

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

GH AMERICA ENERGY LLC

Plaintiff,

v.

DOUGLAS FOHN, in his official capacity as Assistant General Counsel of the Electric Reliability Council of Texas, Inc. (“ERCOT”); HOLLY HEINRICH, in her official capacity as Legal/Regulatory Counsel of ERCOT; PABLO VEGAS, in his official capacity as Chief Executive Officer of ERCOT; PAUL FOSTER, in his official capacity as a member of the Board of Directors of ERCOT; BILL FLORES, in his official capacity as a member of the Board of Directors of ERCOT; CARLOS AGUILAR, in his official capacity as a member of the Board of Directors of ERCOT; LINDA CAPUANO, in her official capacity as a member of the Board of Directors of ERCOT; JULIE ENGLAND, in her official capacity as a member of the Board of Directors of ERCOT; ROBERT FLEXON, in his official capacity as a member of the Board of Directors of ERCOT; PEGGY HEEG, in her official capacity as a member of the Board of Directors of ERCOT; and JOHN SWAINSON, in his official capacity as a member of the Board of Directors of ERCOT,

Defendants,

ATTORNEY GENERAL KEN PAXTON,

Intervenor-Defendant.

CASE No. 1:24-CV-00648-RP

NOTICE OF APPEAL

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Please take notice that Plaintiff GH America Energy LLC (“GHAE”) hereby appeals to the United States Court of Appeals for the Fifth Circuit from the final judgment entered in this action on September 16, 2025, ECF No. 49, by the Order entered on September 16, 2025 (ECF No. 47).

Dated: October 16, 2025

Respectfully submitted,

NESS PLLC

/s/ Eliyahu Ness
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Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing NOTICE OF APPEAL was served on all counsel of record by filing a copy of the foregoing document electronically with the Clerk of Court using the CM/ECF system on October 16, 2025.

By: /s/ Eliyahu Ness
Eliyahu Ness