

**IN THE CIRCUIT COURT OF PULASKI COUNTY, ARKANSAS
SIXTH DIVISION**

**MARISA N. PAVAN and TARRAH D. PAVAN,
individually, and as parents, next friends, and
guardians of T.R.P., a minor child**

**LEIGH D. W. JACOBS and JANA S. JACOBS,
individually, and as parents, next friends, and
guardians of F.D.J., a minor child**

**COURTNEY M. KASSEL and KELLY L. SCOTT,
individually, and as parents, next friends, and
guardians of A.G.S., a minor child**

PLAINTIFFS

VS.

Case No. 60CV-15-3153

**NATHANIEL SMITH, MD, MPH,
Director of the Arkansas Department of Health,
in his official capacity, and his successors in office**

DEFENDANT

NOTICE OF APPEAL

COMES NOW Nathaniel Smith, MD, MPH, Director of the Arkansas Department of Health (“ADH”), in his official capacity, and his successors in office, by and through undersigned counsel,¹ and for his Notice of Appeal, states as follows:

1. ADH hereby notifies this Court and the Plaintiffs that ADH appeals to the Arkansas Supreme Court from the Order and Memorandum Opinion entered by the Court on December 1, 2015.

¹ ADH is represented herein by the Office of the Arkansas Attorney General pursuant to Ark. Code Ann. § 25-16-702(a), which requires the Attorney General to serve as counsel for state agencies and entities when requested. *See id.* (“The Attorney General shall be the attorney for all state officials, departments, institutions, and agencies. Whenever any officer or department, institution, or agency of the state needs the services of an attorney, the matter shall be certified to the Attorney General for attention.”).

2. The State hereby appeals to the Arkansas Supreme Court pursuant to Arkansas Supreme Court Rule 1-2(a)(1), because this appeal involves the interpretation or construction of the Constitution of Arkansas. The State also appeals pursuant to Rule 1-2(b)(1), because this appeal involves issues of first impression; pursuant to Rule 1-2(b)(4), because this appeal involves issues of substantial public interest; and pursuant to Rule 1-2(b)(5), because this case raises significant issues requiring clarification or development of the law.

3. The State designates as the record on appeal all pleadings and other papers filed of record, the transcript of all hearings and proceedings, and all exhibits, constituting a complete record.

4. The State will order the transcript from the reporter of the proceedings in this case, and will undertake financial arrangements required by the court reporter pursuant to Ark. Code Ann. § 16-13-510(c).

WHEREFORE, Nathaniel Smith, MD, MPH, Director of the Arkansas Department of Health, prays that the Court accept his Notice of Appeal, and prays for all other just and appropriate relief.

Respectfully Submitted,

LESLIE RUTLEDGE
Arkansas Attorney General

By: /s/ Colin R. Jorgensen
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Attorneys for the Defendant

CERTIFICATE OF SERVICE

I, Colin R. Jorgensen, Assistant Attorney General, certify that on this 2nd day of December, 2015, I electronically filed the foregoing with the Circuit Court Clerk using the Arkansas Judiciary's eFlex electronic filing system, which shall provide electronic notification to the following:

Cheryl K. Maples
Attorney for the Plaintiffs
ckmaples@aol.com

/s/ Colin R. Jorgensen