

This docket is current through 12/07/2004

Current Date: 2/9/2019

Source: US COURT OF APPEALS FOR THE SECOND CIRCUIT
Court: US COURT OF APPEALS FOR THE SECOND CIRCUIT
Case Title: DESARIO, ET AL v. THOMAS
Appeal From: U.S. DISTRICT COURT CTDC
Panel Assignment: DJ GC CLB 1705 :CA2 9/24/97 AM
Termed: 02/24/1998
Date Filed: 02/18/1997

CASE INFORMATION

Case Number: 97-6027
Fee Status: PAID
Case Type: APPEALS
Case Subtype: CIVIL
USA AS PARTY
Nature of Suit: 2440 CIVIL RIGHTS-OTHER
Key Nature of Suit: CIVIL RIGHTS; OTHER FEDERAL CIVIL RIGHTS (110.45)

LOWER COURT INFORMATION

District: 0205-03
Lower Court Docket Number: 96-CV-646
Trial Judge(s): JANET BOND ARTERTON
Date Filed: 04/11/1996
Date Order/Judgment: 01/10/1997
Date NOA Filed: 02/07/1997

NAMES

CONCETTA DESARIO

DESARIO, ET AL V. THOMAS, 97-6027 (1997)

Type: PLAINTIFF - APPELLEE

Attorney: SHELDON V. TOUBMAN, ESQ.

Attorney Phone: 203-946-4811

Attorney: SHELLEY A. WHITE, ESQ.

Attorney Phone: 203-946-4811

Firm Name: NEW HAVEN LEGAL ASSISTANCE ASSOCIATION

Firm Address: 426 STATE ST.
NEW HAVEN, CT 06510

Attorney: SUSAN GARTEN, ESQ.

Attorney Phone: 860-541-5020

Firm Name: GREATER HARTFORD LEGAL ASSISTANCE

Firm Address: 80 JEFFERSON ST.
HARTFORD, CT 06106

BETTY EMERSON, INDIVIDUALLY & O/B/O ALL OTHERS SIMILARLY SITUATED

Type: PLAINTIFF - APPELLEE

Attorney: SHELLEY A. WHITE, ESQ.

DONNA SHALALA, COMMISSIONER, UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES

Type: THIRD-PARTY-DEFENDANT

DONNA E. SHALALA

Type: THIRD-PARTY-DEFENDANT

Attorney: 23RD FLOOR

Firm Name: U.S. ATTORNEY'S OFFICE DISTRICT OF CONNECTICUT

Firm Address: 157 CHURCH ST.
NEW HAVEN, CT 06510

Attorney: ALFRED R. MOLLIN, ESQ.

Attorney Phone: 202-514-0236

Firm Name: U.S. DEPT. OF JUSTICE CIVIL DIVISION APPELLATE STAFF

Firm Address: 10TH ST. & CONSTITUTION AVE.,NW
BARBARA C. BIDDLE, ESQ.
WASHINGTON, DC 20530

Firm Phone: 202-514-2541

Attorney: RM. 9543

Firm Name: U.S. DEPT. OF JUSTICE CIVIL DIVISION, APPELLATE STAFF

Firm Address: 601 D ST., NW
WASHINGTON, DC 20530-0001

JOYCE A. THOMAS, COMMISSIONER CT DEPT. OF SOCIAL SERVICES

Type: DEFENDANT-THIRD-PARTY- PLAINTIFF - APPELLANT

Attorney: JUDITH A. MERRILL, ESQ.

Attorney Phone: 860-808-5250

Firm Name: OFFICE OF THE ATTORNEY GENERAL STATE OF CONNECTICUT

Firm Address: 55 ELM ST.
P.O. BOX 120
HARTFORD, CT 06141

CAROLINE STEVENSON

Type: INTERVENOR

THOMAS SLEKIS

Type: INTERVENOR

NATIONAL MULTIPLE SCLEROSIS SOCIETY, AMICUS CURIAE

Attorney: LEWIS GOLINKER, ESQ.

