

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

|                                       |   |                       |
|---------------------------------------|---|-----------------------|
| UNITED STATES OF AMERICA,             | ) |                       |
|                                       | ) |                       |
| Plaintiff                             | ) | Case No. 11-cv-99-bbc |
|                                       | ) |                       |
| v.                                    | ) |                       |
|                                       | ) |                       |
| WISCONSIN STATE CIRCUIT COURT         | ) |                       |
| FOR DANE COUNTY;                      | ) |                       |
| THEODORE K, NICKEL, COMMISSIONER      | ) |                       |
| OF INSURANCE OF THE STATE OF          | ) |                       |
| WISCONSIN, as Rehabilitator of the    | ) |                       |
| Segregated Account of Ambac Assurance | ) |                       |
| Corporation; and                      | ) |                       |
| AMBAC ASSURANCE CORPORATION           | ) |                       |
|                                       | ) |                       |
| Defendants.                           | ) |                       |
| _____                                 | ) |                       |

**NOTICE OF APPEAL**

Notice is hereby given that the United States of America appeals to the United States Court of Appeals for the Seventh Circuit from the District Court’s Opinion and Order entered February 18, 2011, Docket #42, *sua sponte* dismissing this action for lack of subject matter jurisdiction and refusing to grant the United States’ Motion for Preliminary Injunction, Docket #6, and from the Judgment entered in this action on February 18, 2011, Docket #43.

Respectfully submitted,

February 22, 2011

UNITED STATES DEPARTMENT OF JUSTICE

/s/ Robert J. Kovacev

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/s/ Hilarie Snyder

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**CERTIFICATE OF SERVICE**

I hereby certify on this 22<sup>nd</sup> day of February, 2011 that I filed a copy of this Notice of Appeal with the Court's electronic filing system which sent a copy to the following parties:

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I hereby certify that a copy of the motion has also been served by e-mail upon the following on the 22<sup>nd</sup> day of February 2011:

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