

United States Court of Appeals For the First Circuit

DOCKETING STATEMENT

No. 21-1076

Short Title: Massachusetts v. U.S. Dept. of Health & Human Servs. et al.

Type of Action

- ☒ Civil
☐ Criminal/Prisoner
☐ Cross Appeal

A. Timeliness of Appeal

1. Date of entry of judgment or order appealed from 1/19/2021
2. Date this notice of appeal filed 1/27/2021
If cross appeal, date first notice of appeal filed _____
3. Filing date of any post-judgment motion filed by any party which tolls time under Fed. R. App. P. 4(a)(4) or 4(b) n/a
4. Date of entry of order deciding above post-judgment motion n/a
5. Filing date of any motion to extend time under Fed. R. App. P. 4(a)(5), 4(a)(6) or 4(b) n/a
Time extended to _____

B. Finality of Order or Judgment

1. Is the order or judgment appealed from a final decision on the merits? ☒ Yes ☐ No
2. If no,
 - a. Did the district court order entry of judgment as to fewer than all claims or all parties pursuant to Fed. R. C. P. 54(b)? ☐ Yes ☐ No
If yes, explain _____
 - b. Is the order appealed from a collateral or interlocutory order reviewable under any exception to the finality rule? ☐ Yes ☐ No
If yes, explain _____

C. Has this case previously been appealed? ☒ Yes ☐ No

If yes, give the case name, docket number and disposition of each prior appeal
Massachusetts v. U.S. Dept. of Health & Human Servs., No. 18-1514, vacated and remanded

D. Are any related cases or cases raising related issues pending in this court, any district court of this circuit, or the Supreme Court? ☐ Yes ☒ No

If yes, cite the case and manner in which it is related on a separate page. If abeyance or consolidation is warranted, counsel must file a separate motion seeking such relief.

- E. Were there any in-court proceedings below? ☒ Yes ☐ No
If yes, is a transcript necessary for this appeal? ☐ Yes ☒ No
If yes, is transcript already on file with district court? ☐ Yes ☐ No

F. List each adverse party to the appeal. If no attorney, give address and telephone number of the adverse party. Attach additional page if necessary.

1. Adverse party U.S. Department of Health and Human Services
Attorney Sharon Swingle
Address 950 Pennsylvania Avenue N.W., Washington, DC 20530
Telephone (202) 353-2689
2. Adverse party Norris Cochran, Acting Secretary of the Department of Health and Human Services
Attorney Sharon Swingle
Address 950 Pennsylvania Avenue N.W., Washington, DC 20530
Telephone (202) 353-2689
3. Adverse party U.S. Department of the Treasury
Attorney Sharon Swingle
Address 950 Pennsylvania Avenue N.W., Washington, DC 20530
Telephone (202) 353-2689

G. List name(s) and address(es) of appellant(s) who filed this notice of appeal and appellant's counsel. Attach additional page if necessary.

1. Appellant's name Commonwealth of Massachusetts
Address 1 Ashburton Place, Boston, MA 02108
Telephone (617) 727-2200

Attorney's name Julia E. Kobick
Firm Office of the Massachusetts Attorney General
Address 1 Ashburton Place, Boston, MA 02108
Telephone (617) 963-2559
2. Appellant's name _____
Address _____
Telephone _____

Attorney's name _____
Firm _____
Address _____
Telephone _____

Will you be handling the appeal? (In criminal cases counsel below will handle the appeal unless relieved by this court.) ☒ Yes ☐ No

Fed. R. App. P. 12(b) provides that each attorney who files a notice of appeal must file with the clerk of the court of appeals a statement naming each party represented on appeal by that attorney. 1st Cir. R. 12.0 requires that statement in the form of an appearance.

Signature /s/ Julia E. Kobick

Date 2/9/2021

Additional Response to Paragraph F—Adverse Parties to the Appeal:

Adverse Party: Janet Louise Yellen, Secretary of the Department of the Treasury
Attorney: Sharon Swingle
Address: U.S. Department of Justice, 950 Pennsylvania Avenue N.W., Washington,
DC 20530
Telephone: (202) 353-2689

Adverse Party: U.S. Department of Labor
Attorney: Sharon Swingle
Address: U.S. Department of Justice, 950 Pennsylvania Avenue N.W., Washington,
DC 20530
Telephone: (202) 353-2689

Adverse Party: Al Stewart, Acting Secretary of the Department of Labor
Attorney: Sharon Swingle
Address: U.S. Department of Justice, 950 Pennsylvania Avenue N.W., Washington,
DC 20530
Telephone: (202) 353-2689

Additional Response to Paragraph G(1)—Additional Counsel for the Appellant:

Attorney's Name: Jon Burke, Assistant Attorney General
Firm: Office of the Massachusetts Attorney General
Address: 10 Mechanic Street, Worcester MA 01608
Telephone: (774) 214-4416

Attorney's Name: Elizabeth Carnes Flynn, Assistant Attorney General
Firm: Office of the Massachusetts Attorney General
Address: One Ashburton Place, Boston, MA 02108
Telephone: (617) 963-2820

CERTIFICATE OF SERVICE

I hereby certify that on February 9, 2021, I electronically filed the foregoing docketing statement with the Clerk of this Court by using the appellate CM/ECF system. The participants in the case are registered CM/ECF users, and service will be accomplished by the appellate CM/ECF system.

/s/ Julia E. Kobick

Julia E. Kobick

Assistant Attorney General