

**UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT**

John Joseph Moakley U.S. Courthouse
1 Courthouse Way, Suite 2500
Boston, MA 02210
(617) 748-9057
www.ca1.uscourts.gov

DOCKETING STATEMENT INSTRUCTIONS

1. Counsel for appellant must file a docketing statement for every case appealed or cross appealed to the First Circuit Court of Appeals. The docketing statement must be received by the court of appeals clerk's office within fourteen days after the case is docketed to be deemed timely filed. Copies must be served on all parties to the action below and proof of service must be attached.
2. The attorney filing the notice of appeal is responsible for filing the docketing statement, even if different counsel will handle the appeal. In the case of multiple appellants represented by separate counsel, the parties must confer and decide who will file the docketing statement. Appellants proceeding pro se may file a docketing statement, but are not required to do so.
3. Counsel's failure to file the docketing statement within the time set forth will cause the court to initiate the process for dismissal of the appeal under 1st Cir. R. 3.0.
4. If an opposing party concludes that the docketing statement is in any way inaccurate, incomplete or misleading, that party should file any additions or corrections to the docketing statement within fourteen days of service of the docketing statement, with copies to all other parties.
5. You must attach to the docketing statement:
 - Additional pages containing extended answers to questions on this form.
 - A certificate of service for this docketing statement indicating it has been served on all parties to the action below.

United States Court of Appeals For the First Circuit

DOCKETING STATEMENT

No. **Short Title:**

Type of Action

Civil
Criminal/Prisoner
Cross Appeal

A. Timeliness of Appeal

1. Date of entry of judgment or order appealed from _____
2. Date this notice of appeal filed _____
If cross appeal, date first notice of appeal filed _____
3. Filing date of any post-judgment motion filed by any party which tolls time under Fed. R. App. P. 4(a)(4) or 4(b) _____
4. Date of entry of order deciding above post-judgment motion _____
5. Filing date of any motion to extend time under Fed. R. App. P. 4(a)(5), 4(a)(6) or 4(b) _____
Time extended to _____

B. Finality of Order or Judgment

1. Is the order or judgment appealed from a final decision on the merits? Yes No
2. If no,
 - a. Did the district court order entry of judgment as to fewer than all claims or all parties pursuant to Fed. R. C. P. 54(b)? Yes No
If yes, explain _____
 - b. Is the order appealed from a collateral or interlocutory order reviewable under any exception to the finality rule? Yes No
If yes, explain _____

- #### C. Has this case previously been appealed? Yes No
- If yes, give the case name, docket number and disposition of each prior appeal
- _____

- #### D. Are any related cases or cases raising related issues pending in this court, any district court of this circuit, or the Supreme Court? Yes No
- If yes, cite the case and manner in which it is related on a separate page. If abeyance or consolidation is warranted, counsel must file a separate motion seeking such relief.

- | | | |
|--|-----|----|
| E. Were there any in-court proceedings below? | Yes | No |
| If yes, is a transcript necessary for this appeal? | Yes | No |
| If yes, is transcript already on file with district court? | Yes | No |

F. List each adverse party to the appeal. If no attorney, give address and telephone number of the adverse party. Attach additional page if necessary.

1. Adverse party _____
Attorney _____
Address _____
Telephone _____

2. Adverse party _____
Attorney _____
Address _____
Telephone _____

3. Adverse party _____
Attorney _____
Address _____
Telephone _____

G. List name(s) and address(es) of appellant(s) who filed this notice of appeal and appellant's counsel. Attach additional page if necessary.

1. Appellant's name _____
Address _____
Telephone _____

Attorney's name _____
Firm _____
Address _____
Telephone _____

2. Appellant's name _____
Address _____
Telephone _____

Attorney's name _____
Firm _____
Address _____
Telephone _____

Will you be handling the appeal? (In criminal cases counsel below will handle the appeal unless relieved by this court.) Yes No

Fed. R. App. P. 12(b) provides that each attorney who files a notice of appeal must file with the clerk of the court of appeals a statement naming each party represented on appeal by that attorney. 1st Cir. R. 12.0 requires that statement in the form of an appearance.

Signature _____

Date _____