Case 1:01-av-02/20-SLID Dogument 1/2 Filed 0//11/02 Dage 1 of 2

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V.

IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

FILED W HARRISBURG, PA

APR 1 1 2002

RICHARD VIETH and NORMA JEAN VIETH,

Plaintiffs

MARY E. D'ANDREA, C

,

NO. 3:CV-01-2439

THE COMMONWEALTH OF PENNSYLVANIA, et al.,

(JUDGES RAMBO NYGAARD & YOHN)

Defendants

NOTICE OF APPEAL OF DEFENDANTS
GOVERNOR MARK S. SCHWEIKER, SECRETARY C. MICHAEL
WEAVER, AND COMMISSIONER RICHARD FILLING
TO THE SUPREME COURT OF THE UNITED STATES

Defendants Governor Mark S. Schweiker, Secretary C. Michael Weaver, and Commissioner Richard Filling appeal to the Supreme Court of the United States from the order entered April 8, 2002 in this matter, which declared Act 1 of 2002 unconstitutional and permanently enjoined its implementation. The appeal is taken pursuant to 28 U.S.C. §1253.

Respectfully submitted,

D. MICHAEL FISHER Attorney General

BY:

N. BART DeLONE

Senior Deputy Attorney General

I.D. No.42540

JOHN G. KNORR, III

Chief Deputy Attorney General Chief, Appellate Litigation Section

DATED:

April 11, 2002

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CERTIFICATE OF SERVICE

I^{*}, J. BART DeLONE, Senior Deputy Attorney General for the Commonwealth of Pennsylvania, hereby certify that on April 11, 2002, I caused to be served a copy of the foregoing document entitled Notice of Appeal of Defendants Governor Mark S. Schweiker, Secretary C. Michael Weaver and Commissioner Richard Filling to the Supreme Court of the United States, upon the following in the manner indicated, pursuant to Supreme Court Rules 18 and 29:

VIA FAX & FIRST-CLASS MAIL:

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The Hon. William H. Yohn, Jr. U.S. District Judge 3809 U.S. Courthouse 601 Market Street Philadelphia, PA 19106-1753 (215) 580-2141 - Fax

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