

S.D.N.Y.-N.Y.C.
08-cv-1034
Scheidlin, J.

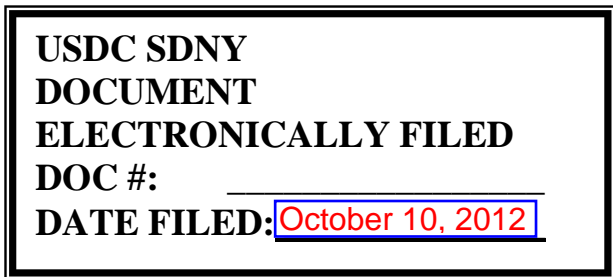
MANDATE

United States Court of Appeals
FOR THE
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 10th day of October, two thousand twelve.

Present:

John M. Walker, Jr.,
Christopher F. Droney,
*Circuit Judges.**



City of New York, *et al.*,

Petitioners,

v.

12-2206

David Floyd, Lalit Clarkson, Deon Dennis, David Ourlicht, individually and on behalf of all others similarly situated,

Respondents.

Petitioners, through counsel, move, pursuant to Federal Rule of Civil Procedure 23(f), for leave to appeal the district court's order granting Respondents' motion for class certification. Upon due consideration, it is hereby ORDERED that the petition is DENIED because an immediate appeal is unwarranted. *See Sumitomo Copper Litig. v. Credit Lyonnais Rouse, Ltd.* 262 F.3d 134, 139-40 (2d Cir. 2001).

FOR THE COURT:
Catherine O'Hagan Wolfe, Clerk


Catherine O'Hagan Wolfe

* Debra Ann Livingston, originally a member of the panel, has recused herself. The two remaining members of the panel, who are in agreement, have determined the motion. See 28 U.S.C. § 46(d); 2d Cir. Internal Operating Procedure E; *United States v. Desimone*, 140 F.3d 457, 458-59 (2d Cir. 1998).

A True Copy

Catherine O'Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit

SAO-JM


Catherine O'Hagan Wolfe

MANDATE ISSUED ON 10/10/2012