

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
WESTERN DIVISION

EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION,)
Plaintiff,) Case No. CV-03-RRA-0502-W
SAMANTHA ROBICHAUD,)
Intervenor,) NOTICE OF APPEAL
v.)
RPH MANAGEMENT, INC., d/b/a)
McDONALD'S, an Alabama Corporation,)
Defendant.)

Notice is hereby given that the Equal Employment Opportunity Commission, Plaintiff in the above named case, hereby appeals to the United States Court of Appeals for the Eleventh Circuit from the order entered August 11, 2004, dismissing the EEOC's complaint with prejudice, and the order of September 2, 2005, concerning fees and expenses. This appeal is timely pursuant to the order entered June 28, 2005, the order entered September 2, 2005, and Fed. Rule. Civ. Proc. 58(c)(2) and Fed. Rule App. Proc. 4(a)(4)(A).

Dated this 28th day of October, 2005.

/s/ Charles E. Guerrier

Charles E. Guerrier

Birmingham District Office
Equal Employment Opportunity Commission
1130 22nd Street South, Suite 2000
Birmingham, Alabama 35205-2881
Telephone: (205)-212-2044
Facsimile: (205)-212-2041

CERTIFICATE OF SERVICE

I hereby certify that on October 28, 2005, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Heather F. Lindsay
Johnston Barton Proctor & Powell, LLP
2900 AmSouth/Harbert Plaza
1901 Sixth Avenue North
Birmingham, Alabama 35203

/s/ Charles E. Guerrier
Charles E. Guerrier
Counsel for Plaintiff EEOC