

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

STEPHEN F. EVANS AND	)	
ROOF N BOX, INC.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Civil Action No.: 16-CV-282
	)	(GBL/IDD)
BUILDING MATERIALS	)	
CORPORATION OF AMERICA d/b/a	)	
GAF-ELK CORPORATION	)	
	)	
Defendant.	)	
_____	)	

NOTICE OF APPEAL

Notice is hereby given that Defendant Building Materials Corporation of America, now known as Standard Industries Inc., hereby appeals to the United States Court of Appeals for the Federal Circuit the District Court’s Order of July 5, 2016 denying Defendant’s Motion to Dismiss or, in the Alternative, Compel Arbitration and Stay Proceedings (Dkt. No. 32). Defendant brings this appeal pursuant to Section 16 of the Federal Arbitration Act (9 U.S.C. § 16) and pursuant to 28 U.S.C. § 1292.

Dated: July 8, 2016

Respectfully submitted,

John D. Murnane
Robert S. Pickens
FITZPATRICK, CELLA, HARPER &
SCINTO
1290 Avenue of the Americas
New York, NY 10104-3800
Tel: (212) 218-2100
Fax: (212) 218-2200
E-mail: jmurnane@fchs.com
rpickens@fchs.com

*Counsel for Defendant Building Materials
Corporation of America*

/s/ Justin J. Oliver
Justin J. Oliver (VSB #41764)
FITZPATRICK, CELLA, HARPER &
SCINTO
975 F Street, NW
Washington, DC 20004-1462
Tel: (202) 530-1010
Fax: (202) 530-1055
E-mail: joliver@fchs.com

CERTIFICATE OF SERVICE

I hereby certify that on the 8th day of July, 2016, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

Gregory N. Stillman
Wendy C. McGraw
HUNTON & WILLIAMS LLP
500 East Main Street, Suite 1000
gstillman@hunton.com
wmcgraw@hunton.com
Norfolk, VA 23510
Telephone: (757) 640-5300
Facsimile: (757) 625-7720

*Counsel for Plaintiffs,
Stephen F. Evans and
Roof N Box, Inc.*

/s/ Justin J. Oliver
Justin J. Oliver (VSB #41764)
FITZPATRICK, CELLA, HARPER & SCINTO
975 F Street, NW
Washington, DC 20004-1462
Tel: (202) 530-1010
Fax: (202) 530-1055
E-mail: joliver@fchs.com