

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

YOON JA KIM,)	
)	
Plaintiff,)	
)	
v.)	No. 01 cv 3895
)	
THE EARTHGRAINS CO.,)	Honorable Susan E. Cox
k/n/a SARA LEE BAKERY GROUP,)	
INC.,)	
)	
Defendant.		

DEFENDANT’S NOTICE OF CONDITIONAL CROSS-APPEAL

Notice is hereby given that Defendant, The Earthgrains Co. k/n/a/ Sara Lee Bakery Group, Inc. (“Sara Lee”), in the above named case hereby conditionally cross-appeals to the United States Court of Appeals for the Federal Circuit from the order denying Sara Lee’s motion to dismiss with prejudice pursuant to 28 U.S.C. § 1915(e)(2)(A) and sanctioning Kim under Federal Rule of Civil Procedure 11 (D.I. 268 and D.I. 269), entered in this action on June 24, 2010, in the event that the Judgment is reversed, vacated, or otherwise modified as a result of Kim’s appeal.

Dated: March 14, 2011

Respectfully submitted,

By: /s/ Steven R. Trybus
One of the Attorneys for Defendant

Craig C. Martin
Steven R. Trybus
Eric A. Sacks
Sara T. Horton
JENNER & BLOCK LLP
Telephone: 353 N. Clark Street
Chicago, IL 60654-3456
Facsimile: 312 222-9350

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and correct copy of DEFENDANT'S NOTICE OF CONDITIONAL CROSS-APPEAL to be served on Yoon Ja Kim at her home address:

Yoon Ja Kim
913 Frances Parkway
Park Ridge IL 60068

on March 14, 2011 via U.S. mail and overnight courier.

/s/ Sara T. Horton
Sara T. Horton