

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

MAXWELL KADEL, *et al.*,

Plaintiffs,

v.

DALE FOLWELL, *in his official
capacity as State Treasurer of North
Carolina;*

DEE JONES, *in her official capacity
as Executive Administrator of the
North Carolina State Health Plan for
Teachers and State Employees,*

Defendants.

No. 1:19-cv-272-LCB

NOTICE OF INTERLOCUTORY APPEAL

Notice is hereby given that Defendants Dale Folwell, *in his official capacity as State Treasurer of North Carolina*, and Dee Jones, *in her official capacity as Executive Administrator of the North Carolina State Health Plan for Teachers and State Employees*, hereby appeal to the United States Court of Appeals for the Fourth Circuit.

This appeal pursuant to Title 28, United States Code, Section 1292(a)(1) is taken from the Memorandum Opinion and Order, (Doc. No. 234), entered against these two defendants June 10, 2022. *See* Fed. R. App. P. 4(a)(1)(A).¹

Respectfully submitted this the 1st day of July, 2022.

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¹ Defendant North Carolina State Health Plan for Teachers and State Employees was not a party to the Plaintiffs' claim for injunctive relief. (Amended Complaint, Count 1, Doc. No. 75, 34-37). The Court has "reserved judgment" on the sole remaining claim involving this defendant—regarding the applicability of Section 1557 of the Affordable Care Act, 42 U.S.C. § 18116—and placed the matter on its December 2022 trial calendar.

CERTIFICATE OF SERVICE

I hereby certify that on the 1st day of July, 2022, the foregoing Notice of Interlocutory Appeal was filed electronically with the Clerk of Court using the CM/ECF electronic filing system, which will send notification of such filing to all registered users.

/s/ John G. Knepper

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