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IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

<p>UNITED STATES OF AMERICA,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">vs.</p> <p>KEMP & ASSOCIATES, INC. AND DANIEL J. MANNIX,</p> <p style="text-align: center;">Defendants.</p>	<p>Case No. 2:16-cr-00403-DS</p> <p>NOTICE OF APPEAL</p> <p>U.S. District Court Judge David Sam Magistrate Judge Brooke C. Wells</p>
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NOTICE IS HEREBY GIVEN that the United States of America, plaintiff in the above-entitled action, hereby appeals to the United States Court of Appeals for the Tenth Circuit from (1) the Order on Defense Motion Regarding Application of Rule of Reason, Dkt. 96 (Aug. 28, 2017), which reflects the oral ruling granting defendants' motion that the case is subject to the Rule of Reason, *see* Minute Entry for proceedings before Judge David Sam: Miscellaneous Hearings as to Kemp & Associates held on 6/21/2017, Dkt. 86, and Motions Hearing Transcript 50 (June 21, 2017); and (2) the Memorandum Decision and Order, Dkt. 97 (Aug. 28, 2017).

Dated: September 26, 2017

/s/ Kalina M. Tulley

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CERTIFICATE OF SERVICE

I, Ruben Martinez, Jr., hereby certify that on September 26, 2017, I caused a copy of the foregoing to be served in accordance with Fed. R. Crim. P. 49, LR 5.5, and the General Order on Electronic Case Filing (ECF) pursuant to the district court's system as to ECF filers.

Respectfully submitted,

/s/ Ruben Martinez, Jr.

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