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12	IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA		
13) Case No.: 2:16-cv-00889 – KJM-EFB	
14	Jonee Fonseca, an individual parent and guardian of Israel Stinson, a		
15	minor,		
16	D1 : 4:00) NOTICE OF INTERLOCUTORY) APPEAL; REPRESENTATION	
17	Plaintiff,	STATEMENT	
	v.))	
18	Waisan Daman anta Madiaal Cantan))	
19	Kaiser Permanente Medical Center Roseville, Dr. Michael Myette M.D.,		
20	Karen Smith, M.D. in her official	<i>)</i>)	
21	capacity as Director of the California Department of Public Health; and Does)	
22	2 through 10, inclusive,)	
23))	
24	Defendants.		
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26			
27	NOTICE OF INTERLOCUTORY APPEAL		
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Plaintiff, Jonee Fonseca, an individual parent and guardian of Israel Stinson, a minor, appeal to the United States Court of Appeals for the Ninth Circuit from the Order denying Plaintiff's motion for a preliminary injunction dated May 13, 2016. Dated: May 14, 2016 s/ Kevin Snider Kevin T. Snider Attorney for Plaintiff/Appellant

NOTICE OF INTERLOCUTORY APPEAL

REPRESENTATION STATEMENT 1 2 The undersigned represents Jonee Fonseca, an individual parent and 3 guardian of Israel Stinson, a minor who is the Plaintiff and Appellant in this 4 matter. Below is a service list that shows all of the parties to the above-5 encaptioned action and identifies their counsel by name, firm address, e-mail, and 6 telephone number, where appropriate. (F.R.A.P. 12(b); Circuit Rule 3-2(b)). 7 Dated: May 14, 2016 8 s/ Kevin Snider 9 Kevin T. Snider Attorney for Plaintiff/Appellant 10 11 Plaintiff/Appellant: 12 JONEE FONSECA, AN INDIVIDUAL PARENT AND GUARDIAN OF 13 ISRAEL STINSON, A MINOR 14 **Attorneys for Plaintiff/Appellant:** 15 Kevin T. Snider, State Bar No. 170988 16 Michael J. Peffer, State Bar. No. 192265 17 Matthew B. McReynolds, State Bar No. 234797 PACIFIC JUSTICE INSTITUTE 18 P.O. Box 276600 19 Sacramento, CA 95827 Tel. (916) 857-6900 20 Email: ksnider@pji.org mpeffer@pji.org 21 mmcreynolds@pji.org 22 23 Alexander M. Snyder, State Bar No. 252058 24 LIFE LEGAL DEFENSE FOUNDATION 25 26 27 NOTICE OF INTERLOCUTORY APPEAL

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27	NOTICE OF INTERLOCUTORY APPEAL
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Case 2:16-cv-00889-KJM-EFB Document 49-1 Filed 05/14/16 Page 1 of 2 Kevin T. Snider, State Bar No. 170988 1 Michael J. Peffer, State Bar. No. 192265 Matthew B. McReynolds, State Bar No. 234797 PACIFIC JUSTICE INSTITUTE 3 P.O. Box 276600 Sacramento, CA 95827 4 Tel. (916) 857-6900 5 Email: ksnider@pji.org 6 Alexander M. Snyder (SBN 252058) Life Legal Defense Foundation 7 P.O. Box 2015 8 Napa, CA 94558 Tel: 707.224.6675 9 asnyder@lldf.org 10 Attorneys for Plaintiff 11 IN THE UNITED STATES DISTRICT COURT 12 FOR THE EASTERN DISTRICT OF CALIFORNIA 13) Case No.: 2:16-cv-00889 – KJM-EFB Jonee Fonseca, an individual parent 14 and guardian of Israel Stinson, a minor, 15 APPELLANT'S NOTICE AND STATEMENT OF ISSUES 16 Plaintiff, 17 V. 18 Kaiser Permanente Medical Center 19 Roseville, Dr. Michael Myette M.D., 20 Karen Smith, M.D. in her official capacity as Director of the California 21 Department of Public Health; and Does 22 2 through 10, inclusive, 23 Defendants. 24 25 26 27 APPELLANT'S NOTICE AND STATEMENT OF ISSUES 28

- 1. Whether the District Court erred in denying Plaintiff/Appellant's Motion for Preliminary Injunction by ruling that Plaintiff/Appellant did not meet the serious questions test.
- 2. Whether the District Court erred in denying Plaintiff/Appellant's Motion for Preliminary Injunction by ruling that Defendants Kaiser Permanente Medical Center Roseville and Michael Myette M.D. did not act under color of law for purposes of a claim under 42 U.S.C. §1983.
- 3. Whether the District Court erred in denying Plaintiff/Appellant's Motion for Preliminary Injunction by ruling that Plaintiff/Appellant did not meet the serious questions test on her 42 U.S.C. § 1395dd claim.
- 4. Whether the District Court erred in denying Plaintiff/Appellant's Motion for Preliminary Injunction by ruling that Plaintiff/Appellant did not meet the serious questions test on her 42 U.S.C. § 1983 claim regarding violation of substantive due process as against Defendant Karen Smith, M.D.
- 5. Whether the District Court erred in denying Plaintiff/Appellant's Motion for Preliminary Injunction by ruling that Plaintiff/Appellant did not meet the serious questions test on her 42 U.S.C. § 1983 claim regarding violation of procedural due process as against Defendant Karen Smith, M.D.

Dated: May 14, 2016

s/ Kevin Snider
Kevin T. Snider
Attorney for Plaintiff/Appellant

APPELLANT'S NOTICE AND STATEMENT OF ISSUES