

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

RUBY FREEMAN, *et al.*,

Plaintiffs,

v.

RUDOLPH W. GIULIANI,

Defendants.

Civil Action No. 21-3354 (BAH)

Judge Beryl A. Howell

DEFENDANT'S NOTICE OF APPEAL

Notice is hereby given that Rudolph W. Giuliani, Defendant in the above-named case, hereby appeals to the United States Court of Appeals for the District of Columbia Circuit as to the Final Judgment [[Document 142](#)] entered in this action on the 18th day of December, 2023.¹

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/s/ Joseph D. Sibley

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¹ Defendant files this Notice of Appeal subject to and without waiving his rights under his Renewed Motion for Judgment as a Matter of Law pursuant to Fed. R. Civ. P. 50(b) filed prior to this Notice, which is yet to be ruled on. However, Defendant files this Notice of Appeal out of abundance of caution in the event the tolling doctrine enunciated in cases such as *Loc. Union No. 38, Sheet Metal Workers' Int'l Ass'n, AFL-CIO v. Custom Air Sys., Inc.*, 333 F.3d 345, 347 (2d Cir. 2003) applying 11 U.S.C. § 108 to the deadline to file a notice of appeal (60 days from the date a bankruptcy is filed, as may be extended by weekends or holidays) is not held to apply to a post-judgment motion such as a Rule 50(b) motion.

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ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of February, 2024, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which I understand to have caused service on all counsel of record.

/s/ Joseph D. Sibley IV
Joseph D. Sibley IV