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September 11, 2007

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September 11, 2007

By Federal ExpressDavid A. Bell, Clerk
Arlington County Circuit Court
1425 N. Courthouse Road, Suite 6700
Arlington, VA 22201**Re: *Northern Virginia Transportation Authority, et al. v.***
Statutory Defendants Pursuant to Virginia Code §§ 15.2-2650, et seq.
Case No. 07-923

Dear Mr. Bell:

Enclosed for filing in the above-referenced matter is a Notice of Appeal.

I have also enclosed additional copies of this pleading, which I would appreciate your file-stamping and returning to me in the enclosed, stamped envelope.

Thank you for your assistance. Please call me if you have any questions.

Very truly yours,


Patrick M. McSweeneyPMM:ntm
Enclosures

VIRGINIA:

IN THE CIRCUIT COURT FOR THE COUNTY OF ARLINGTON

**NORTHERN VIRGINIA TRANSPORTATION)
AUTHORITY, *et al.*,)**

Plaintiffs,)

v.)

Case No.: 07-923

**STATUTORY DEFENDANTS PURSUANT TO)
VIRGINIA CODE §§ 15.2-2650, ET SEQ.,)
TO WIT, TAXPAYERS, PROPERTY OWNERS)
AND CITIZENS, *et al.*,)**

Defendants.)

NOTICE OF APPEAL

Defendants Robert G. Marshall, John Berthoud, Richard H. Black, Catherine Ann Marshall, Edmund Charles Miller, Marcia S. Miller, Kristina Rasmussen, Phillip A. Rodokanakis and Frank W. Smerbeck, by their counsel, pursuant to Rule 5:9 of the Rules of the Supreme Court of Virginia, hereby give their Notice of Appeal from the Final Order entered on August 31, 2007. The foregoing defendants will file transcripts of all proceedings conducted in open court on August 15, 2007, August 27, 2007, and August 28, 2007, and will rely on all pleadings, motions and other papers constituting the record of proceedings in this action.

September 11, 2007

Respectfully submitted,

ROBERT G. MARSHALL, JOHN BERTHOUD,
RICHARD H. BLACK, CATHERINE ANN MARSHALL,
EDMUND CHARLES MILLER, MARCIA S. MILLER,
KRISTINA RASMUSSEN, PHILLIP A.
RODOKANAKIS, and FRANK W. SMERBECK

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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing "Notice of Appeal" was sent this 11th day of September, 2007, by facsimile and first-class U.S. Mail to:

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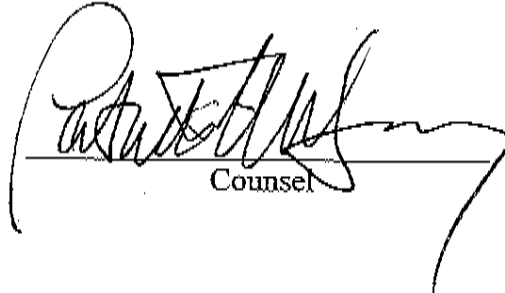
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