Attorney Address: SUITE 507

Attorney Phone: 607-277-7286
Firm Name: LAW OFFICE OF LEWIS GOLINKER, ESQ.
Firm Address: SUITE 507
202 THE COMMONS
ITHACA, NY 14850

DOCKET PROCEEDINGS (93)

Entry #:	Date:	Description:
	01/11/2002	MANDATE RECEIPT RETURNED FROM THE DISTRICT COURT. (RER)
	01/02/2002	CERTIFIED COPY OF ORDER DATED 27 DECEMBER 2001 DISPOSING OF THE APPEAL ISSUED TO DISTRICT COURT. (AG40)
	01/02/2002	NOTICE OF ORDER DISMISSING THE APPEAL ISSUED TO COUNSEL (AG40)
	01/02/2002	THIS APPEAL [97-6027] IS DISPOSED BY THE ORDER DATED 27 DECEMBER 2001: (AG40)
	01/02/2002	IT IS HEREBY ORDERED THAT THE APPEAL IS DISMISSED WITHOUT COSTS TO ANY PARTY FILED. (BEFORE: DJ, GC, CJJ, BRIEANT,DJ)(AH, AA FOR THE COURT) (AG40)
	12/12/2001	FINAL JOINT STATUS REPORT OF FROM APPELLEE BETTY EMERSON, APPELLEE CONCETTA DESARIO RECEIVED. (AG40)
	09/01/2000	NOTICE OF DISMISSAL TO USDC FROM SHELDON V. TOUBMAN, COUNSEL FOR PLAINTIFF RECEIVED . (AG40)
	03/24/2000	JOINT STATUS REPORT OF ALL THE PARTIES. (AG40)
	09/22/1999	CERTIFIED COPY OF THE ORDER, DATED 22 SEPTEMBER 1999 ISSUED TO THE DISTRICT COURT.

(AG40)

09/22/1999 NOTICE OF ORDER DATED 22 SEPTEMBER 1999
ISSUED TO COUNSEL. (AG40)

09/22/1999 ORDER FILED STATING THAT MOTION FOR THE
VOLUNTARY DISMISSAL OF THE PENDING APPEAL
FROM THE PRELIMINARY INJUNCTION IS DENIED
WITHOUT PREJUDICE AND SUBJECT TO ANY
FURTHER ORDER OF THIS COURT. THE PARTIES
WILL ADVISE THIS COURT PROMPTLY (I) IF THE
TERMS OF THE SETTLEMENT AGREEMENT HAVE
BEEN FULLY PERFORMED AND THE CASE HAS BEEN
DISMISSED, (II) IF THE SETTLEMENT AGREEMENT IS
VOIDED, (III) IF THE SETTLEMENT AGREEMENT IS
MODIFIED IN ANY WAY, FORMALLY OR
INFORMALLY , AND (IV) IN ANY EVENT, EVERY SIX
MONTHS FROM THE DATE OF THIS ORDER, OF THE
STATUS OF THE SETTLEMENT. IF THE SETTLEMENT
IS VOIDED, OR IF THE STATUS OTHERWISE
REFLECTS THAT ISSUES PRESENTED BY THIS
APPEAL ARE LIVE, THE CLERK OF THIS COURT WILL
ENTER A SCHEDULING ORDER FOR BRIEFING AND
ARGUMENT BEFORE THIS PANEL. THIS COURT
RETAINS THE MANDATE, EXCEPT THAT THE
DISTRICT COURT IS EMPOWERED TO ENTER AN
ORDER OF DISMISSAL. (BEFORE: DJ, GC, CJ,
BRIANT, DJ.) (AG40)

06/17/1999 APPELLANT JOYCE A. THOMAS MOTION FOR
VOLUNTARY DISMISSAL OF APPEAL WITHOUT
COSTS PURSUANT TO RULE 42(B), FRAP FILED
(W/PFS). [1420005-1] (AG41)

06/07/1999 NOTICE TO COUNSEL REGARDING MOTION ORDER
GRANTED ON JUNE 7, 1999. (AG45)

06/07/1999 ORDER FILED GRANTING MOTION TO FILE LATE
[1408686-1] BY APPELLANT JOYCE A. THOMAS,
ENDORSED ON MOTION FORM DATED 6/1/99.

