

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF VIRGINIA
Big Stone Gap Division**

WILLIAM THORPE, *et al.*,)
)
 Plaintiffs,)
)
 v.)
)
 VIRGINIA DEPARTMENT OF)
 CORRECTIONS, *et al.*,)
)
 Defendants.)

Case No. 2:20-cv-00007-JPJ-PMS

NOTICE OF APPEAL

Defendants Harold Clarke, Randall Mathena, H. Scott Richeson, A. David Robinson, Henry Ponton, Marcus Elam, Denise Malone, Steve Herrick, Tori Raiford, Jeffrey Kiser, and Carl Manis, (Defendants) by counsel and pursuant to Federal Rule of Appellate Procedure 3, hereby give notice that they appeal to the United States Court of Appeals for the Fourth Circuit from the District Court’s Opinion and Order entered on June 15, 2021 (Doc. No. 101), granting in part and denying in part Defendants’ motions to dismiss the Complaint (Doc. Nos. 18, 21), and accepting in part and denying in part the Magistrate Judge’s Report and Recommendation (Doc. No. 70). Defendants specifically appeal that portion of the District Court’s Opinion and Order denying their motion to dismiss on qualified immunity grounds Plaintiffs’ Due Process (Count II), Equal Protection (Count III), and Eighth Amendment (Count V) claims. The District Court’s decision is immediately appealable under the collateral-order doctrine on the basis of that denial.

June22, 2021

Mark R. Herring
Attorney General of Virginia

Margaret Hoehl O'Shea (VSB #66611)
Assistant Attorney General,
Criminal Justice & Public Safety Division

OFFICE OF THE ATTORNEY GENERAL
202 North Ninth Street
Richmond, VA 23219
Ph: (804) 786-2206
Fax: (804) 786-4239
moshea@oag.state.va.us

Respectfully submitted,

/s/ Maya M. Eckstein

Maya M. Eckstein (VSB #41413)
Trevor S. Cox (VSB #78396)
R. Dennis Fairbanks (VSB #90435)
HUNTON ANDREWS KURTH LLP
951 E. Byrd St.
Richmond, VA 23219
Ph: (804) 788-8200
Fax: (804) 788-8218
meckstein@HuntonAK.com
tcox@HuntonAK.com
dfairbanks@HuntonAK.com

Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on the 22nd day of June 2021, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send a notification of such filing to all CM/ECF participants.

By: /s/ Maya M. Eckstein
Maya M. Eckstein (VSB # 41413)
Hunton Andrews Kurth LLP
Riverfront Plaza, East Tower
951 East Byrd Street
Richmond, Virginia 23219-4074
Telephone: (804) 788-8200
Facsimile: (804) 788-8218
meckstein@HuntonAK.com

Counsel for Defendants