IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS WACO DIVISION

DAVID STRATTA and	§	
ANTHONY FAZZINO	§	
Plaintiffs,	§	
	§	
V.	§ CASE NO. 6:18-cv-00114	4-RP-JCM
	§	
JAN A. ROE, BILLY L. HARRIS, BRYAN	§	
F. RUSS, JR., JAYSON BARFKNECHT	§	
MARK J. CARRABBA, GORDON PETER	§	
BRIEN, and STEPHEN C. CAST, in their	§	
individual capacities and in their official	§	
capacities as directors of the Brazos Valley	§	
Groundwater Conservation District, and	§	
THE BRAZOS VALLEY GROUNDWATER	§	
CONSERVATION DISTRICT,	§	
Defendants.	§	

PLAINTIFFS' AMENDED NOTICE OF APPEAL

Pursuant to Rule 3 of the Federal Rules of Appellate Procedure, Plaintiffs, David Stratta and Anthony Fazzino, hereby give notice of intent to appeal from: (1) the Order Granting Defendants' Rule 12(b)(1) Motion to Dismiss for Lack of Subject-Matter Jurisdiction on the Basis of Eleventh Amendment Immunity and Ripeness signed by Judge Alan D. Albright on November 9, 2018; (2) the Order Granting Defendants' 12(b)(6) Motion to Dismiss for Failure to State a Claim Upon Which Relief can be Granted on the Basis of Qualified Immunity signed by Judge Alan D. Albright on December 4, 2018; and (3) the resulting Final Judgment entered by Judge Alan D. Albright on December 4, 2018 dismissing Plaintiffs' Equal Protection and First Amendment Claims against Defendant Directors in their Individual Capacities with prejudice. The Final Judgment and Orders referenced above were each entered in the United States District

Court for the Western District of Texas, Waco Division. Plaintiffs desire to appeal the Final Judgment to the United States Court of Appeals for the Fifth Circuit.

The names of all parties to the judgment appealed from and the names, addresses, and telephone numbers of their respective attorneys are as follows:

Plaintiffs/Appellants

David Stratta Anthony Fazzino

Attorneys for Plaintiffs/Appellants

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Defendants/Appellees

Jan A. Roe, in her individual capacity and her official capacity as director of the Brazos Valley Groundwater Conservation District

Billy L. Harris, in his individual capacity and his official capacity as director of the Brazos Valley Groundwater Conservation District

Bryan F. Russ, Jr., in his individual capacity and his official capacity as director of the Brazos Valley Groundwater Conservation District

Jayson Barfknecht, in his individual capacity and his official capacity as director of the Brazos Valley Groundwater Conservation District

Mark J. Carrabba, in his individual capacity and his official capacity as director of the Brazos Valley Groundwater Conservation District

Gordon Peter Brien, in his individual capacity and his official capacity as director of the Brazos Valley Groundwater Conservation District

Stephen C. Cast, in his individual capacity and his official capacity as director of the Brazos Valley Groundwater Conservation District

The Brazos Valley Groundwater Conservation District

Attorneys for Defendants/Appellees

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Respectfully submitted,

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/s/ Marvin W. Jones

Marvin W. Jones

ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I hereby certify that on December 10, 2018 I electronically served the attorneys of record who have consented in writing to accept service of this document by electronic means.

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