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General Docket

US Court of Appeals for the Second Circuit

INDIV HEARD
CLOSED C10571
SB N08 4

Court of Appeals Docket #: 91-6176
Nsuit: 2444 CIVIL RIGHTS-Welfare
Lewis, et al v. Grinker, et al
Appeal from: U.S. District Court EDNY

Filed: 7/11/91

Case type information:

- 1) Civil
- 2) USA as party
- 3) none

Lower court information:

District: 0207-01: 79-cv-1740
Trial Judge: Charles P. Sifton, Chief Judge
Date Filed: 7/6/79
Date order/judgment: 4/15/91
Date NOA filed: 6/13/91

Fee status: waived

Prior cases:

None

Current cases:

None

Panel Assignment:

Panel: JLO JMW WF 1705 :CA2 11/25/91 am
Date of decision: 1/31/92

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LYDIA LEWIS
Plaintiff - Appellee

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ANDRE FRANCIS
Plaintiff - Appellee

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Plaintiff - Appellee

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[COR LD NTC ret]

CLARA SOLANO
Plaintiff - Appellee

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WILSON FLORES, JR., by his
next friend Wilson Flores, Sr.
Plaintiff - Appellee

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NORAH MURPHY, by her next
friend Eileen Broderick
Plaintiff - Appellee

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ALBERTO COLBOURNE CATTONS
Plaintiff - Appellee

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Colin Bull, Esq.
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YOSHI NAKANISHI
Plaintiff - Appellee

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LETITIA MORGAN
Plaintiff - Appellee

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ADA WILLIAMS, by her next
friend Brenda Liaping
Plaintiff - Appellee

Richard Blum, Esq.
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Richard Blum, Esq.

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Plaintiff - Appellee (See above)
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Colin Bull, Esq.
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Lynn M. Kelly, Esq.
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CARLOS GONZALEZ, by his next friend Rosa Reid Narvaez
Plaintiff - Appellee Richard Blum, Esq.
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Plaintiff - Appellee Richard Blum, Esq.
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ALEXANDER BERNSHTEIN
Plaintiff - Appellee Richard Blum, Esq.
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CELIA TERAN
Plaintiff - Appellee

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PATRICIA ARIAS, by her next
friend Phyllis Attale
Plaintiff - Appellee

Richard Blum, Esq.
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Lynn M. Kelly, Esq.
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CARLA COE, on behalf of
themselves and all other
persons similarly situated
Plaintiff - Appellee

Richard Blum, Esq.
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Nancy Marowitz, Esq.
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CITY OF NEW YORK
Plaintiff-Intervenor

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NEW YORK CITY HEALTH AND
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Plaintiff-Intervenor

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O. Peter Sherwood, Esq.
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COMMISSIONER OF THE NEW YORK
CITY DEPARTMENT OF SOCIAL
SERVICES
Defendant

CESAR PERALES, individually
and as
Defendant

COMMISSIONER OF THE NEW YORK
STATE DEPARTMENT OF SOCIAL
SERVICES
Defendant

ALICE AMRHEIM, individually
and as
Defendant

COMMISSIONER OF THE SUFFOLK
COUNTY DEPARTMENT OF SOCIAL

SERVICES
Defendant

RICHARD N. DUROSE,
individually and as
Defendant

COMMISSIONER OF THE ONEIDA
COUNTY DEPARTMENT OF SOCIAL
SERVICES
Defendant

WILLIAM J. GRINKER,
individually and as
Commissioner of the New York
City Department of Social
Services

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Defendant

v.

