

CTS

FILED  
U.S. DISTRICT COURT  
FORT WORTH DIVISION

ORIGINAL

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

2016 AUG 10 PM 1:21

AMERICAN HUMANIST ASSOCIATION )  
and ISAIAH SMITH, )

*Plaintiffs,* )

v. )

BIRDVILLE INDEPENDENT )  
SCHOOL DISTRICT, )  
BIRDVILLE INDEPENDENT SCHOOL )  
DISTRICT BOARD OF TRUSTEES, )  
CARY HANCOCK, in his individual )  
and official capacity, )  
JACK MCCARTY, in his individual )  
and official capacity, )  
DOLORES WEBB, in her individual )  
and official capacity, )  
JOE TOLBERT, in his individual )  
and official capacity, )  
BRAD GREENE, in his individual )  
and official capacity, )  
RICHARD DAVIS, in his individual )  
and official capacity, )  
and RALPH KUNKEL in his individual )  
and official capacity, )

*Defendants.* )

Case No. 4:15-CV-377 -A

CLERK OF COURT

NE

---

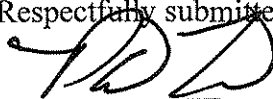
**NOTICE OF APPEAL**

---

Notice is hereby given that American Humanist Association and Isaiah Smith, plaintiffs in the above named case, hereby appeal to the United States Court of Appeals for the Fifth Circuit from the Order (Dkt. 89) and Final Judgment (Dkt. 90) entered in this action on August 1, 2016, granting Defendants' Motion for Summary Judgment and dismissing Plaintiffs' claims against Defendants.

August 8, 2016

Respectfully submitted,



---

PATRICK A. LUFF  
Luff Law Firm, PLLC  
3123 NW Loop 410  
San Antonio, TX 78230  
(210) 504-7575; Fax: (830) 584-0628  
[luff@lufflaw.com](mailto:luff@lufflaw.com)  
TX Bar: 24092728

ROGER L. MANDEL  
Lackey Hershman, L.L.P.  
3102 Oak Lawn Avenue, Suite 777  
Dallas, Texas 75219  
(214) 560-2201; Fax: (214) 560-2203  
[rlm@lhlaw.net](mailto:rlm@lhlaw.net)  
TX Bar: 12891750

MONICA L. MILLER  
American Humanist Association  
1777 T Street N.W., Washington, D.C, 20009  
(202) 238-9088; Fax: (202) 238-9003  
[mmiller@americanhumanist.org](mailto:mmiller@americanhumanist.org)  
CA Bar: 288343 / DC Bar: 101625

**ATTORNEYS FOR PLAINTIFFS**

**CERTIFICATE OF SERVICE**

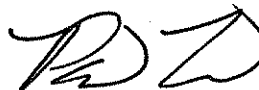
I, the undersigned, hereby certify that on August 8, 2016, a true and correct copy of the foregoing Notice of Appeal was served on all counsel of record pursuant to the Federal Rules of Civil Procedure as follows:

Donald Craig Wood  
Walsh Anderson Gallegos Green and Trevino  
100 NE Loop 410, Suite 900  
San Antonio, Texas 78216

Katie Payne  
Walsh Anderson Gallegos Green and Trevino  
100 NE Loop 410, Suite 900  
San Antonio, Texas 78216

Laura McLean  
Walsh Gallegos Trevino Russo & Kyle  
105 Decker Court, Suite 600  
Irving, Texas 75062

**ATTORNEYS FOR DEFENDANTS**



---

PATRICK A. LUFF  
Luff Law Firm, PLLC  
3123 NW Loop 410  
San Antonio, TX 78230  
(210) 504-7575; Fax: (830) 584-0628  
[luff@lufflaw.com](mailto:luff@lufflaw.com)  
TX Bar: 24092728

**ATTORNEY FOR PLAINTIFFS**