GRANTING MOTION FOR EXTENDED TIME TO FILE SUPPLEMENTAL BRIEFS UNTIL JUNE 16, 1999. NO FURTHER EXTENSION WILL BE ALLOWED, [1408686-2] BY APPELLANT JOYCE A. THOMAS, ENDORSED ON MOTION FORM DATED 6/1/99. (BEFORE: HON. DJ, GC, C.JJ. AND HON. CLB, D.J.) (FOR THE COURT: AH, AA) (AG45)

06/01/1999 APPELLANT JOYCE A. THOMAS MOTION TO FILE MOTION OUT OF TIME AND A TWO WEEK EXTENSION (JUNE 16, 1999) FOR THE PARTIES AND THE SECRETARY OF THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, DONNA SHALALA, AS AMICUS, TO FILE SUPPLEMENTAL BRIEFS FILED (W/PFS). [1408686-2] (AG45)

04/28/1999 NOTICE TO COUNSEL REGARDING ORDER GRANTING MOTION FOR EXTENSION OF TIME TO FILE SUPPLEMENTAL BRIEFS. (AG41)

04/28/1999 ORDER FILED GRANTING MOTION FOR THIRTY DAY EXTENSION OF TIME FOR ALL PARTIES AND THE SECRETARY FILE SUPPLEMENTAL BRIEFS [1382334-1] BY APPELLANT JOYCE A. THOMAS, ENDORSED ON MOTION FORM DATED 4/20/99. "IT IS HEREBY ORDERED THAT THE MOTION BE AND IT HEREBY IS GRANTED." [FOR THE COURT: BJM, AA] [BEFORE: DJ, GC, C.JJ. & CLB, D.J.] (AG41)

04/20/1999 APPELLANT JOYCE A. THOMAS MOTION TO EXTEND TIME TO THIRTY DAYS TO FILE SUPPLEMENTAL BRIEFS FILED (W/PFS). [1382334-1] (AG40)

03/30/1999 NOTICE OF SO ORDERED MOTION FOR EXTENSION OF TIME ISSUED TO ALL COUNSELS. (AG40)

03/30/1999 ORDER FILED GRANTING MOTION TO FILE LATE AND [1364646-1] GRANTING MOTION FOR EXTENDED TIME FOR THIRTY DAY EXTENSION FOR

ALL PARTIES AND THE SECRETARY TO FILE SUPPLEMENTAL BRIEFS FOR 3 MAY 1999 [1364646-2] BY APPELLANT JOYCE A. THOMAS, ENDORSED ON MOTION FORM DATED 3/22/99.(BJM, AA FOR THE COURT) (AG40)

03/22/1999 APPELLANT JOYCE A. THOMAS JOINT MOTION TO FILE OUT OF TIME MOTION FOR 30 DAY EXTENSION OF TIME TO FILE SUPPLEMENTAL BRIEFS FILED (W/PFS). (AG41)

03/19/1999 NOTICE OF APPEARANCE FORM ON BEHALF OF BARBARA C. BIDDLE, ESQ., FILED. (ORIG IN ACCO, COPY TO CALENDAR) (AG40)

03/19/1999 NOTICE OF APPEARANCE FORM ON BEHALF OF ALFRED R. MOLLIN, ESQ., FILED. (ORIG IN ACCO, COPY TO CALENDAR) (AG40)

03/19/1999 LETTER RECEIVED FROM BARBARA BIDDLE AND ALFRED R. MOLLIN COUNSELS FOR THE DONNA SHALALA SECRETARY OF HHS. (AG40)

