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United States District Court, S.D. New York.

MARISOL A., et al., Plaintiffs,
v.
Rudolph W. GIULIANI, Mayor of the City of New York, et al., Defendants.

No. 95 CIV. 10533 (RJW). | July 26, 1996.

Opinion

MEMORANDUM AND ORDER

ROBERT J. WARD, District Judge.

*1 On June 18, 1996, this Court granted plaintiffs' motion pursuant to Rule 23, Fed.R.Civ.P., for class certification and, on July 3, 1996, signed an order to that effect. The City defendants now ask this Court to certify this decision for immediate appeal pursuant to 28 U.S.C. § 1292(b). The State defendants do not join in the application.

Despite a strong belief that certification of the instant class was proper, this Court nevertheless feels constrained to grant the City defendants' application to certify this matter since it involves a controlling question of law as to which there is substantial ground for difference of opinion and because an immediate appeal may materially advance the ultimate termination of litigation.

For the foregoing reasons, the City defendants' application pursuant to 28 U.S.C. § 1292(b) for certification for interlocutory appeal of this Court's order certifying this case as a class action is granted.

It is so ordered.