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11  
12 **UNITED STATES DISTRICT COURT**  
13 **CENTRAL DISTRICT OF CALIFORNIA**  
14

15 IN RE: NATIONAL FOOTBALL  
LEAGUE'S "SUNDAY TICKET"  
16 ANTITRUST LITIGATION

Case No. 2:15-ml-02668-PSG (SKx)

17 THIS DOCUMENT RELATES TO  
18 ALL ACTIONS

**PLAINTIFFS' NOTICE OF  
APPEAL TO THE UNITED  
STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT**

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1           **PLEASE TAKE NOTICE** that Plaintiffs Ninth Inning Inc. dba The Mucky  
2 Duck, 1465 Third Avenue Restaurant Corp. dba Gael Pub, Robert Gary Lippincott,  
3 Jr., and Jonathan Frantz, on behalf of themselves and the Residential and Commercial  
4 Classes certified in Dkt. No. 894, hereby appeal to the United States Court of Appeals  
5 for the Ninth Circuit from the Judgment entered in this action on August 20, 2024  
6 (Dkt. No. 1542), attached hereto as Exhibit A, and all other orders, opinions, rulings,  
7 and decisions merged into, underlying, or related thereto, including, but not limited  
8 to, the Court’s Order Granting Defendants’ Motion for Judgment as a Matter of Law  
9 entered in this action on August 1, 2024 (Dkt. No. 1513), attached hereto as Exhibit  
10 B.

11           Pursuant to Ninth Circuit Rule 3-2(b), Plaintiffs attach a Representation  
12 Statement to this Notice of Appeal as Attachment 1.<sup>1</sup>

13  
14 Dated: August 30, 2024

Respectfully submitted,

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16 By: /s/ Marc M. Seltzer

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26 <sup>1</sup> Plaintiffs submit this protective notice of appeal out of an abundance of caution.  
27 Because claims against DirecTV in this action remain unresolved (having been  
28 stayed pending arbitration), the August 20, 2024 Judgment (Dkt. No. 1542) may not  
be an appealable final judgment under 28 U.S.C. §1291. To avoid any question  
regarding appealability, Plaintiffs intend to seek entry of final judgment as to  
Plaintiffs’ claims against the NFL Defendants pursuant to Fed. R. Civ. P. 54(b).

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