IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF MISSISSIPPI OXFORD DIVISION

AMERICAN HEALTH CARE ASSOCIATION,) et al.,)

Plaintiffs,

v.

SYLVIA MATHEWS BURWELL, Secretary of Health and Human Services, *et al.*,

Defendants.

CIVIL ACTION NO. 3:16-cv-00233-MPM-RP

NOTICE OF APPEAL

PLEASE TAKE NOTICE that the defendants, Sylvia Mathews Burwell, in her official

capacity as Secretary of Health and Human Services, and Andrew M. Slavitt, in his official

capacity as Acting Administrator of the Centers for Medicare & Medicaid Services, hereby

appeal to the United States Court of Appeals for the Fifth Circuit from this Court's Order of

November 7, 2016 (Docket No. 44), which granted the plaintiffs' motion for a preliminary

injunction.

Dated: January 5, 2017

Respectfully submitted,

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COUNSEL FOR DEFENDANTS

CERTIFICATE OF SERVICE

I, W. Scott Simpson, Senior Trial Counsel, Department of Justice, hereby certify that I have electronically filed the foregoing Notice of Appeal with the Clerk of the Court using the ECF system, which sent notification of such filing to the following:

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I also certify that I have sent the foregoing document to the following non-ECF participants by United States Postal Service:

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Dated: January 5, 2017

/s/ W. Scott Simpson

W. SCOTT SIMPSON