

General Docket
United States Court of Appeals for the First Circuit

Court of Appeals Docket #: 10-1130 Nature of Suit: 3190 Other Contract White, et al v. R. M. Packer Company, Inc., et al Appeal From: District of Massachusetts, Boston Fee Status: filing fee paid	Docketed: 02/11/2010 Termed: 02/18/2011												
Case Type Information: 1) civil 2) private 3) contract													
Originating Court Information: District: 0101-1 : 1:07-CV-11601-RWZ Lead: 1:07-CV-11601-RWZ Court Reporter: Brenda Kay Hancock Court Reporter: Catherine Handel Trial Judge: Mark L. Wolf, U.S. District Judge Ordering Judge: Rya W. Zobel, U.S. District Judge Date Filed: 08/28/2007 <table style="width: 100%; border: none;"> <tr> <td style="width: 25%;">Date Order/Judgment:</td> <td style="width: 25%;">Date Order/Judgment EOD:</td> <td style="width: 25%;">Date NOA Filed:</td> <td style="width: 25%;">Date Rec'd COA:</td> </tr> <tr> <td>01/06/2010</td> <td>01/06/2010</td> <td>01/28/2010</td> <td>01/28/2010</td> </tr> <tr> <td>01/07/2010</td> <td>01/07/2010</td> <td>01/28/2010</td> <td>01/28/2010</td> </tr> </table>		Date Order/Judgment:	Date Order/Judgment EOD:	Date NOA Filed:	Date Rec'd COA:	01/06/2010	01/06/2010	01/28/2010	01/28/2010	01/07/2010	01/07/2010	01/28/2010	01/28/2010
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01/06/2010	01/06/2010	01/28/2010	01/28/2010										
01/07/2010	01/07/2010	01/28/2010	01/28/2010										
Prior Cases: None													
Current Cases: None													
Panel Assignment: Panel: SLL BMS JRH Date of Hearing: 11/02/2010 Date of Decision:													

WILLIAM WHITE Plaintiff - Appellant	Stephen Schultz [COR LD NTC Retained] Engel & Schultz, P.C. 265 Franklin Street Suite 1801 Boston, MA 02110-0000 Michael Roitman Direct: 617-720-4007 [NTC Retained] 3rd Flr 65a Atlantic Avenue Boston, MA 02110-0000
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KEN BAILEY Plaintiff - Appellant	Stephen Schultz [COR LD NTC Retained] (see above) Michael Roitman Direct: 617-720-4007 [NTC Retained] (see above)
NADINE MONACO Plaintiff - Appellant	Stephen Schultz [COR LD NTC Retained] (see above) Michael Roitman

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HILARY SCHULTZ Plaintiff - Appellant	Stephen Schultz [COR LD NTC Retained] (see above)
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ANN BUTTRICK FLOYD Plaintiff - Appellant	Stephen Schultz [COR LD NTC Retained] (see above)
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SANDCASTLE REALTY Plaintiff - Appellant	Stephen Schultz [COR LD NTC Retained] (see above)
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KAREN LODGE Plaintiff	Stephen Schultz [COR LD NTC Retained] (see above)
	Michael Roitman Direct: 617-720-4007 [NTC Retained] (see above)
v.	
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	Richard Paterniti Direct: 617-737-3100 Fax: 617-737-3113 [COR NTC Retained]

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WILLIAM WHITE; R. CARLEEN CORDWELL; KEN BAILEY; NADINE MONACO; HENRY KRIEGSTEIN; JOAN KRIEGSTEIN; HILARY SHULTZ; ANN BUTTRICK FLOYD; SANDCASTLE REALTY

Plaintiffs - Appellants

KAREN LODGE

Plaintiff

v.

R. M. PACKER COMPANY, INC.; DRAKE PETROLEUM CO., INC.; KENYON OIL COMPANY; DEPOT CORNER, INC.; FRANCIS J. PACIELLO, d/b/a Edgartown Mobil







































Defendants - Appellees




















MID-VALLEY OIL COMPANY

Defendant

UP-ISLAND AUTOMOTIVE, INC.,; J.P. NOONAN TRANSPORTATION, INC.; NELSON J. DEBETTENCOURT & SONS, INC.