03/03/1999 NOTICE OF REINSTATEMENT FROM CERTIORARI FROM SUPREME COURT [CODE: M REOPENED:3/3/99] (UNJ)

03/03/1999 NOTICE OF ORDER ISSUED TO ALL COUNSELS. (AG40)

03/03/1999 NEW PARTY ADDED:DONNA SHALALA, SEC. OF HHS ADDED AS THIRD PARTY DEFENDANT TO FILE A BRIEF AS AMICUS. (AG40)

03/03/1999 NOTICE OF ORDER DATED 3 MARCH 1998 ISSUED TO ALL COUNSELS. (AG40)

03/03/1999 ORDER FILED STATING THAT THE MANDATE OF THE SUPREME COURT ISSUED ON JANUARY 19, 1999 VACATED THIS COURT'S FEBRUARY 24, 1998

JUDGMENT AND REMANDS “ FOR FURTHER CONSIDERATION IN LIGHT OF THE INTERPRETIVE GUIDANCE ISSUED BY THE HEALTH CARE FINANCING ADMINISTRATION ON SEPTEMBER 4, 1998”. WITHIN 30 DAYS OF THE ISSUANCE OF THIS ORDER, THE PARTIES ARE DIRECTED TO FILE BRIEFS NOT EXCEEDING 15 PAGES DOUBLE-SPACE, ADDRESSED TO THAT MANDATE. IN ADDITION, SECRETARY OF THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES DONNA SHALALA IS INVITED TO FILE BRIEF AMICUS, WITH THE EXPECTATION BY THIS COURT THAT SHE WILL NOT FAIL TO DO SO. ALL BRIEFS SHOULD ADDRESS THE FOLLOWING QUESTIONS: (1) IS THE ATTACHED LETTER ISSUED ON SEPTEMBER 4, 1998 BY SALLY K. RICHARD, DIRECTION OF THE HEALTH CARE FINANCING ADMINISTRATION, AN AUTHORITATIVE ADMINISTRATIVE INTERPRETATION OF SECRETARY SHALALA SUCH THAT IT IS ENTITLED TO THE DEFERENCE CONTEMPLATED BY CHEVRON V NATURAL RESOURCES DEFENSE COUNSEL, 467 U.S.837, 104 S. CT. 2778 (1984), AND WHY? (2) DOES RICHARDSON’S SEPTEMBER 4, 1998 LETTER CONFLICT WITH ANY PORTION OF THIS COURT’S FEBRUARY 24, 1998 OPINION IN THIS CASE? SEE DESARIO V THOMAS, 139 F. 3D 80 (2D CIR. 1998) IF, SO, WHICH PORTION OF THE OPINION DOES IT CONFLICT WITH, AND WHY? (3) IS RICHARDSON SEPTEMBER 4, 1998 LETTER CONSISTENT WITH THE POSITION ADOPTED BY SECRETARY SHALALA IN THE BRIEF SHE SUBMITTED TO THE DISTRICT COURT? (4) HOW SHOULD THIS COURT COMPLY WITH THE SUPREME COURT’S MANDATE? IF A REMAND TO THE DISTRICT COURT IS NEEDED, WHAT SHOULD THE TERMS OF THE THE REMAND BE? (5) DOES CONNECTICUT INTEND TO ACT IN ACCORDANCE WITH THE POSITION TAKEN BY RICHARDSON IN THE SEPTEMBER 4, 1998 LETTER? IF SO, IS THIS CASE MOOT? FILED (CCC, FOR THE COURT) (AG40)

02/22/1999 ORDER FILED STATING ON CONSIDERATION OF THE MOTION OF PETITIONER FOR LEAVE TO PROCEED IN FORMA PAUPERIS AND THE PETITION FOR WRIT OF CERTIORARI, IT IS ORDERED THAT THE MOTION FOR LEAVE TO PROCEED IN FORMA PUAPERIS AND THE PETITION FOR WRIT OF CERTIORARI ARE GRANTED. (SUPREME COURT ORDER DATED 19 JANUARY 1999) (AG40)

