

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ROBYN ABRAHAM,

Plaintiff,

-v.-

ABBY LEIGH, *et al.*,

Defendants.

17 Civ. 5429 (KPF)

ORDER

KATHERINE POLK FAILLA, District Judge:

After reviewing the docket, it is the Court's view that Plaintiff's amended notices of appeal (*see* Dkt. #591, 594-95), have not cured her untimely attempt to appeal the Court's September 14, 2020 Opinion and Order (*see* Dkt. #539). The Court understands further that Plaintiff's recent conversations with the Clerk of Court (*see* Dkt. #596), pertain to the mechanics of how notices of appeal are filed and transmitted to the United States Court of Appeals for the Second Circuit, but not to the issue of timeliness *vel non* of individual orders that she seeks to appeal.

The Court is also aware that Plaintiff has filed a motion at the Second Circuit to amend her notice of appeal to account for clerical error. This Court will not opine on the merits of a motion pending before another court, but calls to Plaintiff's attention Federal Rule of Appellate Procedure 4(a)(4)-(5). Thus, to the Court's knowledge, there is no proper appeal of the Court's September 14, 2020 Opinion and Order currently pending before the Second Circuit. Plaintiff's response to Defendant's pending motion for civil contempt (*see* Dkt. #573), shall therefore be due on or before **November 23, 2020**.

The Court is also in receipt of Ms. Kerwick's letters dated November 12, 2020, and November 16, 2020, regarding Plaintiff's filings at the Second Circuit. (Dkt. #593, 601). The Court reiterates that the most sensitive material that Plaintiff has filed regarding Ms. Kerwick, Ms. Wiss, Wiss & Partners, and/or Plaintiff's relationship with them, would be irrelevant to any of her claims on appeal. (See Dkt. #583). However, the Court does not believe that its October 21, 2020 Order controls Plaintiff's filings before another court (*see id.*), and therefore Ms. Kerwick's motion to compel compliance with that Order is denied without prejudice. That said, nothing prevents the Leigh Defendants' counsel from advising the Second Circuit of this procedural history and endeavoring to keep sealed at the Court of Appeals what this Court has striven to keep sealed at the District Court.

The Clerk of Court is directed to terminate the motion at docket entry 593.

SO ORDERED.

Dated: November 16, 2020
New York, New York



KATHERINE POLK FAILLA
United States District Judge