

UNITED STATES DISTRICT COURT AUG - 5 1997 KD SOUTHERN DISTRICT OF TEXAS HOUSTON DIVISION Michael N. Milby, Clerk of Court

		- Wil
NOEL C. ALLEN, Individually	§	
and on behalf of the Estate of	§	•
TRAVIS O'NEILL ALLEN, AND	§	
REBECCA O'NEILL ALLEN	§	
	§	
v.	§	C.A. NO. H-96-0030
	§	
MICHAEL LEAL, CARLE UPSHAW	§	
DANIEL SHELOR, BELLAIRE POLICE	§	
DEPARTMENT AND CITY OF	§	·
BELLAIRE, TEXAS	§	

NOTICE OF INTERLOCUTORY APPEAL

Defendants, Michael Leal and Carle Upshaw, hereby give notice of their appeal of this Honorable Court's Order of August 4, 1997 denying them qualified immunity, through the Court's denial of their motion for summary judgment.

Respectfully submitted,

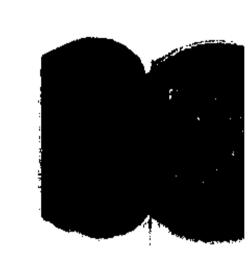
WILLIAM S. HELFAND

SBOT: 09388250

ATTORNEY FOR DEFENDANTS

OF COUNSEL:

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been forwarded to the following counsel of record by certified mail, return receipt requested, hand-delivery, and/or facsimile transmission, on this 4th day of August, 1997, as follows:

Blake Haynes
RICHARD HAYNES & ASSOCIATES
4300 Scotland
Houston, Texas 77007-7394

CM/RRR Nº P 559 738 445

WILLIAM S. HELFAND