Maine, Governor Phil Bryant of the State of  
MISSISSIPPI, MISSOURI, NEBRASKA,  
NORTH DAKOTA, SOUTH CAROLINA,  
SOUTH DAKOTA, TENNESSEE, UTAH,  
WEST VIRGINIA, NEILL HURLEY, and  
JOHN NANTZ,

Plaintiffs,

Civil Action No. 4:18-cv-  
00167-O

v.

UNITED STATES OF AMERICA, UNITED  
STATES DEPARTMENT OF HEALTH AND  
HUMAN SERVICES, ALEX AZAR, in his  
Official Capacity as SECRETARY OF  
HEALTH AND HUMAN SERVICES,  
UNITED STATES INTERNAL REVENUE  
SERVICE, and CHARLES P. RETTIG,  
COMMISSIONER OF INTERNAL  
REVENUE SERVICE,

Defendants.

CALIFORNIA, CONNECTICUT, DISTRICT  
OF COLUMBIA, DELAWARE, HAWAII,  
ILLINOIS, KENTUCKY,  
MASSACHUSETTS, MINNESOTA by and  
through its Department of Commerce, NEW  
JERSEY, NEW YORK, NORTH CAROLINA,  
OREGON, RHODE ISLAND, VERMONT,  
VIRGINIA, and WASHINGTON,

Intervenor-Defendants.

**INTERVENOR-DEFENDANTS' NOTICE OF APPEAL**

PLEASE TAKE NOTICE that the Intervenor-Defendants hereby appeal to the United States Court of Appeals for the Fifth Circuit from this Court's December 30, 2018 Order, ECF No. 221, entering a Final Judgment on Count I of Plaintiff's Amended Complaint. Previously and on December 14, 2018, the Court entered an Order granting partial summary judgment on Count I of the Amended Complaint. ECF No. 211. On December 30, 2018, the Court granted the Intervenor-Defendants' request for entry of partial final judgment on Count I of the Amended Complaint, and also granted the Intervenor Defendants' request for a stay of that judgment. ECF No. 220. Accordingly, and pursuant to Federal Rule of Civil Procedure 54(b), the Court entered partial final judgment on Count I of the Amended Complaint, ECF No. 221. The Intervenor-Defendants hereby appeal from the partial final judgment entered by the Court, ECF No. 221, as well as the orders underlying that partial final judgment, including but not limited to the order granting partial summary judgment (ECF No. 211).

Dated: January 3, 2019

Respectfully submitted,

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**/s/ Neli N. Palma**

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**CERTIFICATE OF SERVICE**

On January 3, 2019, I electronically submitted the foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. I hereby certify that I have served all counsel and/or pro se parties of record electronically or by another manner authorized by Federal Rule of Civil Procedure 5 (b)(2).

/s/ Ashley Harrison