

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

ACTIVISION TV, INC.,

Plaintiff,

v.

PINNACLE BANCORP, INC.,

and

JON BRUNING, Attorney General of
Nebraska (in his official capacity); DAVID
D. COOKSON, Chief Deputy Attorney
General of Nebraska (in his official
capacity); DAVID A. LOPEZ, Assistant
Attorney General of Nebraska (in his
official capacity),

Defendants.

Case No. 8:13CV00215

NOTICE OF APPEAL

Notice is given that Jon Bruning, David D. Cookson, and David A. Lopez, Defendants in the above-captioned case, hereby appeal to the United States Court of Appeals for the Eighth Circuit from the District Court's order of September 26, 2013 (Filing 38) and September 30, 2013 (Filing 41), granting Plaintiff's motion for preliminary injunction and overruling Defendants' objections to Plaintiff's evidence.

Respectfully submitted this 15th day of October, 2013.

**JON BRUNING, DAVID D.
COOKSON, and DAVID A. LOPEZ,
Defendants.**

By: JON C. BRUNING, #20351
Attorney General

By: *s/ Dale A. Comer*
Dale A. Comer, NE #15365

Assistant Attorney General

Katherine J. Spohn, NE #22979
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Ryan S. Post, NE #24714
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Attorneys for Defendants Jon Bruning,
David D. Cookson, and David A. Lopez.

CERTIFICATE OF SERVICE

I hereby certify that on October 15, 2013, the foregoing document was filed with the Clerk of the U.S. District Court for the District of Nebraska using the CM/ECF system, causing notice of such filing to be served on Plaintiff's counsel of record.

I further certify that on October 15, 2013, I electronically filed a completed copy of Appeal Information Form A and a blank copy of Appeal Information Form B, pursuant to 8th Cir. R. 3B, with the Clerk of the U.S. District Court for the District of Nebraska using the CM/ECF system, causing notice of such filing to be served on Plaintiff's counsel of record.

By: *s/ Dale A. Comer*
Dale A. Comer, NE #15365
Assistant Attorney General

U.S. COURT OF APPEALS - EIGHTH CIRCUIT

APPELLANT'S FORM A

Appeal Docket No. _____

Appeal Information Form

To be filed with the Notice of Appeal

STYLE OF CASE:

COUNSEL: NAME, ADDRESS, AND TELEPHONE NUMBER

Appellant/Appellee,
vs.

COUNSEL: NAME, ADDRESS, AND TELEPHONE NUMBER

Appellant/Appellee

LIST ISSUES ON APPEAL(For administrative purposes). You may indicate that this also serves as your statement of issues under FRAP 10(b)(3). _____ Yes. _____ No.

FOR LEAD COUNSEL ONLY

I _____ have (_____ have not) discussed settlement possibilities on appeal with my client.
This appeal _____ is (_____ is not) amenable to settlement.

Submitted by: s/ _____
Signature of Lead Counsel Date

INSTRUCTIONS:

Filing of appellant's Form A is required to be submitted to the Clerk of the District Court with the Notice of Appeal (8 Cir. Rule 3B). If inadvertently omitted, appellant may file Form A directly with the Clerk of the Court of Appeals before appeal is docketed. Forms are available at the District Court Clerk's Office and may be obtained electronically at:

www.ca8.uscourts.gov

- Copy 1 - Send to Appellee (together with an uncompleted Form B)
- Copy 2 & 3 - Send to Clerk, District Court with Notice of Appeal or Eighth Circuit (see above)
- Copy 4 - Retain

Counsel for Appellants

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Attorneys for Plaintiff Activision TV, Inc.

U.S. COURT OF APPEALS - EIGHTH CIRCUIT

Appeal Docket No. _____

APPELLEE'S FORM B

Appeal Information Form

CASE NAME (Underline name of Appellee):

IS THIS ALIGNMENT OF PARTIES, NAMES, ADDRESSES, AND TELEPHONE NUMBERS CORRECT ON APPELLANT'S FORM A? _____ Yes _____ No If no, list corrections below.

FOR LEAD COUNSEL ONLY

I _____ have (_____ have not) discussed settlement possibilities on appeal with my client.

This appeal _____ is (_____ is not) amenable to settlement.

NAME, ADDRESS, AND TELEPHONE NUMBER OF LEAD COUNSEL:

Submitted by: s/ _____

Date: _____

Copy 1 - Send to Appellant

Copy 2 & 3 - Send to Clerk, Eighth Circuit Court of Appeals

Copy 4 - Retain