#### CAUSE NO. 2015-69681

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## EVELYN KELLY, INDIVIDUALLY, AND ON BEHALF OF THE ESTATE OF DAVID CHRISTOPHER DUNN

IN THE DISTRICT COURT OF

v.

#### HOUSTON METHODIST HOSPITAL

HARRIS COUNTY, TEXAS

189th JUDICIAL DISTRICT

## NOTICE OF APPEAL

Plaintiff Evelyn Kelly ("Mrs. Kelly"), individually and on Schalf of the Estate of David Christopher Dunn ("Mr. Dunn") files this Notice of Appeal pursuant to section 51.012 of the Texas Civil Practice and Remedies Code and Rules 25.1 and 26.1(b) of the Texas Rules of Appellate Procedure, and would respectfully show the Court as follows:

1. Plaintiff desires to appeal this Court's Order, signed October 13, 2017, a copy of which is attached hereto.

2. Plaintiff will appeal to either the First or Fourteenth Court of Appeals in Houston, Texas, as the case is assigned.

3. A copy of this Notice of Appeal has been served on all parties to the proceeding from which this appeal is taken. *See* TEX. R. APP. P. 25.1(e), 28.1(b).

Respectfully submitted,

# **AKERMAN LLP**

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and

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# **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing has been forwarded to all counsel of record listed below in accordance with Texas Rules of Civil Procedure 21a on November 7, 2017, via E-Filing and Serve system:

Dwight W. Scott, Jr. Carolyn Capoccia Smith Scott Patton, PC 3939 Washington Avenue, Suite 203 Houston, Texas 77007 Via Email: dscott@scottpattonlaw.com Via Email: csmith@scottpattonlaw.com

/s/ Joseph M. Nixon

Joseph M. Nixon