

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

FILED - CLERK
U.S. DISTRICT COURT
2005 SEP -9 PM 2: 52

KENNETH D. ROGERS, *et al*,

PLAINTIFFS

VS.

JOE E. PENLAND, SR., *et al*,

DEFENDANTS

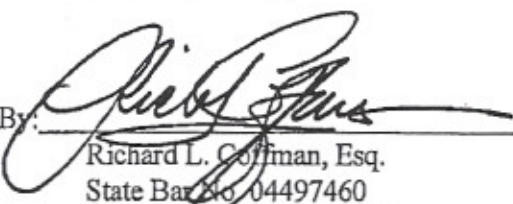
§ TX EASTERN-BEAUMONT
§ CIVIL ACTION NO. 1:04CV611
§ BY pb
§
§
§ JUDGE RON CLARK
§
§

NOTICE OF APPEAL

Notice hereby is given that Plaintiffs Kenneth D. Rogers, Andrew W. Dunn, Pat H. Coone, Betty S. Coone, Wayne D. Butchee, Clint L. Hines, David G. Hines and Sybil K. Jenkins hereby appeal to the United States Court of Appeals for the Fifth Circuit from the (i) June 24, 2005 Final Judgment (Docket No. 374), (ii) August 18, 2005 Order Denying Plaintiffs' Motion for Judgment as a Matter of Law, Motion to Alter or Amend Judgment, and Motion for New Trial (Docket No. 408), (iii) August 25, 2005 Order re: Defendant Joe E. Penland, Sr.'s Bill of Costs (Docket No. 413), and (iv) any subsequent orders awarding Defendant Joe E. Penland, Sr. excessive expert witness fees.

Respectfully submitted,

RICHARD L. COFFMAN, P.C.

By: 
Richard L. Coffman, Esq.
State Bar No. 04497460
1240 Orleans St., Ste. 200
Beaumont, TX 77701
(409) 832-4767
(409) 832-4768 fax

Pete Baker, Esq.
State Bar No. 01601000
McCleskey, Harriger, Brazill & Graf, L.L.P.
P.O. Box 6170
Lubbock, TX 79493-6170
(806) 796-7333
(806) 796-7365 FAX

**ATTORNEYS-IN-CHARGE FOR THE
PLAINTIFFS**

OF COUNSEL:

G. Robert Blakey, Esq.
D.C. Bar No. 424844
NOTRE DAME LAW SCHOOL*
1 Notre Dame Circle
Notre Dame, IN 46556
(219) 631-5717

*For purposes of address only

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Plaintiffs' Notice of Appeal has been served on counsel for the Defendants, via United States mail and/or electronic mail, on September 9, 2005.


Richard L. Coffman, Esq.

VIA ELECTRONIC MAIL:

David E. Bernsen, Esq.
Law Office of David E. Bernsen, P.C.
P.O. Box 822
Beaumont, TX 77704

Counsel for Defendant Joe E. Penland, Sr.

Tom Roebuck, Esq.
Roebuck & Thomas, P.C.
2470 North 11th Street
Beaumont, TX 77703

Counsel for Defendant Deon C. Thornton

VIA UNITED STATES MAIL:

Robert L. McDorman (11696-078)
FCI Big Spring
1900 Simler Ave.
Big Spring, TX 79720-7799

Pro Se Defendant

Meshell McDorman
5327 Timberwolf
Lumberton, TX 77657

Pro Se Defendant