LOUIS W. SULLIVAN, M.D.,
SECRETARY OF THE UNITED STATES
DEPARTMENT OF HEALTH AND HUMAN
SERVICES
Defendant - Appellant

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AMERICAN COLLEGE OF
OBSTETRICIANS AND
GYNECOLOGISTS, et al.
Amicus Curiae

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Official Caption 1/

Docket no.(s): 91-6176

LYDIA LEWIS; ANDRE FRANCIS; EMILINE FORBES; CLARA SOLANO;
WILSON FLORES, JR., by his next friend Wilson Flores, Sr. ;
NORAH MURPHY, by her next friend Eileen Broderick; ALBERTO
COLBOURNE CATTONS; YOSHI NAKANISHI; LETITIA MORGAN; ADA
WILLIAMS, by her next friend Brenda Liaping; LECH CIESLUK;
CARLOS GONZALEZ, by his next friend Rosa Reid Narvaez;
HUTTON GRIFFITH; ALEXANDER BERNSHTEIN; CELIA TERAN; PATRICIA
ARIAS, by her next friend Phyllis Attale; CARLA COE, on
behalf of themselves and all other persons similarly
situated,

Plaintiffs-Appellees,

CITY OF NEW YORK and NEW YORK CITY HEALTH AND HOSPITALS CORPORATION,

Plaintiff-Intervenor,

v

WILLIAM GRINKER, individually and as COMMISSIONER OF THE NEW
YORK CITY DEPARTMENT OF SOCIAL SERVICES; CESAR PERALES,
individually and as COMMISSIONER OF THE NEW YORK STATE
DEPARTMENT OF SOCIAL SERVICES; ALICE AMRHEIM, individually
and as COMMISSIONER OF THE SUFFOLK COUNTY DEPARTMENT OF
SOCIAL SERVICES; RICHARD N. DUROSE, individually and as
COMMISSIONER OF THE ONEIDA COUNTY DEPARTMENT OF SOCIAL
SERVICES,

Defendants,

LOUIS W. SULLIVAN, M.D., SECRETARY OF THE UNITED STATES
DEPARTMENT OF HEALTH AND HUMAN SERVICES,

Defendant-Appellant.

Authorized Abbreviated Caption 2/

Docket no.(s): 91-6176

LEWIS V GRINKER

1/ Fed. R. App. P. Rule 12(a) and 32(a).
2/ For use on correspondence and motions only.

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7/11/91 Copy of district court docket entries and notice of appeal on behalf of Appellant Louis W. Sullivan filed. [91-6176] Form C due on 6/23/91. Form D due on 6/23/91. (mat)

7/11/91 Appellant Louis W. Sullivan Form C filed, with proof of service. [91-6176] Form C deadline satisfied. (mat)

7/11/91 Appellant Louis W. Sullivan Form D filed, with proof of service. [91-6176] Form D deadline satisfied. (mat)

8/14/91 Scheduling order #1 filed. Record on appeal due on 9/6/91. Appellant's brief and appendix due on 9/13/91. Appellee's brief due on 10/14/91. Argument as early as week of 11/4/91. (Pre-Argument Conference scheduled for 8/29/91 @ 11:15 am). (mat)

9/5/91 Appellant Louis W. Sullivan motion for an extension of time to file record on appeal and brief and for leave to file motion out of time. FILED (w/pfs). [214604-1] (twt)

9/6/91 Order FILED GRANTING motion for extended time [214604-1] by Appellant Louis W. Sullivan, endorsed on motion form dated 9/5/91. Extended record on appeal due date is 9/20/91. Extended appellant's brief due date is 9/27/91. Extended appellee's brief due date is 10/28/91. Extended argument week as early as 11/18/91 (twt)

9/9/91 Record on appeal filed. (Original papers of district court.) Number of volumes: 18 (twt)

9/27/91 Appellant Louis W. Sullivan joint appendix filed w/pfs. Number of volumes: 1. (twh)

10/1/91 Appellant Louis W. Sullivan brief in final form with proof of service filed. (twh)

10/8/91 Proposed for argument the week of 11/25/91. (cac)

10/17/91 Set for argument on 11/25/91. [91-6176] (cac)

10/28/91 New party added: American College of Obstetricians and Gynecologists, et al. as movants to file brief as amicus (unj)

10/28/91 Movant American College Obstetricians motion to participate as amicus curiae, to file brief as amicus curiae FILED (w/pfs). [227714-2] (unj)

10/28/91 Movant Amer Coll Obstetric brief received. Problem: motion pending. (unj)

