

**IN THE CIRCUIT COURT OF PULASKI COUNTY, ARKANSAS  
CIVIL DIVISION**

Representative/Senator-elect DAN SULLIVAN  
in his official capacity, et al.,

PETITIONERS

v.

Case No. 60CV-20-4915

JOSE ROMERO, MD, Secretary of the  
Arkansas Department of Health,  
in his official capacity, and

ASA HUTCHINSON, Governor of the  
State of Arkansas, in his official capacity,

RESPONDENTS

**NOTICE OF APPEAL**

Petitioners, duly elected public officials and members of the Arkansas General Assembly in their official and individual capacities, and business owners and private citizens, all residents of the State of Arkansas, in their individual capacities, for their Notice of Appeal filed under Rule 3 of the Arkansas Rules of Appellate Procedure, state and allege as follows:

1. **Appealing Parties.** The parties taking his appeal are Petitioners, as legislators in their official capacities and as residents of the State of Arkansas, and business owners and private citizens, all of whom are residents of the State of Arkansas, in their individual capacities.

2. **Orders Being Appealed.** Petitioners appeal from the Order of the Pulaski County, Arkansas Circuit Court entered October 23, 2020, granting Respondents' Motion to Dismiss. The October 23, 2020 order is a final, appealable order.

3. **Designation of Record.** Petitioners designate the entire record on appeal up to and including the Circuit Court's Order entered October 23, 2020, granting Respondent's Motion to Dismiss. Material filed of record after October 23, 2020 is not designated in this notice.

4. **Certificate of Transcript.** Petitioners have ordered the transcripts and made financial arrangements required by the court reporter, pursuant to Ark. Code Ann §16-13-510(c).

5. **Jurisdiction of the Supreme Court of Arkansas.** Petitioners appeal to the Supreme Court of Arkansas under Rule 1-2(a) of the Rules of the Supreme Court and Court of Appeals of Arkansas that provides Supreme Court jurisdiction for “[a]ll appeals involving the interpretation or construction of the Constitution of Arkansas.” This appeal involves issues of the division of governmental authority between distinct department of Arkansas government and the separation of powers between those departments under Article 4 §§ 1 and 2 of the Arkansas Constitution.

6. **Abandonment of Claims.** Petitioners abandon any pending but unresolved claims raised by the Amended Petition for Declaratory Judgment.

Respectfully submitted,

STORY LAW FIRM, PLLC

By: /s/ Gregory F. Payne  
Travis W. Story (2008274)  
Gregory F. Payne (2017008)  
3608 Steele Blvd, Suite 105  
Fayetteville, AR 72703  
(479) 443-3700  
[travis@storylawfirm.com](mailto:travis@storylawfirm.com)  
[greg@storylawfirm.com](mailto:greg@storylawfirm.com)

**CERTIFICATE OF SERVICE**

I hereby certify that on November 4, 2020, a copy of the foregoing Notice of Appeal was served on counsel for Respondents by e-flex.

/s/ Gregory F. Payne  
Gregory F. Payne