

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF KENTUCKY  
NORTHERN DIVISION at COVINGTON

INDIANA STATE DISTRICT COUNCIL OF )	Civil Action No. 2:06-cv-00026-WOB
LABORERS AND HOD CARRIERS )	<b>(Consolidated)</b>
PENSION AND WELFARE FUND, On )	
Behalf of Itself and All Others Similarly )	<u>CLASS ACTION</u>
Situated, )	
)	
Plaintiff, )	
)	
vs. )	
)	
OMNICARE, INC., et al., )	
)	
Defendants. )	
)	
_____ )	

NOTICE OF APPEAL

TO: ALL PARTIES AND THEIR ATTORNEYS OF RECORD

PLEASE TAKE NOTICE that Lead Plaintiff The Laborers District Council Construction Industry Pension Fund, plaintiff Cement Mason's Local 526 Combined Funds (collectively, "Plaintiffs") and proposed Intervenor, Alaska Electrical Pension Fund, on behalf of themselves and all others similarly situated, hereby appeal to the United States Court of Appeals for the Sixth Circuit from the final judgment entered for defendants on October 12, 2007, and all prior or concurrent orders merged therein.

DATED: November 9, 2007

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CERTIFICATE OF SERVICE

I hereby certify that on November 9, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the attached Electronic Mail Notice List, and I hereby certify that I have mailed the foregoing document or paper via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on November 9, 2007.

s/ HENRY ROSEN

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## Mailing Information for a Case 2:06-cv-00026-WOB

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### **Manual Notice List**

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- (No manual recipients)