02/22/1999 LETTER DATED 19 JANUARY 1999 FROM THE SUPREME COURT ADVISING OF ORDER GRANTING PETITION FOR WRIT OF CERTIORARI RESPONSE THERETO, AND THE BRIEF OF THE UNITED STATES, AS AMICUS CURIAE ON CONSIDERATION WHEREOF, IT IS ORDERED AND ADJUDGED BY THIS COURT THAT THE JUDGMENT OF THE ABOVE COURT IS VACATED, AND THE CASE IS REMANDED TO THE UNITED STATES OF APPEALS FOR THE SECOND CIRCUIT FOR FURTHER CONSIDERATION IN LIGHT OF THE INTERPRETIVE GUIDANCE ISSUED BY THE HEALTH CARE FINANCING ADMINISTRATION ON 4 SEPTEMBER 19998. [1212995-1] BY APPELLEE CONCETTA DESARIO, BETTY EMERSON, FILED. (SUPREME COURT # 98-5070) (AG40)

01/22/1999 LETTER DATED 19 JANUARY 1999 RECEIVED FROM THE SUPREME COURT CLERK WILLIAM K. SUTER, INFORMING THIS COURT THAT THE FOLLOWING ORDER IN THIS CASE: THE MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS AND THE PETITION FOR WRIT A WRIT OF CERTIORARI ARE GRANTED. THE JUDGMENT IS VACATED AND THE CASE IS REMANDED TO THE UNITED STATED COURT OF APPEALS FOR THE SECOND CIRCUIT FOR FURTHER CONSIDERATION IN LIGHT OF THE INTERPRETIVE GUIDANCE ISSUED BY THE HEALTH CARE FINANCING ADMINISTRATION ON SEPTEMBER 4, 1998. THE JUDGMENT OR MANDATE OF THIS COURT WILL NOT ISSUE FOR AT LEAST

TWENTY-FIVE DAYS PURSUANT TO RULE 45. SHOULD A PETITION FOR REHEARING BE FILED TIMELY, THE JUDGMENT OR MANDATE WILL BE FURTHER STAYED PENDING THIS COURT'S ACTION ON THE PETITION FOR REHEARING. (AG40)

07/27/1998 MANDATE RECALLED FROM DISTRICT COURT RECEIVED. (AG41)

07/16/1998 LETTER SENT TO DISTRICT COURT RECALLING MANDATE. (AG41)

07/13/1998 JUDGMENT MANDATE ISSUED. (AG41)

07/07/1998 NOTICE OF FILING PETITION FOR WRIT OF CERTIORARI FOR APPELLEES CONCETTA DESARIO AND BETTY EMERSON DATED JULY 2, 1998 FILED. SUPREME CT#: 98-5070. (AG41)

06/26/1998 ORDER FILED DENYING MOTION FOR EXTENSION OF TIME TO FILE STAY OF MANDATE ISSUANCE [1203593-1] BY APPELLEE CONCETTA DESARIO, BETTY EMERSON, ENDORSED ON DATED 6/17/98. "IT IS HEREBY ORDERED THAT THE MOTION BE AND IT HEREBY IS DENIED." (BEFORE: HONS. DJ AND GC) (HON. CLB, DJ) (FOR THE COURT: BJM) (AG41)

06/23/1998 APPELLEES DESARIO AND EMERSON REPLY MEMORANDUM IN SUPPORT OF PLAINTIFF'S MOTION FOR EXTENSION OF STAY OF ISSUANCE OF MANDATE, FILED. [1203593-1] (AG41)

06/23/1998 APPELLANT JOYCE A. THOMAS MEMORANDUM IN OPPOSITION TO MOTION FOR EXTENSION OF ISSUANCE STAY OF ISSUANCE OF MANDATE, FILED. [1203593-1] FILED (W/PFS). (AG41)