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10/29/91 Appellees Lydia Lewis, Andre Francis, Emiline Forbes, Clara Solano, Wilson Flores, Norah Murphy, Alberto Colbourne Cattons, Yoshi Nakanishi, Letitia Morgan, Ada Williams, Lech Ciesluk, Carlos Gonzalez, Hutton Griffith, Alexander Bernshtein, Celia Teran, Patricia Arias, Carla Coe brief filed with proof service. (twm)

10/30/91 Order FILED GRANTING motion to participate as amicus [227714-1] by Movant Amer Coll Obstetric, endorsed on motion form dated 10/28/91., GRANTING motion to file brief as amicus curiae [227714-2] by Amicus Curiae Amer Coll Obstetric, endorsed on motion form dated 10/28/91. (unv)

11/4/91 Appellant Louis W. Sullivan declaration in response to American Coll Obstetric motion for leave to file amicus brief received. (To Cal) (twk)

11/7/91 Notice of appearance form on behalf of O. Peter Sherwood, Esq., received. (Orig. to Calendar) (une)

11/12/91 Appellant Louis W. Sullivan reply brief filed with proof of service. (twm)

11/20/91 Notice of appearance form on behalf of Lynn M. Kelly, Esq., received. (Orig. to Calendar) (une)

11/25/91 Case heard before OAKES, CH.J, FEINBERG, WALKER, C.JJ. (TAPE: #71) (caa)

12/13/91 Appellant Louis W. Sullivan 28(J) letter received. (twm)

1/31/92 Judgment affirmed by published signed opinion filed. (JMW). (twg)

1/31/92 Judgment filed. (twg)

2/10/92 Note: The OPINION PRICE is \$ 6.80 (rek)

2/10/92 Appellant Louis W. Sullivan motion to extend time to file petition for Rehearing In Banc FILED (w/pfs). [255780-1] (twt)

2/14/92 Appellant Louis W. Sullivan petition for rehearing received. Problem: need motion for leave to file out of time. (twg)

2/17/92 Order FILED GRANTING motion for extended time (30 days) to file petition for rehearing in banc [255780-1] by Appellant Louis W. Sullivan, endorsed on motion form dated 2/10/92. (twt)

2/17/92 Appellant Louis W. Sullivan PETITION FOR REHEARING, petition for rehearing in banc [261836-2] with proof of service filed. (twg)

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2/27/92 Letter received from counsel (Legal Aid Society) addressed to Hon. Oakes, Feinberg, Walker. Request to file an answer to a petition for rehearing. (twt)

3/17/92 Published, Signed opinion (JMW) FILED DENYING petition for REHEARING [261836-1] by Appellant Louis W. Sullivan, endorsed on motion dated 2/17/92. (twt)

4/2/92 Order filed stating the panel opinion in the above captioned case, Docket Number 91-6178, issued on January 31, 1992 is hereby amended. (unv)

4/2/92 Amended published signed opinion filed. (unv)

4/15/92 Letter dated 4/14/92 re: petition for rehearing in banc returned to Appellant Louis W. Sullivan. (twg)

4/23/92 Appellant Louis W. Sullivan motion to file supplemental (3 page letter) papers in further support of suggestion for rehearing in banc FILED (w/pfs). [277295-1] (twt)

5/4/92 Order FILED GRANTING motion to file a three page letter [277295-1] by Appellant Louis W. Sullivan, endorsed on motion form dated 4/23/92. (twt)

5/6/92 Governments 3 page letter in support of the suggestion of rehearing in banc filed. (Motion granted 5/4/92). (twt)

6/5/92 Order FILED DENYING petition petition for rehearing in banc [261836-2] by Appellant Louis W. Sullivan, endorsed on motion dated 2/17/92. (twg)

6/11/92 Letter received from Supreme Ct. for an extension of time to file petition for a writ of certiorari was present to Justice Thomas on 6/8/92, signed an order extending time to and including 8/14/92. (twd)

6/15/92 Judgment MANDATE ISSUED. (une)

7/21/92 Record on appeal RETURNED to lower court. No. of volumes: 18 (ref)

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