

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
LUFKIN DIVISION

BRANDON FINCHUM,  
*Plaintiff,*

V.

NACOGDOCHES COUNTY,  
*Defendant.*

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CIVIL ACTION NO. 9:21-CV-285

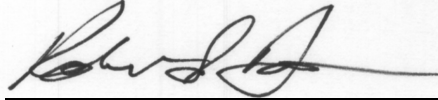
*JURY DEMANDED*

**DEFENDANT NACOGDOCHES COUNTY'S**  
**NOTICE OF INTERLOCUTORY APPEAL**

Notice is hereby given that Defendant Nacogdoches County hereby appeals to the United States Court of Appeals for the Fifth Circuit from the District Court's Memorandum Order Overruling Defendant's Objections and Adopting the Magistrate Judge's Report and Recommendation [Dkt. 101], entered on January 24, 2023, denying its Motion for Summary Judgment based on sovereign immunity. The issue of sovereign immunity is immediately appealable to the United States Fifth Circuit Court of Appeals under the collateral order doctrine, and Defendant hereby exercises its right to appeal.

Respectfully submitted,

**FLOWERS DAVIS, P.L.L.C.**  
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Tyler, Texas 75701  
(903) 534-8063  
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Lead Attorney

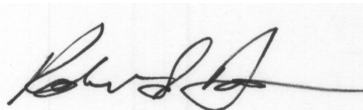
**ROBIN HILL O'DONOGHUE**  
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**ATTORNEYS FOR DEFENDANT**

**CERTIFICATE OF SERVICE**

I hereby certify that the above and foregoing instrument was served upon all counsel of record in the above entitled and numbered cause on February 3, 2023, in the following manner:

  X   Via ECF



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**Robert S. Davis**