

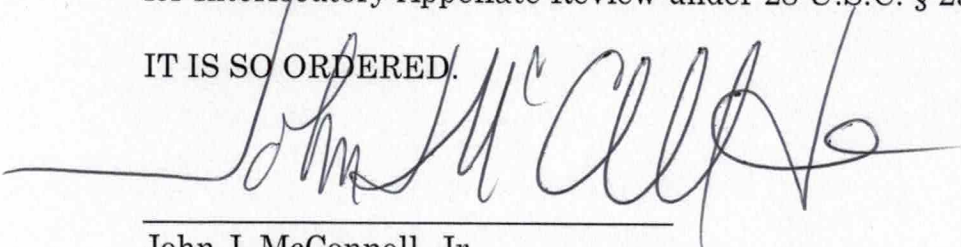


to which there is substantial ground for difference of opinion and that an immediate appeal from the order may materially advance the ultimate termination of the litigation.” 28 U.S.C. § 1292(b). The Order is well founded and in line with established United State Supreme Court precedent. No court within the First Circuit has offered a different opinion and, as noted in the Order, the conflicting out-of-circuit cases almost all rely on a single district court opinion without making any independent analysis of the law or facts.

Moreover, these same Defendants have brought this issue before this Court in other cases on many previous occasions. Each time that the issue has arisen, the Defendants have resolved the matter with the plaintiffs without believing it necessary to resolve the legal issue it now seeks to immediately appeal. For the Defendants to claim now that they need expeditious and extraordinary relief appears to be disingenuous.

The Court DENIES Defendants’ Motion to Certify the August 2, 2018 Order for Interlocutory Appellate Review under 28 U.S.C. § 2992(b). ECF No. 41.

IT IS SO ORDERED.



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John J. McConnell, Jr.  
United States District Judge

October 15, 2018