

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

Case No. 07-60209-Civ-(Martinez)

JOHN N. ("JACK") HEARN,  
CHRISTOPHER O. BARTLETT,  
JOHN ROUSSELLE, TIMOTHY  
HARKINS, and HENRY P. MALLON,

Plaintiffs,

vs.

NOTICE OF APPEAL

MICHAEL MCKAY, ROBERT MCKAY  
THOMAS BETHEL, DONALD NILSSON,  
PAUL CATES, DANIEL SMITH,  
DONALD CREE, JOSEPH GREMELS-  
BACKER, and ROBERT KEIFER,  
Individually and as Officers of THE  
AMERICAN MARITIME OFFICERS  
UNION,

Defendants.

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**NOTICE OF APPEAL**

Notice is hereby given that John Hearn, Christopher Bartlett, John Rousselle, Timothy Harkins, and Henry Mallon, Plaintiffs in the above-named case, hereby appeal, to the United States Court of Appeals for the Eleventh Circuit, from the Final Judgment that was entered on the Docket on October 29, 2008 in this case. This Notice encompasses the orders, judgments, and rulings made before the final judgment was entered in this case, including those made at trial, the March 14, 2008 Order denying Plaintiffs' Motion to Amend their Complaint and subsequent Order denying Plaintiffs' Motion for Reconsideration of the Order denying Plaintiffs' Motion to Amend their Complaint; the July 1, 2008

Order and Judgment partially granting Defendants' Motion for Summary Judgment; the July 1, 2008 Order granting Defendants' Motion in Limine; the Findings of Fact and Conclusions of Law entered on October 24, 2008; and the October 24, 2008 Order and Judgments partially granting Default Judgment against Defendant Michael McKay and Defendant Robert McKay.

Dated: November 21, 2008

Respectfully Submitted,

s/William W. Osborne, Jr.  
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**CERTIFICATE OF SERVICE**

I hereby certify that on November 21, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record or pro se parties identified on the attached Service List in the manner specified, either via transmission of Notice of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notice of Electronic Filing.

**Via CM/ECF**

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**Via U.S. Mail**

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/s/ David J. Smith  
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