

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

**YOUNG AMERICA’S FOUNDATION;
BINGHAMTON UNIVERSITY
COLLEGE REPUBLICANS;** and
NICHOLAS APARICIO, in his official
capacity as President of the College
Republicans of Binghamton University,

Plaintiffs,

v.

HARVEY STENGER, President of
SUNY-Binghamton, in his official and
individual capacities; **BRIAN ROSE**,
Vice President for Student Affairs of
SUNY-Binghamton, in his official and
individual capacities; **JOHN
PELLETIER**, Chief of SUNY-
Binghamton UPD, in his official and
individual capacities,

Defendants.

Case No. 3:20-cv-822 (ECC/CBF)

NOTICE OF APPEAL

Notice is hereby given that Plaintiffs Young America's Foundation, Binghamton University College Republicans, and Nicholas Aparicio, hereby appeal to the United States Court of Appeals for the Second Circuit from the Memorandum-Decision and Order (ECF No. 352) entered in this matter on the 20th day of March, 2025, and from the Jury Instructions (ECF No. 468) entered in this matter on the 16th day of July, 2026, including the oral decision from the bench during the charge conference on the 16th day of July, 2026, that excluded Plaintiffs' proposed jury instructions (ECF No. 452) regarding Defendant John Pelletier's failure to take reasonable measures to prevent a disruption that burdened Plaintiffs' exercise of protected speech. No written order or docket entry was issued memorializing that ruling; accordingly, Plaintiffs identify it by the date on which it was made and the subject matter decided. A transcript of the ruling will be designated as part of the record on appeal pursuant to Federal Rule of Appellate Procedure 10(b).

Respectfully Submitted,

/s/ Andrew Hruska
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