

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION**

STATE OF MISSOURI, ex rel.)
Chris Koster, MISSOURI DEPARTMENT)
OF NATURAL RESOURCES, and)
MISSOURI STATE EMERGENCY)
MANAGEMENT AGENCY,)

Plaintiffs,)

v.)

Case No. 1:11CV00067 SNLJ

UNITED STATES ARMY CORPS OF)
ENGINEERS, MAJOR GENREAL)
MICHAEL J. WALSH, and COLONEL)
VERNIE L. REICHLING, JR.,)

Defendants,)

v.)

STATE OF ILLINOIS, and)
COMMONWEALTH OF KENTUCKY,)

Intervenor-Defendants.)

NOTICE OF APPEAL

Notice is hereby given that Plaintiffs State of Missouri ex rel. Chris Koster, the Missouri Department of Natural Resources, and the Missouri State Emergency Management Agency, appeal to the United States Court of Appeals for the Eighth Circuit from the judgment entered in this action denying a temporary restraining order and preliminary injunction on the 29th day of April, 2011.

Respectfully Submitted,

CHRIS KOSTER
Attorney General

By: /s/ John K. McManus

John K. McManus, Mo. Bar #59486
James R. Layton, Mo. Bar #45631
Jeremiah J. Morgan, Mo. Bar #50387
P.O. Box 899
Jefferson City, MO 65102
(573) 751-8370 phone
(573) 751-8796 facsimile
jack.mcmanus@ago.mo.gov
james.layton@ago.mo.gov
jeremiah.morgan@ago.mo.gov

ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I hereby certify that on April 29, 2011, the foregoing was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system upon the following:

Ty Bair
Department of Justice
Natural Resources Section
Environment and Natural Resources
Division
P.O. Box 663
Washington, DC 20044-0663

Edward J. Passarelli
Natural Resources Section
Environment and Natural Resources
Division
Department of Justice
P.O. Box 663
Washington, DC 20044-0663

Rex L. Gradeless, II
Attorney General of Illinois
500 South Second
Springfield, IL 62706
rgradeless@atg.state.il.us

Jered J. Lindsay
Department of Justice
Environmental Defense Section
Environment and Natural Resources
Division
P.O. Box 23986
Washington, DC 20026-3986

Richard G. Callahan
United States Attorney
Nicholas P. Llewellyn
Chief, Civil Division
111 S. 10 Street, 20th Floor
St. Louis, MO 63102
Nicholas.llewellyn@usdoj.gov

Jack Conway
Dana C. Nickles
Sean J. Riley
Office of the Attorney General
Commonwealth of Kentucky
700 Capital Ave., Suite 118
Frankfort, KY 40601