

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION**

**JACKSON WOMEN'S HEALTH  
ORGANIZATION, on behalf of itself and its  
patients, et al.**

**PLAINTIFFS**

**VS.**

**CIVIL ACTION NO.: 3:12CV436-DPJ-FKB**

**MARY CURRIER, M.D., M.P.H., in her  
official capacity as State Health Officer of  
the Mississippi Department of Health, et al.**

**DEFENDANTS**

**NOTICE OF APPEAL**

Notice is given that Defendants, Mary Currier and Robert Schuler Smith, hereby appeal to the United States Court of Appeals for the Fifth Circuit from the order granting Plaintiffs' second motion for preliminary injunction issued on April 15, 2013 [Docket No. 81] and the order granting in part and denying in part Defendants' Rule 52(b) motion to clarify issued on August 13, 2013 [Docket No. 131].

On May 7, 2013, Defendants timely filed a motion to clarify the District Court's preliminary injunction order pursuant to Fed. R. Civ. P. 52(b). [Docket No. 89]. On August 13, 2013, the District Court granted Defendants' Rule 52(b) motion in part and clarified its ruling on Plaintiff's second motion for preliminary injunction. [Docket No. 131]. However, the District Court did not alter its ruling, and the preliminary injunction against Defendants remains in effect.

Pursuant to Fed. R. App. P. 4(a)(4)(A)(ii), a Rule 52(b) motion suspends the time for filing a notice of appeal "whether or not granting the motion would alter the judgment." And the "time to file an appeal runs for all parties from the entry of the order disposing" of the Rule 52(b) motion. Fed. R. App. P. 4(a)(4)(A). Thus, Defendants' time to file an appeal of the preliminary

injunction order began to run upon the entry of the District Court's order disposing of their Rule 52(b) motion on August 13, 2013. As this notice of appeal is being filed within 30 days of that date, it is timely under Fed. R. App. P. 4(a)(1)(A).

Accordingly, Defendants now seek appellate review of both the District Court's preliminary injunction order and its order on the Rule 52(b) motion to clarify. An interlocutory appeal may be taken from a District Court's order that grants a preliminary injunction under 28 U.S.C. § 1292(a)(1).

RESPECTFULLY SUBMITTED, this the 23rd day of August, 2013.

**MARY CURRIER, M.D., M.P.H., in her official capacity as State Health Officer of the Mississippi Department of Health, and ROBERT SHULER SMITH, District Attorney of Hinds County, Mississippi, DEFENDANTS**

**BY: JIM HOOD, ATTORNEY GENERAL  
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BY: /s/ Paul Barnes  
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**CERTIFICATE OF SERVICE**

I, Paul E. Barnes, Special Assistant Attorney General for the State of Mississippi, do hereby certify that on this date I caused the above and foregoing document to be filed with the Clerk of the Court using the ECF electronic filing system which sent electronic notification of same to the following:

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THIS the 23rd day of August, 2013.

*/s/ Paul Barnes*  
Paul E. Barnes