

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

CODY FLACK and
SARA ANN MAKENZIE,

Plaintiffs,

v.

Case No. 18-CV-0309

WISCONSIN DEPARTMENT OF
HEALTH SERVICES and
LINDA SEEMEYER, in her official
capacity as Secretary of the Wisconsin
Department of Health Services,

Defendants.

NOTICE OF APPEAL

NOTICE is hereby given that all Defendants, Wisconsin Department of Health Services and Linda Seemeyer, in her official capacity as Secretary of the Wisconsin Department of Health Services, appeal to the United States Court of Appeals for the Seventh Circuit from the Opinion and Order granting Plaintiffs' motion for a preliminary injunction, dated and entered on July 25, 2018. (Dkt. 70.) A true and correct copy of the Opinion and Order is being filed with this Notice of Appeal. The defendants have paid the applicable filing fee.

[Signature page follows]

Dated this 24th day of August, 2018.

Respectfully submitted,

BRAD D. SCHIMEL
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Electronically signed by:

s/ Steven C. Kilpatrick
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Defendants.

DOCKETING STATEMENT

All Defendants, Wisconsin Department of Health Services and Linda Seemeyer, in her official capacity as Secretary of the Wisconsin Department of Health Services, concurrent with their Notice of Appeal filed today, hereby submit this docketing statement. *See* 7th Cir. R. 3(c)(1).

I. The district court's jurisdiction.

The district court has jurisdiction pursuant to 28 U.S.C. §§ 1331 (federal question) and 1343 (civil rights) over this civil case commenced by a complaint filed by plaintiffs Cody Flack and Sara Ann Makenzie in United States District Court for the Western District of Wisconsin on April 30, 2018. (Dkt. 1.) The

plaintiffs pursue claims under 42 U.S.C. §§ 18116 (the Patient Protection and Affordable Care Act) and 1396a (the Medicaid Act), and the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution, brought pursuant to 42 U.S.C. § 1983.

II. The court of appeals' jurisdiction.

The United States Court of Appeals for the Seventh Circuit has appellate jurisdiction pursuant to 28 U.S.C. § 1292(a)(1) over this appeal from the district court's interlocutory Opinion and Order granting the plaintiffs' motion for a preliminary injunction, dated and entered July 25, 2018. (Dkt. 70.)

On this date, August 24, 2018, all Defendants timely filed their Notice of Appeal within 30 days of the July 25, 2018, Opinion and Order granting the plaintiffs' motion for preliminary injunction. *See* Fed. R. App. P. 4(a)(1)(A).

The district court's interlocutory order being appealed was not decided by a magistrate judge.

III. Statement concerning appeal from an order other than a final judgment.

The Seventh Circuit Court of Appeals has jurisdiction over this appeal under 28 U.S.C. § 1292 (interlocutory appeals), as described above.

IV. Prior or related appellate proceedings.

None.

V. Current identities of parties named in an official capacity.

Linda Seemeyer, in her official capacity as Secretary of the Wisconsin Department of Health Services, is a defendant.

VI. Counsel of Record.

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Dated this 24th day of August, 2018.

Respectfully submitted,

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