

Gov't. Notice of Appeal, Sept. 9, 1997 in Bernstein v. State

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11
12 IN THE UNITED STATES DISTRICT COURT
13 FOR THE NORTHERN DISTRICT OF CALIFORNIA
14 SAN FRANCISCO HEADQUARTERS

15 DANIEL J. BERNSTEIN

16 Plaintiff,

17 v.

18 UNITED STATES DEPARTMENT OF
19 COMMERCE *et al.*,

20 Defendants.

C 95-0582 MHP

21 NOTICE OF APPEAL

22 Defendants, United States Department of Commerce; United States Department of State; United
23 States Department of Defense; United States Arms Control and Disarmament Agency; United States
24 National Security Agency; United States Department of Justice; United States Department of Energy;
25 United States Central Intelligence Agency; Madeline E. Albright, United States Secretary of State
26 (substituted for Warren G. Christopher); William M. Daley, United States Secretary of Commerce
27 (substituted for Ronald Brown); William Cohen, United States Secretary of Defense (substituted for
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Defendants' Notice of Appeal
Civ. A. No. 95-0582 (MHP)

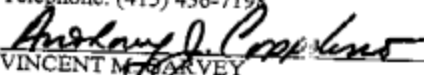
1 William B. Perry); Lt. Gen. Kenneth A. Minihan, Director, United States National Security Agency
2 (substituted for Admiral J.M. McConnell); John B. Holum, Director, United States Arms Control and
3 Disarmament Agency; William G. Robinson, Gary M. Oncale, Ambassador Michael Newlin, Charles
4 Ray; Mark Koro; Greg Stark; DOES 1-100,^{1/} through their undersigned counsel, hereby appeal to the
5 Court of Appeals for the Ninth Circuit from: (1) the Court's Opinion and Order dated April 15, 1996,
6 Bernstein v. Department of State, 922 F. Supp. 1426 (N.D. Cal. 1996); and (2) the Court's Opinion and
7 Order filed on August 25, 1997, Bernstein v. Department of State, Civ. 95-0582, slip op. (N.D. Cal.
8 August 25, 1997). The Court's Memorandum and Order dated December 9, 1996, Bernstein v.
9 Department of State, 945 F. Supp. 1279 (N.D. Cal. 1996) has been expressly superceded by the Court's
10 August 25, 1997 opinion and Order, but not vacated. To the extent the December 9, 1996 Memorandum
11 and Order is found to have any remaining effect or consequence in this case, it is hereby appealed as
12 well.

13 Respectfully Submitted,

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24 ^{1/} Defendants William G. Robinson, Gary M. Oncale, Charles Ray, Ambassador Michael Newlin,
25 Mark Koro, Greg Stark, and DOES 1-100 were sued in their individual capacities. These individuals
26 claims were dismissed by stipulation by Order signed and filed on June 18, 1996 and, therefore, appeal
27 on their behalf is unnecessary. In addition, the Court dismissed all defendants in this case except the
28 Secretary of Commerce. However, to avoid uncertainty or future dispute, this appeal is noticed on
behalf of all departments, agencies, and agency officials or employees that have been named as
defendants in this action.

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Civ. A. No. 95-0582 (MHP)

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4 Date: September 8, 1997
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