

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

**JAMES MORROW, et al.,
and A Certified Class of Other
Similarly Situated Persons,
PLAINTIFFS**

V.

CITY OF TENAHA DEPUTY CITY
MARSHALL, BARRY WASHINGTON,
et al.
DEFENDANTS

CIVIL ACTION NO. 2:08-cv-288

JUDGE: RODNEY GILSTRAP

NOTICE OF APPEAL

Notice is hereby given that Plaintiffs in this case, Class Representative James Morrow and the members of the certified Plaintiff Class, hereby appeal to the United States Court of Appeals for the Fifth Circuit from the Order of the District Court for the Eastern District of Texas filed in this case on April 9, 2021 (at Dkt 419) denying an interim award of fees from the City of Tenaha Defendants, and the related Order entered on November 24, 2021 (at Dkt 422) denying, and thereby disposing of, Plaintiffs' Rule 52(b), Fed. R. Civ. P., Motion to Amend filed on April 15, 2021 (at Dkt 421). The Motion to Amend sought inclusion of sufficient facts and conclusions in the April 9, 2021 Order, as required by Rules 54(d)((2)(C) and 52(a), Fed. R. Civ. P. This Appeal is timely under Rule 4(a)(4)(ii), Fed. R. App. P., providing that the 30-day time to appeal runs from the entry of the Order disposing of a motion to amend filed under Rule 52(b), Fed. R. Civ. P. The Orders appealed concern fees and costs Plaintiffs seek from the City of Tenaha Defendants, which have been realigned to include Mayor Michael Baker, or his successor, in his official capacity (Dkt 363-1, p.3-4).

Respectfully submitted,

/s/ Timothy B. Garrigan

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CERTIFICATE OF SERVICE

I certify that a true and correct copy of this document with any attachments is being served by the Court's ECF system on opposing counsel.

/s/ Timothy B. Garrigan

Timothy B. Garrigan