

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

**WILD TYPE, INC. D/B/A WILDTYPE
AND UPSIDE FOODS, INC.,**

Plaintiffs,

v.

JENNIFER A. SHUFORD, in her official capacity as the Commissioner of the Texas Department of State Health Services; **CECILE ERWIN YOUNG**, in her official capacity as the Executive Commissioner of the Texas Health and Human Services Commission; and **KEN PAXTON**, in his official capacity as the Attorney General of Texas,

Defendants.

Civil Action No. 1:25-CV-1408-ADA

PLAINTIFFS' NOTICE OF APPEAL

Plaintiffs Wild Type, Inc. d/b/a Wildtype and UPSIDE Foods, Inc. (collectively, Plaintiffs) appeal to the United States Court of Appeals for the Fifth Circuit, from the Order denying Plaintiffs' Motion for Preliminary Injunction entered on January 30, 2026 (ECF 43).

Dated: February 26, 2026.

/s/ Marco Vasquez Jr.

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Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I certify that on February 26, 2026, I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system, which will provide electronic service upon all attorneys of record.

/s/ Marco Vasquez Jr.
Marco Vasquez Jr. (TX Bar No. 24115892)
Attorney for Plaintiffs