

United States Court of Appeals For the First Circuit

No. 19-8026

CITY OF PROVIDENCE, individually and on behalf of itself and all others similarly situated; A. F. OF L. BUILDING TRADES WELFARE PLAN; ALLIED SERVICES DIVISION WELFARE FUND, on behalf of itself and all others similarly situated; ELECTRICAL WORKERS 242 & 294 HEALTH & WELFARE FUND, individually and on behalf of all others similarly situated; FRATERNAL ORDER OF POLICE, FORT LAUDERDALE LODGE 31, INSURANCE TRUST FUND, individually and behalf of all others similarly situated; LABORERS INTERNATIONAL UNION OF NORTH AMERICA LOCAL 35 HEALTH CARE FUND, on behalf of itself and all others similarly situated; PAINTERS DISTRICT COUNCIL NO. 30 HEALTH & WELFARE FUND, individually and on behalf of all others similarly situated; PAINTERS DISTRICT COUNCIL NO. 30 HEALTH & WELFARE FUND, individually and on behalf of all others similarly situated; TEAMSTERS LOCAL 237 WELFARE BENEFITS FUND, individually and on behalf of all others similarly situated; UNITED FOOD AND COMMERCIAL WORKERS LOCAL 1776 & PARTICIPATING EMPLOYERS HEALTH AND WELFARE FUND, individually and on behalf of all others similarly situated,

Plaintiffs - Respondents,

AHOLD U.S.A., INC.; AMERICAN SALES COMPANY, LLC, on behalf of itself and all others similarly situated; NEW YORK HOTEL TRADES COUNCIL AND HOTEL ASSOCIATION OF NEW YORK CITY, INC. HEALTH BENEFITS FUND, individually and on behalf of all others similarly situated; FRATERNAL ORDER OF POLICE, FORT LAUDERDALE LODGE 31, INSURANCE TRUST FUND, individually and behalf of all others similarly situated; DENISE LOY, a resident citizen of the State of Florida, individually and on behalf of all others similarly situated; MELISA CHRESTMAN, a resident citizen of the State of Tennessee, individually and on behalf of all others similarly situated; MARY ALEXANDER, a resident citizen of the State of North Carolina, individually and on behalf of all others similarly situated; ROCHESTER DRUG CO-OPERATIVE, INC., on behalf of itself and all others similarly situated; WALGREEN CO.; THE KROGER CO.; SAFEWAY, INC.; ALBERTSON'S, LLC; HEB GROCERY COMPANY L.P.; CVS PHARMACY, INC.; RITE AID CORPORATION; RITE AID HEADQUARTERS CORPORATION,

Plaintiffs,

v.

WARNER CHILCOTT PUBLIC LIMITED COMPANY; WARNER CHILCOTT COMPANY, LLC; WARNER CHILCOTT (US), LLC; WARNER CHILCOTT SALES (US), LLC; WATSON PHARMACEUTICALS, INC.; WATSON LABORATORIES, INC.,

Defendants - Petitioners,

WARNER CHILCOTT HOLDINGS COMPANY III, LTD.; WARNER CHILCOTT CORPORATION; WARNER CHILCOTT LABORATORIES IRELAND LIMITED; WARNER CHILCOTT COMPANY, INC.; ACTAVIS INC; LUPIN LTD.; LUPIN PHARMACEUTICALS, INC.; ALLERGAN, PLC,

Defendants.

Before

Howard, Chief Judge,
Torruella and Thompson, Circuit Judges.

JUDGMENT

Entered: December 3, 2019

Defendant-Petitioners, pursuant to Fed. R. Civ. P. 23(f), seek leave from this court to appeal the district court's recent grant of class certification in the underlying action. Having reviewed the parties' papers and relevant portions of the record, we conclude that the requirements for interlocutory review of class certification determinations have not been met here. See Waste Mgmt. Holdings, Inc. v. Mowbray, 208 F.3d 288, 293-94 (1st Cir. 2000) (setting out factors to be considered when deciding whether to allow review pursuant to Rule 23(f)). Accordingly, the petition for leave to appeal is **DENIED**.

By the Court:

Maria R. Hamilton, Clerk

cc:

Noah A. Brumfield, John A. Tarantino, John M. Gidley, Peter J. Carney, Patricia K. Rocha, Lauren M. Papenhausen, Nicole J. Benjamin, Michael J. Gallagher, Robert A. Milne, Jack E. Pace III, Demetra Frawley, William K. Wray Jr., Matthew Sterrett Leddicotte, Angela Daker, Celia Anne McLaughlin, Eileen M. Cole, Bryan D. Gant, Alyson M. Cox, Alison Hanstead, Steve D. Shadowen, Thomas M. Sobol, Richard M. Brunell, Ellen T. Noteware, Douglas Robert Plymale, Kristen A. Johnson, Donna M. Evans, Sharon K. Robertson, Joey P. Leniski Jr., James Gerard Stranch IV, Robert J. McConnell, Matthew Charles Weiner, William Robert Landry, Leiv H. Blad Jr., Zarema A. Jaramillo, James R. Dugan II, Dianne Martha Nast, Frank R. Schirripa, Jeffrey B. Pine, Joseph H. Meltzer, David S. Nalven, David F. Sorensen, John D.

Radice, Daniel J. Walker, Maria Ferro Deaton, Zachary David Caplan, Terence S. Ziegler, Michael Morris Buchman, Donald Alan Migliori, Jeffrey M. Padwa, John A. Ioannou, Natalie Finkelman Bennett, Donald Sean Nation, Jayne A. Goldstein, Diana J. Zinser, Marvin A. Miller, Lori Ann Fanning, Neill Wilson Clark, Peter R. Kohn, Scott E. Perwin, Matthew Thomas Oliverio, Anna Theresa Neill, Lauren C. Ravkind, Paul J. Skiermont, Sarah Elizabeth Spires, Barry L. Refsin, Monica L. Kiley, Eric L. Bloom, Paul V. Sullivan, Geoffrey M. Raux, Robert H. Griffith, Michelle C. Clerkin, Steven Paul Lehotsky, Jeffrey S. Bucholtz, Tara S. Morrissey