

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

COMMONWEALTH OF VIRGINIA, STATE )  
OF ILLINOIS, and STATE OF NEVADA, )  
 )  
Plaintiffs, )  
 )  
v. )  
 )  
DAVID S. FERRIERO, in his official capacity )  
as Archivist of the United States, )  
 )  
Defendant, )  
and )  
 )  
ALABAMA, LOUISIANA, NEBRASKA, )  
SOUTH DAKOTA, and TENNESSEE, )  
 )  
Intervenor-Defendants. )

Case No. 1:20-cv-00242

**NOTICE OF APPEAL**

NOTICE IS HEREBY GIVEN that Plaintiffs the Commonwealth of Virginia, the State of Illinois, and the State of Nevada appeal to the United States Court of Appeals for the District of Columbia Circuit from this Court’s Order (ECF No. 116) and Memorandum Opinion (ECF No. 117), both dated March 5, 2021, granting Defendant’s motion to dismiss and Intervenor-Defendants’ motion for summary judgment construed as a motion to dismiss.

Dated: May 3, 2021

Respectfully submitted,

COMMONWEALTH OF VIRGINIA, STATE OF ILLINOIS, and STATE OF NEVADA

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By: /s/ Kathryn Hunt Muse

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**CERTIFICATE OF SERVICE**

Pursuant to Local Rule 5.4(d), I hereby certify that on May 3, 2021, I filed this notice electronically through the Court's CM/ECF system, which will effect service on all counsel who have appeared.

*/s/ Michelle S. Kallen*

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Michelle S. Kallen

*Counsel for Plaintiff  
Commonwealth of Virginia*