06/18/1998 LETTER FROM APPELLEES' COUNSEL EXPLAINING THAT HE CANNOT UNILATERALLY REMOVE

HIMSELF FROM REPRESENTING APPELLEE EMERSON, RECEIVED. (AG41)

06/17/1998 APPELLEES CONCETTA DESARIO AND BETTY EMERSON MOTION FOR EXTENSION OF STAY OF ISSUANCE OF MANDATE PENDING PETITION FOR CERTIORARI TO SUPREME COURT, FILED (W/PFS). [1203593-1] (AG41)

06/03/1998 APPELLANT JOYCE A. THOMAS MEMORANDUM IN OPPOSITION TO MOTION FOR STAY OF ISSUANCE OF MANDATE RECEIVED. PROBLEM: ORDER GRANTING MOTION FOR STAY OF MANDATE. (AG41)

06/02/1998 ORDER FILED GRANTING MOTION TO STAY ISSUANCE OF MANDATE [1188492-1] BY APPELLEE CONCETTA DESARIO, BETTY EMERSON, ENDORSED ON MOTION FORM DATED 5/26/98. "IT IS HEREBY ORDERED THAT THE MOTION BE AND IT HEREBY IS GRANTED." (HONS. DJ AND GC, CJJ) (HON. CJB, DJ) (FOR THE COURT: BJM) (AG41)

05/28/1998 ORIGINAL LETTER FROM THE APPELLEES GIVING CASE MANAGER TO ALTER THE MOTION TO STAY THE MANDATE FROM "SUPERIOR" TO "SUPREME COURT", RECEIVED. (AG41)

05/26/1998 APPELLEES CONCETTA DESARIO AND BETTY EMERSON MOTION FOR STAY OF ISSUANCE OF MANDATE PENDING PETITION FOR WRIT OF CERTIORARI TO THE SUPREME COURT, FILED. (W/PFS). [1188492-1] (AG41)

05/19/1998 ORDER FILED DENYING PETITION FOR REHEARING AND PETITION FOR REHEARING EN BANC [1184719-1] BY APPELLEES CONCETTA DESARIO AND BETTY EMERSON, FILED. [1184719-2] (AG41)

04/17/1998 LETTER SENT TO APPELLEE BETTY EMERSON:

INFORMING HER THAT SHE MUST GET A LETTER FROM HER COUNSEL THAT HE IS NO LONGER REPRESENTING HER. (AG41)

04/16/1998 AMICUS CURIAE NATL MULTIPLE SCLEROSIS BRIEF FILED WITH PROOF OF SERVICE. (AG41)

04/15/1998 ORDER FILED GRANTING MOTION TO PARTICIPATE AS AMICUS [1159002-1] BY AMICUS CURIAE NATL MULTIPLE SCLERO, ENDORSED ON MOTION FORM DATED 4/8/98. "IT IS HEREBY ORDERED THAT THE MOTION BE AND HEREBY IS GRANTED." (FOR THE COURT: BJM) (AG41)

04/13/1998 LETTER FROM AN APPELLANT (EMERSON) CONCERNING PURSUING APPEAL AS A PRO SE, RECEIVED. (AG41)

04/09/1998 APPELLEES CONCETTA DESARIO AND BETTY EMERSON PETITION FOR REHEARING AND PETITION FOR REHEARING IN BANC [1184719-2] WITH PROOF OF SERVICE FILED. (AG41)

04/09/1998 APPELLANT JOYCE A. THOMAS PAPERS RECEIVED. PROBLEM: MOTION FOR LEAVE TO FILE ATTACHED ADDENDA TO PETITION FOR REHEARING AND REHEARING IN BANC WAS GRANTED ON APRIL 9, 1998. (AG41)

