

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

**COMMONWEALTH OF VIRGINIA,
ex rel. KENNETH T. CUCCINELLI, II,
in his official capacity as
Attorney General of Virginia,**

Plaintiff,

v.

Case No. 3:10-cv-00188-HEH

**KATHLEEN SEBELIUS,
Secretary of the Department of Health
and Human Services, in her official capacity,**

Defendant.

NOTICE OF APPEAL

Notice is hereby given that the Commonwealth of Virginia, ex rel. Kenneth T. Cuccinelli, II, in his official capacity as Attorney General of Virginia, plaintiff in the above named case, hereby appeals to the United States Court of Appeals for the Fourth Circuit from those aspects of the Final Order (Doc. 162) and Memorandum Opinion (Doc. 161) pertaining to severance, scope of severance, and remedy, entered in this action on the 13th day of December 2010, and from any other adverse rulings in the cause.

Respectfully Submitted,

/s/ E. Duncan Getchell, Jr.

E. DUNCAN GETCHELL, JR.

Virginia State Bar No. 14156

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CERTIFICATE OF SERVICE

This is to certify that on the 18th day of January, 2011, I electronically filed the foregoing NOTICE OF APPEAL with the Clerk of Court using the CM/ECF System, which will send notice of such filing to all registered CM/ECF users including opposing counsel Jonathan H. Hambrick, Virginia State Bar No. 37590, Assistant United States Attorney, Office of the United States Attorney, 600 East Main Street, Suite 1800, Richmond, Virginia 23219.

/s/ E. Duncan Getchell, Jr.

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