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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

16 MICHAEL KOSTA and STEVE BATES,
17 individually and on behalf of all others
18 similarly situated,

19 Plaintiffs,

20 v.

21 DEL MONTE FOODS, INC.,

22 Defendant.

Case No. CV 12-01722 YGR

**PLAINTIFFS' NOTICE OF APPEAL
WITH NINTH CIRCUIT RULE 3-2
REPRESENTATION STATEMENT**

Judge: Hon. Gonzalez Rogers

Action Filed: April 5, 2012

1 Notice is hereby given that Michael Kosta and Steve Bates, individually and on behalf of
2 all others similarly situated, Plaintiffs in the above named case, appeal to the United States Court
3 of Appeals for the Ninth Circuit from the Final Judgment entered on September 8, 2015 (Dkt. No.
4 214). In appealing from the Final Judgment, Plaintiffs appeal from any and all other antecedent
5 and ancillary thereto, including any and all interlocutory judgments, decrees, decisions, rulings,
6 verdicts, and opinions that merged into and became part of the Final Judgment, that shaped the
7 Final Judgment, that are related to the Final Judgment, and upon which the Final Judgment is
8 based.

9 Dated: October 2, 2015

Respectfully submitted,

10 /s/ Brian K. Herrington

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RULE 3-2 REPRESENTATION STATEMENT

1. Plaintiff-Appellant Michael Kosta is represented by:

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CERTIFICATE OF SERVICE

I, Brian K. Herrington, hereby certify that a true and correct copy of the foregoing was served to all counsel of record via the ECF filing system on October 2, 2015.

/s/ Brian K. Herrington
Brian K. Herrington