

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

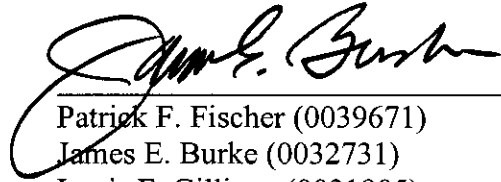
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Marian Spencer, et al., :  
: Appellees-Plaintiffs, : Case No. 1:04-cv-738  
: v. : Judge Dlott  
: J. Kenneth Blackwell, et al. :  
: Appellants-Defendants, :  
: and :  
: Clara Pugh, Sam Walton, Charles Winburn, :  
: Appellants-Intervenors-Defendants. :  
:

**NOTICE OF APPEAL**  
**OF INTERVENOR-DEFENDANTS**  
**CLARA PUGH, SAM MALONE, AND CHARLES WINBURN**

Notice is hereby given that Intervenor-Defendants Clara Pugh, Sam Malone, and Charles Winburn hereby appeal to the United States Court of Appeals for the Sixth Circuit from the Order of the District Court granting Plaintiffs' Motion for Temporary Restraining Order and Preliminary Injunction, entered on the 1<sup>st</sup> day of November, 2004 (Doc. 19).

Respectfully submitted,



Patrick F. Fischer (0039671)

James E. Burke (0032731)

Louis F. Gilligan (0021805)

1400 Provident Tower

One East Fourth Street

Cincinnati, Ohio 45202

Tel: (513) 579-6428

Fax: (513) 579-6457

[pfischer@kmklaw.com](mailto:pfischer@kmklaw.com)

[jburke@kmklaw.com](mailto:jburke@kmklaw.com)

[lgilligan@kmklaw.com](mailto:lgilligan@kmklaw.com)

Attorneys for Proposed Intervening  
Defendants, Charles H. Winburn, Sam  
Malone and Clara Pugh

OF COUNSEL:

KEATING, MUETHING & KLEKAMP, P.L.L.

1400 Provident Tower

One East Fourth Street

Cincinnati, Ohio 45202

(513) 579-6400

and

BRICKER & ECKLER LLP

Kurtis A. Tunnell (0038569)

Randolph C. Wiseman (0021992)

Anne Marie Sferra (0030855)

Stephen C. Gray (0067877)

100 S. Third St.

Columbus, Ohio 43215

Tel: (614) 227-2300

Fax: (614) 227-2390

[ktunnell@bricker.com](mailto:ktunnell@bricker.com)

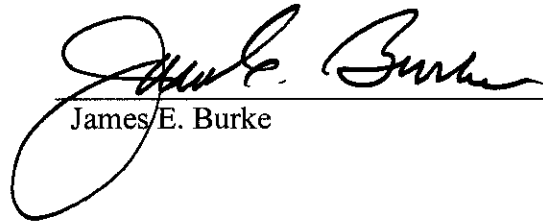
[rwiseman@bricker.com](mailto:rwiseman@bricker.com)

[asferra@bricker.com](mailto:asferra@bricker.com)

[sgray@bricker.com](mailto:sgray@bricker.com)

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true copy of the foregoing document, namely, NOTICE OF APPEAL OF INTERVENOR-DEFENDANTS CLARA PUGH, SAM MALONE, AND CHARLES WINBURN, was served upon counsel of record via facsimile this 1<sup>st</sup> day of November, 2004.

  
James E. Burke