

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

CAREER COLLEGE ASSOCIATION d/b/a	)	
ASSOCIATION OF PRIVATE SECTOR	)	
COLLEGES AND UNIVERSITIES,	)	
	)	Civil Action No.
Plaintiff,	)	1:11-cv-00138-RMC
	)	
v.	)	
	)	
ARNE DUNCAN, in his official capacity as	)	
Secretary of the Department of Education, and	)	
THE DEPARTMENT OF EDUCATION,	)	
	)	
Defendants.	)	

**DEFENDANTS' NOTICE OF APPEAL**

NOTICE IS HEREBY GIVEN that Defendants Arne Duncan, in his official capacity as Secretary of the Department of Education, and the Department of Education hereby appeal to the United States Court of Appeals for the District of Columbia Circuit from the portions of this Court's Order and this Court's Memorandum Opinion entered on July 12, 2011 (Docket Nos. 28, 29), which granted in part Plaintiff's motion for summary judgment, denied in part Defendants' motion to dismiss, or in the alternative, motion for summary judgment, and vacated 34 C.F.R. § 600.9(c) (2011).

Respectfully Submitted,

TONY WEST  
Assistant Attorney General

RONALD C. MACHEN JR.  
United States Attorney

SHEILA M. LIEBER  
Deputy Director, Federal Programs Branch

/s/ Gregory Dworkowitz

MARCIA BERMAN

Senior Trial Counsel

MICHELLE BENNETT

Trial Attorney

GREGORY P. DWORKOWITZ

Trial Attorney

United States Department of Justice

Civil Division, Federal Programs Branch

20 Massachusetts Avenue N.W. Room 7132

Washington, D.C. 20530

Tel.: (202) 514-2205

Fax: (202) 616-8470

Email: [marcia.berman@usdoj.gov](mailto:marcia.berman@usdoj.gov)

Attorneys for Defendants.

CERTIFICATE OF SERVICE

I hereby certify that on September 8, 2011, a true and correct copy of Defendants' Notice of Appeal was served upon plaintiff's counsel of record at the addresses listed below:

Via ECF:

Brian M. Boynton  
WILMER CUTLER PICKERING HALE AND DORR, LLP  
1875 Pennsylvania Avenue, NW  
Washington, DC 20006  
(202) 663-6044  
Email: brian.boynton@wilmerhale.com  
ATTORNEY TO BE NOTICED

Derek S. Lyons  
GIBSON, DUNN & CRUTCHER, LLP  
1050 Connecticut Avenue, NW  
Suite 300  
Washington, DC 20036-5306  
(202) 887-3722  
Email: dlyons@gibsondunn.com  
ATTORNEY TO BE NOTICED

Douglas R. Cox  
GIBSON, DUNN & CRUTCHER, L.L.P.  
1050 Connecticut Avenue, NW  
Washington, DC 20036-5306  
(202) 955-8500  
Fax: (202) 467-0539  
Email: dcox@gibsondunn.com  
ATTORNEY TO BE NOTICED

Randolph D. Moss  
WILMER CUTLER PICKERING HALE & DORR LLP  
1875 Pennsylvania Avenue, NW  
Washington, DC 20037  
(202) 663-6640  
Fax: (202) 663-6363  
Email: randolph.moss@wilmerhale.com  
ATTORNEY TO BE NOTICED

Timothy John Hatch  
GIBSON, DUNN & CRUTCHER  
333 South Grand Avenue  
Los Angeles, CA 90071-3197

(213) 229-7368  
Fax: (213) 229-6368  
Email: [thatch@gibsondunn.com](mailto:thatch@gibsondunn.com)  
ATTORNEY TO BE NOTICED

Veronica S. Root  
GIBSON, DUNN & CRUTCHER, LLP  
1050 Connecticut Avenue, NW  
Suite 300  
Washington, DC 20036-5306  
(202) 887-3539  
Email: [vroot@gibsondunn.com](mailto:vroot@gibsondunn.com)  
ATTORNEY TO BE NOTICED

/s/ Gregory Dworkowitz  
GREGORY DWORKOWITZ