

S.D.N.Y.-N.Y.C.
16-cv-740
Furman, 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 Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 16th day of December, two thousand twenty.

Present:

Robert D. Sack,
Michael H. Park,
Steven J. Menashi,
Circuit Judges.

AXA Equitable Life Insurance Company,

Petitioner,

20-2848

v.

Brach Family Foundation, Inc., on behalf of itself and all
others similarly situated,

Respondent.

Petitioner requests, pursuant to Federal Rule of Civil Procedure 23(f), leave to appeal the district court's order granting class certification in part. Petitioner also moves for leave to file a reply and to file its appendix under seal. The Life Insurance Council of New York moves to file an amicus curiae brief. Upon due consideration, it is hereby ORDERED that the motions for leave to file a reply, to file the appendix under seal, and to file an amicus curiae brief are GRANTED, but the Rule 23(f) petition is DENIED because an immediate appeal is not warranted. *See Sumitomo Copper Litig. v. Credit Lyonnais Rouse, Ltd.*, 262 F.3d 134, 139–40 (2d Cir. 2001).

FOR THE COURT:
Catherine O'Hagan Wolfe, Clerk of Court


