

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF IOWA**

<p>PAUL GERLICH and ERIN FURLEIGH, Plaintiffs,</p> <p>v.</p> <p>STEVEN LEATH, WARREN MADDEN, THOMAS HILL, and LEESHA ZIMMERMAN, Defendants.</p>	<p style="text-align:center">CASE NO. 4:14-cv-00264</p> <p style="text-align:center">DEFENDANTS’ NOTICE OF APPEAL</p>
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COME NOW DEFENDANTS, Steven Leath, Warren Madden, Thomas Hill, and Leesha Zimmerman (collectively “Defendants”) by and through undersigned counsel, and pursuant to 28 U.S.C. §1291 and Federal Rules of Appellate Procedure 3 and 4, hereby give notice that said Defendants appeal to the United States Court of Appeals for Eighth Circuit as a matter of right from:

1. The District Court’s January 25, 2016, Judgment and the related Order—granting in part and denying in part Defendants’ Motion for Summary Judgment and granting in part and denying in part Plaintiffs’ cross-Motion for Summary Judgment—which, among other things, denied qualified immunity¹ to Defendants Steven Leath, Warren Madden, Thomas Hill, and Leesha Zimmerman as to the civil rights claim brought pursuant to 42 U.S.C. § 1983; and
2. Any and all rulings adverse to Defendants in said Judgment and Order.²

¹ See *Mitchell v. Forsyth*, 472 U.S. 511, 530 (1985) (“Accordingly, we hold that a district court’s denial of a claim of qualified immunity, to the extent that it turns on an issue of law, is an appealable “final decision” within the meaning of 28 U.S.C. § 1291 notwithstanding the absence of a final judgment.”).

² Defendants’ Civil Case Notice of Appeal Supplement is attached hereto.

Respectfully submitted,

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF IOWA
OFFICE OF THE CLERK
P. O. BOX 9344
DES MOINES, IA. 50306-9344
515-284-6248

Civil Case Notice of Appeal Supplement

COUNSEL FOR APPELLANT PLEASE COMPLETE AND SUBMIT WITH NOTICE OF APPEAL

Case Name: _____ vs. _____

District Court Case # ____:____ - cv - _____

Appeal Fee (\$505.00) Status Pd___ IFP___ Pending ___ Govt. Appeal ___

Counsel Appointed ___ CJA ___ Retained ___ Pro Se ___

Appeal filed by Counsel___ Pro Se___

Any reason why counsel should not be appointed _____

Pending post Judgment motions: Yes ___ No ___

Type of Motion(s) _____

High Public Interest Case Yes ___ No ___

Simultaneous Opinion Release Requested Yes ___ No ___

Trial Held Yes ___ No ___

Jury Trial Held Yes ___ No ___

Court Reporter Yes ___ No ___ Length of Trial _____

Reporter's Name _____

Address _____

Phone _____

Transcript Ordered Yes ___ No ___

Appealing: Order prior to final judgment ___ Final Judgment ___

Completed Form "A" Enclosed Yes ___ No ___