

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION**

PEN AMERICAN CENTER, INC.,
SARAH BRANNEN, BENJAMIN
GLASS, on behalf of himself and his
minor child, GEORGE M.
JOHNSON, DAVID LEVITHAN,
KYLE LUKOFF, ANN
NOVAKOWSKI, on behalf of herself
and her minor child, PENGUIN
RANDOM HOUSE LLC, SEAN
PARKER, on behalf of himself and
his minor child, ASHLEY HOPE
PÉREZ, and CHRISTOPHER
SCOTT SATTERWHITE, on behalf
of himself and his minor child,

CASE NO.: 3:23-CV-10385-TKW-ZCB

Plaintiffs,

vs.

ESCAMBIA COUNTY SCHOOL
BOARD,

Defendant.

_____ /

NOTICE OF APPEAL

Notice is hereby given that Defendant, Escambia County School Board (“Board”), and Board members Kevin Adams, Paul Fetsko, Patty Hightower, William Slayton, and David Williams, appeal to the United States Court of Appeals for the Eleventh Circuit this Court’s Amended Order on Motion to Amend and Rule 72(a) Objection, [D.E. 155 (“Amended Order”)], which was entered by this Court

on November 20, 2024.¹ *See In re Hubbard*, 803 F.3d 1298, 1305 (11th Cir. 2015) (holding that denial of legislative privilege claims are immediately appealable); *see also Pernell v. Fla. Bd. of Governors of State Univ.*, 84 F.4th 1339, 1342 (11th Cir. 2023) (permitting same). A copy of the Amended Order is attached as **Exhibit A**.

Respectfully submitted,

/s Nicole Sieb Smith

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¹ To the extent the Court's Amended Order does not supersede the Court's initial Order on Motion to Amend and Rule 72(a) Objection, [D.E. 153 ("Initial Order")], the Board and Board members Kevin Adams, Paul Fetsko, Patty Hightower, William Slayton, and David Williams appeal the Initial Order as well. A copy of the Initial Order is attached as **Exhibit B**.

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Attorneys for Defendant, Escambia County School
Board

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on November 26, 2024, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which will send a notice of electronic filing to the following: Kristy L. Parker at kristy.parker@protectdemocracy.org; Shalini Goel Agarwal at shalini.agarwal@protectdemocracy.org; Kirsten Elizabeth Fehlan at fehlan@ballardspahr.com; Lynn Beth Oberlander at oberlanderl@ballardspahr.com; Paul Joseph Safier at safierp@ballardspahr.com; Ori Lev at ori.lev@protectdemocracy.org; Goldie Fields at fieldsg@ballardspahr.com; Facundo Bouzat at bouzatf@ballardspahr.com; Michael R. Kilgarriff at kilgarriffm@ballardspahr.com and Matthew Kussmaul at kussmaulm@ballardspahr.com (Counsel for Plaintiffs).

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