04/09/1998 ORDER FILED GRANTING MOTION FOR LEAVE TO ATTACH ADDENDA TO PETITION FOR REHEARING AND REHEARING IN BANC [1157637-1] BY APPELLEES CONCETTA DESARIO AND BETTY EMERSON, ENDORSED ON MOTION FORM DATED 4/6/98. "IT IS HEREBY ORDERED THAT THE MOTION BE AND IT HEREBY IS GRANTED." (FOR THE COURT: AH) (AG41)

04/08/1998 MOVANT NATL MULTIPLE SCLEROSIS AMICUS BRIEF RECEIVED. PROBLEM: PENDING MOTION FOR

LEAVE TO FILE AMICUS PETITION FOR REHEARING
IN BANC. (AG41)

04/08/1998 MOVANT NATL MULTIPLE SCLEROSIS MOTION FOR
PERMISSION TO FILE PROPOSED AMICI CURIAE
BRIEF IN SUPPORT OF PETITION FOR REHEARING IN
BANC, FILED. (W/PFS). [1159002-1] (AG41)

04/06/1998 APPELLEES CONCETTA DESARIO AND BETTY
EMERSON MOTION FOR LEAVE TO FILE TO ATTACH
ADDENDA TO PETITION FOR REHEARING AND
REHEARING IN BANC, FILED (W/PFS). [1157637-1]
(AG41)

04/06/1998 APPELLEES CONCETTA DESARIO AND BETTY
EMERSON PETITION FOR REHEARING AND
REHEARING EN BANC RECEIVED. PROBLEM:
PENDING MOTION FOR LEAVE TO ATTACH
ADDENDA. (AG41)

03/09/1998 LETTER FROM APPELLEE'S COUNSEL, MR.
TOUBMAN, CONCERNING THE LENGTH OF TIME TO
FILE A PETITION FOR REHEARING, RECEIVED.
(AG41)

03/06/1998 NOTE: THE OPINION PRICE IS \$ 8.00 (REK)

02/26/1998 LETTER FROM ATTY GEN. OF CONN., MS. MERRILL,
ESQ., RECEIVED. (AG41)

02/24/1998 JUDGMENT FILED. (AG41)

02/24/1998 JUDGMENT OF THE DISTRICT COURT IS VACATED &
REMANDED BY PUBLISHED SIGNED OPINION FILED.
(DJ) [97-6027] (AG41)

10/14/1997 APPELLANT JOYCE A. THOMAS 28(J) LETTER FILED.
(COPIES TO PANEL) (AG40)

10/09/1997 APPELLANT JOYCE A. THOMAS 28(J) LETTER FILED.

(COPIES TO PANEL) (AG40)

10/08/1997 APPELLEE BETTY EMERSON, APPELLEE CONCETTA DESARIO 28(J) LETTER FILED. (COPIES TO PANEL) (AG40)

09/24/1997 CASE HEARD BEFORE JACOBS, CALABRESI, C.JJ, BRIEANT, D.J. SDNY (TAPE: 37) (CA91)

09/10/1997 APPELLEE CONCETTA DESARIO, APPELLEE BETTY EMERSON 28(J) LETTER FILED. (CC TO CAL) (AG40)

09/08/1997 APPELLANT JOYCE A. THOMAS 28(J) LETTER RECEIVED. (CC TO CAL) (AG40)

08/18/1997 SET FOR ARGUMENT ON 9/24/97 . [97-6027] AM PANEL (CA95)

08/05/1997 PROPOSED FOR ARGUMENT THE WEEK OF 9/22/97. AM PANEL (CA91)

05/29/1997 APPELLANT JOYCE A. THOMAS REPLY BRIEF FILED WITH PROOF OF SERVICE. (AG40)

05/13/1997 APPELLEE CONCETTA DESARIO, APPELLEE BETTY EMERSON BRIEF FILED WITH PROOF OF SERVICE. (AG40)

04/15/1997 NOTICE OF APPEARANCE FORM ON BEHALF OF SUSAN GARTEN, SHELDON V. TOUBMAN, ESQ., RECEIVED. (ORIG. TO CALENDAR) (IN04)

