

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

ASSOCIATION OF AMERICAN PHYSICIANS &)
SURGEONS, INC., *et al.*)

Plaintiffs,)

v.)

KATHLEEN G. SEBELIUS, Secretary of Health)
and Human Services, in her official capacity, *et al.*,)

Defendants.)

Civil Action No. 1:10-0499-ABJ

NOTICE OF APPEAL

Notice is hereby given that Association of American Physicians & Surgeons, Inc., and Alliance for Natural Health-USA, plaintiffs in the above-captioned action, hereby appeal to the United States Court of Appeals for the District of Columbia Circuit the Memorandum Opinion and Order (docket items #59 and #58, respectively, filed October 31, 2012) granting the motion to dismiss and the Order (docket item #13, filed June 11, 2010) transferring the above-captioned action from Judge Collyer to Judge Leon. The plaintiffs also appeal the Minute Order (filed March 30, 2011) transferring this matter from Judge Leon to Judge Jackson, which Minute Order would become moot if the plaintiffs prevail in reversing the transfer from Judge Collyer to Judge Leon (*i.e.*, if this matter should not have been before Judge Leon to transfer in the first place).

Dated: December 28, 2012

Respectfully submitted,

/s/ Lawrence J. Joseph

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Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on this 28th day of December 2012, I electronically filed the foregoing "Notice of Appeal" with the Clerk of the Court using the CM/ECF system, which I understand to have caused the service of Justin M. Sandberg and Eric B. Beckenhauer of the U.S. Department of Justice ("DOJ"), and their DOJ colleagues, on behalf of all defendants.

/s/ Lawrence J. Joseph

Lawrence J. Joseph