

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 13-12092-RWZ

SCOTT PHILLIPS,  
individually and on behalf of all others similarly situated

v.

EQUITY RESIDENTIAL MANAGEMENT, L.L.C.

ORDER

SEPTEMBER 28, 2017

ZOBEL, S.D.J.

By the plain language of its order dated July 24, 2017, the United States Court of Appeals for the First Circuit directed the parties to follow the procedure set forth in Federal Rules of Civil Procedure 62.1 and Federal Rules of Appellate Procedure 12.1 only after the Supreme Judicial Court had either granted the parties' motion to stay appeal or issued an answer to the certified question currently before it.<sup>1</sup> By order dated August 1, 2017, the SJC indicated that it would answer the certified question, but has not yet done so. Moreover, the parties now ask this court to revisit the same class certification issues plaintiffs have already appealed to the First Circuit, which retains jurisdiction of those issues. Accordingly, decision on the Motion for Preliminary Approval of Proposed Settlement (Docket # 87) is deferred until the appeal concludes.

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<sup>1</sup> The order provides: "Once the SJC either grants [the parties' joint motion to stay appeal pending approval of a class action settlement] or, if that motion is denied, issues an answer to the certified question currently before it, the parties are directed to follow the procedure set forth in Fed. R. Civ. P. 62.1 and Fed. R. App. P. 12.1." Docket # 92-2.

See Fed. R. Civ. P. 62.1(a)(1).

September 28, 2017

DATE

\_\_\_\_\_/s/Rya W. Zobel\_\_\_\_\_

RYA W. ZOBEL  
SENIOR UNITED STATES DISTRICT JUDGE