

E.D.N.Y. - N.Y.C.
03-cv-3209
Garaufis, J.

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 23rd day of June, two thousand ten,

Present:

Pierre N. Leval,
Debra Ann Livingston,
*Circuit Judges.*¹

Disability Advocates, Inc., United States of America,

Plaintiffs-Appellees,

v.

10-235-cv (L), 10-251-cv (Con),
10-767-cv (Con), 10-1190-cv (Con)

David A. Paterson, in his official capacity as
Governor of the State of New York, *et al.*,

Defendants-Appellants,

New York Coalition for Quality Assisted Living,
Empire State Association of Assisted Living,

Movants-Appellants.

¹The Honorable Amalya L. Kearse, originally scheduled to consider this motion, recused herself before the submission date and did not participate in the decision. The motion has been decided by the panel's two remaining judges pursuant to Second Circuit Interim Local Rule § 0.14(b).

Defendants-Appellants move to stay, pending appeal, the district court's remedial order, and Appellees move to dismiss the appeal of the New York Coalition for Quality Assisted Living ("NYCQAL") from the district court's remedial order and to strike NYCQAL's response in support of the motion for a stay. Additionally, NYCQAL moves to intervene in the appeal of Defendants-Appellants, and various proposed amici curiae move for leave to file a brief in opposition to the motion for a stay. Upon due consideration, it is hereby ORDERED that (1) Defendants-Appellants' motion for a stay is DENIED; (2) Appellees' motions to strike are DENIED as moot; (3) the motion of proposed amici curiae for leave to file an amicus brief is GRANTED; and (4) decision on Appellees' motion to dismiss NYCQAL's appeal and NYCQAL's motion to intervene is DEFERRED. NYCQAL's status will be determined by the panel hearing its appeal from the district court's denial of its motion to intervene. The motion to dismiss and motion to intervene will be forwarded to that panel. Although NYCQAL may file a brief in support of the appeal of Defendants-Appellants, the panel hearing the consolidated appeals in this action will determine whether its brief should be taken into consideration.

It is further ordered that consideration of the consolidated appeals herein is expedited, on a schedule to be determined by the Clerk of Court. The parties are directed to confer and to advise the Clerk of Court by July 2 of proposed briefing dates.

FOR THE COURT:
Catherine O'Hagan Wolfe, Clerk



The image shows a handwritten signature in cursive that reads "Catherine O'Hagan Wolfe". To the left of the signature is a circular seal. The seal has a red border with the words "UNITED STATES" at the top and "COURT OF APPEALS" at the bottom. Inside the seal, the words "SECOND CIRCUIT" are written in the center, flanked by two small stars on either side.