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\* Admitted *Pro Hac Vice*

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF IDAHO**

|                                 |   |   |
|---------------------------------|---|---|
| NAMPA CLASSICAL ACADEMY, et al. | ) | Case No. 1:09-CV-00427-EJL                  |
|                                 | ) |   |
| Plaintiffs,                     | ) |   |
|                                 | ) | <b>PLAINTIFFS' NOTICE OF APPEAL</b>         |
| v.                              | ) |   |
|                                 | ) | <b><u>PRELIMINARY INJUNCTION APPEAL</u></b> |
| WILLIAM GOESLING, et al.        | ) |   |
|                                 | ) |   |
| Defendants.                     | ) |   |

NOTICE IS HEREBY GIVEN that Plaintiffs Nampa Classical Academy; Isaac Moffett; M.K., a minor by and through her next friend; and Maria Kosmann, individually and as next friend to M.K., appeal to the United States Court of Appeals for the Ninth Circuit from the Memorandum, Decision, and Order [Dkt. #43] denying Plaintiffs' Motion for Preliminary Injunction and granting Defendants' Motion to Dismiss entered in this proceeding on May 17, 2010 and from the Judgment [Dkt. #44] entered in this action on May 19, 2010.

Respectfully submitted this 14th day of June, 2010 by:

/s/ David A. Cortman  
David A. Cortman  
*Pro Hac Vice* Counsel for Plaintiffs

/s/ Bruce D. Skaug  
Bruce D. Skaug  
Associated Local Counsel for Plaintiffs

**REPRESENTATION STATEMENT**

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|---|---|
| <p>David A. Cortman<br/> dcortman@telladf.org<br/> GSB # 188810<br/> Alliance Defense Fund<br/> 1000 Hurricane Shoals Road<br/> Building D, Suite 600<br/> Lawrenceville, Georgia 30043<br/> (770) 339-0774 telephone<br/> (770) 339-6744 facsimile</p> | <p>Attorney for Plaintiffs Nampa Classical Academy; Isaac Moffett; M.K., a minor by and through her next friend; and Maria Kosmann, individually and as next friend to M.K.</p>   |
| <p>David J. Hacker<br/> dhacker@telladf.org<br/> CSB # 249272<br/> Alliance Defense Fund<br/> 101 Parkshore Drive, Suite 100<br/> Folsom, California 95630<br/> (916) 932-2850 telephone<br/> (916) 932-2851 facsimile</p>                              | <p>Attorney for Plaintiffs Nampa Classical Academy; Isaac Moffett; M.K., a minor by and through her next friend; and Maria Kosmann, individually and as next friend to M.K.</p>   |
| <p>Gary S. McCaleb<br/> gmccaleb@telladf.org<br/> ASB # 018848<br/> Alliance Defense Fund<br/> 15100North 90th Street<br/> Scottsdale, Arizona 85260<br/> (480) 444-0020 telephone<br/> (480) 444-0028 facsimile</p>                                    | <p>Attorney for Plaintiffs Nampa Classical Academy; Isaac Moffett; M.K., a minor by and through her next friend; and Maria Kosmann, individually and as next friend to M.K.</p>   |
| <p>Bruce D. Skaug<br/> bruce@legaleaglesnw.com<br/> ISB # 3904<br/> Goicoechea Law Office – Nampa LLP<br/> 1226 East Karcher Road<br/> Nampa, Idaho 83687<br/> (208) 466-0030 telephone<br/> (208) 466-8903 facsimile</p>                               | <p>Attorney for Plaintiffs Nampa Classical Academy; Isaac Moffett; M.K., a minor by and through her next friend; and Maria Kosmann, individually and as next friend to M.K.</p>   |
| <p>Michael S. Gilmore<br/> mike.gilmore@ag.idaho.gov<br/> ISB #1625<br/> Office of Attorney General<br/> Statehouse Room 210<br/> P.O. Box 83720<br/> Boise, Idaho 83720<br/> (208) 334-2400 telephone<br/> (208) 854-8073 facsimile</p>                | <p>Attorney for Defendants William Goesling, individually and in his official capacity as Chairman of the Idaho Public Charter School Commission (“Commission”); Brad Corkill, Gayann DeMordaunt, Gayle O’Donahue, Alan Reed, and Esther Van Wart, all individually and in their official capacities as members of the Commission; Tamara L. Baysinger, individually and in</p> |

|  |   |
|--|---|
|  | <p>her official capacity as the Commission's Charter Schools Program Manager; Dr. Michael Rush, individually and in his official capacity as Executive Director of the State Board of Education ("Board"); Paul Agidius, Board President; Richard Westerberg, Board Vice President; Kenneth Edmunds, Board Secretary; Emma Atchley, Rod Lewis, Don Soltman, Milford Terrell, all individually and in their official capacities as members of the Board; Tom Luna, individually and in his official capacities as Superintendent of Public Instruction, as Executive Secretary of the Board, and as Chief Executive Officer of the State Department of Education; and Lawrence Wasden, in his official capacity as the Attorney General of the State of Idaho.</p> |
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 14th day of June, 2010, I filed the foregoing electronically through the CM/ECF system, which caused the following parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing:

Michael S. Gilmore, Attorney for Defendants  
mike.gilmore@ag.idaho.gov

/s/ David A. Cortman  
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