

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK**

JOSEPH HENRY and MICHAEL MALINKY,)	
Plaintiffs,)	
vs.)	Civil Action No. 01-CV-1681
CHAMPLAIN ENTERPRISES, INC.)	(DNH/RFT)
dba CommutAir, ANTONY VON ELBE,)	
JOHN ARTHUR SULLIVAN, JR.,)	
ERNEST JAMES DROLLETTE,)	
ANDREW PRICE, WILLIAM L.)	<u>NOTICE OF APPEAL</u>
OWENS, CHAMPLAIN AIR, INC., and)	
U.S. TRUST COMPANY OF)	
CALIFORNIA, N.A.,)	
Defendants.)	

Notice is hereby given that Joseph Henry and Michael Malinky, Plaintiffs in the above-named case, hereby appeal to the United States Court of Appeals for the Second Circuit from the judgment entered in this action on January 5, 2007 and from the underlying Memorandum Decision and Order of that same date.

Dated: January 29, 2007

SHAYNE LABUE NICHOLS, LLC

s/ Anne Marie La Bue

Anne Marie La Bue 105747
221 South High Street
Columbus, OH 43215
(614) 221-1111

GREENWALD & ASSOCIATES

s/ Gary D. Greenwald

Gary D. Greenwald 105748
221 South High Street
Columbus, OH 43215
(614) 221-1111

DeGRAFF, FOY, KUNZ & DEVINE

/s/Terence J. Devine

Terence J. Devine
90 State Street
Albany, NY 12207
(518) 462-5300

Attorneys for Plaintiffs Joseph Henry and
Michael Malinky

CERTIFICATE OF SERVICE

The undersigned certifies that on January 29, 2007, a copy of Plaintiffs' Notice of Appeal was electronically filed with the Clerk of the District Court using the CM/ECF system, which sent notification of such filing to the attorneys below:

Edward A. Scallet
Lars C. Golumbic
Groom Law Group
1701 Pennsylvania Avenue, NW
Washington, DC 20006-5893

Edward R. Conan
Suzanne Galbato
Bond, Schoeneck & King, LLP
One Lincoln Center
Syracuse, NY 13202

s/ Anne Marie La Bue
Anne Marie La Bue