04/14/1997 NOTICE OF APPEARANCE FORM ON BEHALF OF JUDITH A. MERRILL, ESQ., RECEIVED. (ORIG. TO CALENDAR) (IN04)

04/10/1997 APPELLANT JOYCE A. THOMAS JOINT APPENDIX FILED W/PFS. NUMBER OF VOLUMES: 3. (AG43)

04/10/1997 APPELLANT JOYCE A. THOMAS BRIEF FILED WITH

PROOF OF SERVICE. (AG43)

04/10/1997 NOTICE OF APPEARANCE FORM ON BEHALF OF SHELDON V. TOUBMAN, ESQ., RECEIVED. (ORIG. TO CALENDAR) (IN04)

04/07/1997 RECORD ON APPEAL INDEX IN LIEU OF RECORD FILED. (AG42)

03/24/1997 COPY OF DISTRICT COURT DOCKET ENTRIES AND AMENDED NOTICE OF APPEAL ON BEHALF OF APPELLANT JOYCE A. THOMAS FILED. (AG42)

03/11/1997 PRE-ARGUMENT CONFERENCE NOTICE AND ORDER FROM FRANK J. SCARDILLI FILED. (AG42)

03/11/1997 SCHEDULING ORDER #1 FILED. RECORD ON APPEAL DUE ON 4/3/97. APPELLANT'S BRIEF AND APPENDIX DUE ON 4/10/97. APPELLEE'S BRIEF DUE ON 5/12/97. ARGUMENT AS EARLY AS WEEK OF 6/2/97. (PRE-ARGUMENT CONFERENCE SCHEDULED FOR 3/25/97 @3:45). [PER FJS] (AG42)

03/07/1997 COPY OF COURT REPORTER ACKNOWLEDGMENT RECEIVED. (AG42)

03/07/1997 COPY OF DISTRICT COURT DOCKET ENTRIES AND AMENDED NOTICE OF APPEAL ON BEHALF OF APPELLANT JOYCE A. THOMAS FILED. (AG42)

03/06/1997 APPELLANT JOYCE A. THOMAS FORM D FILED, WITH PROOF OF SERVICE. [97-6027] (AG42)

03/06/1997 APPELLANT JOYCE A. THOMAS FORM C FILED, WITH PROOF OF SERVICE. [97-6027] (AG42)

03/06/1997 ORDER FILED GRANTING MOTION TO REINSTATE APPEAL [936712-1] AND GRANTING MOTION TO FILE LATE FORMS C&D [936712-2] BY APPELLANT JOYCE A. THOMAS, ENDORSED ON MOTION FORM

DATED 2/24/97. [PER FJS] (AG42)

02/24/1997 APPELLANT JOYCE A. THOMAS MOTION TO REINSTATE APPEAL AND TO FILE LATE FORMS C&D FILED (W/PFS). [936712-2] [FORWARDED TO FS] (AG42)

02/21/1997 APPELLANT JOYCE A. THOMAS FORM D RECEIVED, WITH PROOF OF SERVICE. [97-6027] (AG42)

02/21/1997 APPELLANT JOYCE A. THOMAS FORM C RECEIVED, WITH PROOF OF SERVICE. [97-6027] (AG42)

02/21/1997 COPY OF DISTRICT COURT ORDER DATED 2/13/97 RECEIVED. (AG42)

02/21/1997 CERTIFIED COPY OF ORDER DATED 2/21/97 DISPOSING OF THE APPEAL ISSUED TO DISTRICT COURT. (AG42)

02/21/1997 ORDER DISMISSING THE APPEAL FOR FAILURE TO FILE FORMS C AND D PURSUANT TO CAMP FILED. (AG42)

02/18/1997 COPY OF DISTRICT COURT DOCKET ENTRIES AND NOTICE OF APPEAL ON BEHALF OF APPELLANT JOYCE A. THOMAS FILED. [97-6027] FORM C DUE ON 2/17/97. FORM D DUE ON 2/17/97. (AG42)
