

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
WICHITA FALLS DIVISION**

FRANCISCAN ALLIANCE, INC., et al.

Plaintiffs,

v.

SYLVIA BURWELL, et al.

Defendants.

Civ. Action No. 7:16-cv-00108-O

NOTICE OF APPEAL

PLEASE TAKE NOTICE that Proposed Intervenors River City Gender Alliance and the ACLU of Texas hereby appeal to the United States Court of Appeals for the Fifth Circuit from this Court's January 24, 2017 Order, ECF No. 69, denying Proposed Intervenors' motion to intervene as of right.

Respectfully submitted this 2nd day of February, 2017.

Rebecca L. Robertson
Kali Cohn
AMERICAN CIVIL LIBERTIES
UNION OF TEXAS
P.O. Box 8306
Houston, TX 77288
(713) 942-8146

/s/ Brian Hauss
Brian Hauss
Joshua Block
Brigitte Amiri
James D. Esseks
Louise Melling
AMERICAN CIVIL LIBERTIES
UNION FOUNDATION
125 Broad Street, 18th Floor
New York, NY 10004
(212) 549-2500

Daniel Mach
AMERICAN CIVIL LIBERTIES
UNION FOUNDATION
915 15th Street, N.W.
Washington, D.C. 20005
(202) 548-6604

Amy Miller*
AMERICAN CIVIL LIBERTIES
UNION OF NEBRASKA
134 S. 13th St., #1010
Lincoln, NE 68508
(402) 476-8091

*Application for admission pending.

CERTIFICATE OF SERVICE

On February 2, 2017, I electronically submitted the foregoing **PROTECTIVE NOTICE OF APPEAL** to the clerk of the court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the Court. I hereby certify that I have served counsel of record for all parties through the Court's ECF system.

/s/Brian Hauss

Brian Hauss