

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

NEW ENGLAND BIOLABS, INC.,

*Plaintiff and Counterclaim Defendant,*

v.

RALPH T. MILLER,

*Defendant and Counterclaim Plaintiff*

Case No. 1:20-cv-11234-RGS

RALPH T. MILLER,

*Third Party Plaintiff,*

v.

COMMITTEE OF NEW ENGLAND  
BIOLABS, INC. EMPLOYEES' STOCK  
OWNERSHIP PLAN, PERSONAL  
REPRESENTATIVE OF DONALD COMB,  
JAMES V. ELLARD, RICHARD IRELAND,  
and BRIAN TINGER,

*Third Party Defendants,*

and

NEW ENGLAND BIOLABS, INC.  
EMPLOYEE STOCK OWNERSHIP PLAN &  
TRUST,

*Nominal Defendant*

**NOTICE OF APPEAL**

Notice is hereby given that Ralph T. Miller in all capacities, individually and as class representative, including defendant, counterclaim plaintiff, third party plaintiff in both his individual capacity and as class representative (and to the extent necessary, Counsel for Miller and the Class) in the above captioned matter appeals to the United States Circuit Court for the

First Circuit: the “ORDER DENYING 196 MOTION FOR ATTORNEY FEES” (Doc. No. 211) dated February 21, 2023; the ORDER GRANTING IN PART AND DENYING IN PART MOTION FOR RECONSIDERATION RE 199 ORDER ON MOTION FOR COSTS (Doc. No. 203) dated January 30, 2023; the “ORDER GRANTING IN PART 195 MOTION FOR COSTS (Doc. No. 199) dated January 13, 2013; and all other orders and matters appealable as a matter of right, except that Miller and Class Counsel do not appeal from the Order Granting Final Approval of Class Action (Doc. No. 213).

A separate Judgment entered on March 21, 2023 (Doc. 216).

Dated: March 22, 2023

Respectfully submitted,

**RALPH T. MILLER,**  
**Defendant and Counterclaim Plaintiff,**  
**Third Party Plaintiff,**  
**Individually and as Class Representative,**  
**Counsel for Ralph Miller & the Class**

/s/ Jonathan M. Feigenbaum  
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*Counsel for Miller & the Class*

**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing this day, March 22, 2023.

*/s/ Jonathan M. Feigenbaum*

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Jonathan M. Feigenbaum