Interested Parties

02/11/2010	 	CIVIL CASE docketed. Notice of appeal (doc. #152) filed by Appellants Ken Bailey, R. Carleen Cordwell, Henry Kriegstein, Joan Kriegstein, Karen Lodge, Nadine Monaco, Hilary Shultz and William White. Opening forms sent. Docketing Statement, Transcript Report/Order form and Appearance form due 02/25/2010. [10-1130] (TS)
02/11/2010	 	DOCKETING statement filed by Appellants Ken Bailey, R. Carleen Cordwell, Henry Kriegstein, Joan Kriegstein, Karen Lodge, Nadine Monaco, Hilary Shultz and William White. [10-1130] (SS)
02/11/2010	 	TRANSCRIPT report/order form filed by Appellants Ken Bailey, R. Carleen Cordwell, Henry Kriegstein, Joan Kriegstein, Karen Lodge, Nadine Monaco, Hilary Shultz and William White indicating transcripts are not necessary for this appeal. [10-1130] (SS)
02/11/2010	 	CERTIFICATE of service for transcript report/order form [5417048-2] , docketing statement [5417047-2] filed by Appellants Ken Bailey, R. Carleen Cordwell, Henry Kriegstein, Joan Kriegstein, Karen Lodge, Nadine Monaco, Hilary Shultz and William White. [10-1130] (SS)
02/11/2010	 	NOTICE of appearance on behalf of Appellants Ken Bailey, R. Carleen Cordwell, Henry Kriegstein, Joan Kriegstein, Karen Lodge, Nadine Monaco, Hilary Shultz and William White filed by Attorney Stephen Schultz. [10-1130] (SS)
02/11/2010	 	STATEMENT of the issues filed by Appellants Ken Bailey, R. Carleen Cordwell, Henry Kriegstein, Joan Kriegstein, Karen Lodge, Nadine Monaco, Hilary Shultz and William White. [10-1130] (SS)
02/11/2010	 	CERTIFICATE of service for statement of issues [5417061-2] filed by Appellants Ken Bailey, R. Carleen Cordwell, Henry Kriegstein, Joan Kriegstein, Karen Lodge, Nadine Monaco, Hilary Shultz and William White. [10-1130] (SS)
02/16/2010		***Disregard this entry as it was docketed in error.***-[Edited 06/08/2010 by SBT]CASE submitted. Panel: Sandra L. Lynch, Chief Appellate Judge; Kermit V. Lipez, Appellate Judge; Jeffrey R. Howard, Appellate Judge. [10-1130] (SBT)
02/17/2010	 	BRIEFING schedule set. Brief and Appendix due 03/29/2010 for Appellants Ken Bailey, Appellant R. Carleen Cordwell, Appellant Ann Buttrick Floyd, Appellant Henry Kriegstein, Appellant Joan Kriegstein, Appellant Karen Lodge, Appellant Nadine Monaco, Appellant Sandcastle Realty, Appellant Hilary Shultz and Appellant William White. Pursuant to F.R.A.P. 31(a), appellee's brief will be due 30 days following service of appellant's brief and appellant's reply brief will be due 14 days following service of appellee's brief. [10-1130] (TS)
02/24/2010	 	NOTICE of appearance on behalf of Appellees Drake Petroleum Co., Inc., Kenyon Oil Company and Mid-Valley Oil Company filed by Attorney. Certificate of service dated 02/24/2010. [10-1130] (WJF)
02/24/2010	 	NOTICE of appearance on behalf of Appellee R. M. Packer Company, Inc. filed by Attorney Patrick T. Jones. Certificate of service dated 02/24/2010. [10-1130] (PTJ)
02/24/2010	 	NOTICE of appearance on behalf of Appellee R. M. Packer Company, Inc. filed by Attorney Richard W. Paterniti. Certificate of service dated 02/24/2010. [10-1130] (RP)
02/24/2010	 	NOTICE of appearance on behalf of Appellee R. M. Packer Company, Inc. filed by Attorney Peter J. Schneider. Certificate of service dated 02/24/2010. [10-1130] (PJS)
02/25/2010	 	NOTICE of appearance on behalf of Appellees Drake Petroleum Co., Inc., Kenyon Oil Company and Mid-Valley Oil Company filed by Attorney Brian A. O'Connell. Certificate of service dated 02/25/2010. [10-1130] (BAO)
03/24/2010	 	APPELLANT'S BRIEF filed by Appellants. Certificate of service (mailed) dated 03/24/2010. Brief due 04/26/2010 for Appellees. [10-1130] (RL)
03/24/2010	 	CORPORATE disclosure statement filed by Appellant Sandcastle Realty. Certificate of service (mailed) dated 03/24/2010. [10-1130] (RL)
03/24/2010		APPENDIX filed by Appellants. Number of volumes: 4. Number of copies: 5. Certificate of service (mailed) dated 03/24/2010. [10-1130] (RL)
03/25/2010	 	NOTICE of appearance on behalf of Appellees Depot Corner Inc. and Francis J. Paciello filed by Attorney Kevin C. Cain. Certificate of service dated 03/25/2010. [10-1130] (KCC)
03/26/2010		Mail returned as undeliverable to Attorney Richard L. Nahigian, Esq. for Appellees Depot Corner Inc. and Francis J. Paciello. Copy of Appellant's Briefing Notice. Forwarded to 600 Atlantic Ave., Boston 02110. [10-1130] (TS)
03/26/2010		Mail returned as undeliverable to Attorney Michael A. Goldsmith for Interested Party Up-Island Automotive, Inc.. Copy of Appellant's Briefing Notice. Forwarded to 265 Franklin St., Suite 1801, Boston, MA. [10-1130] (TS)
04/26/2010	 	BRIEF tendered by Appellees. Certificate of service dated 04/26/2010. [10-1130]--[Edited 04/27/2010 by RL] CLERK'S BRIEF tendered by. [10-1130]--[Edited 04/27/2010 by RL] CLERK'S NOTE: The document is incomplete (Corporate Disclosure Statement for Mid-Valley Oil Company not included along with other

		disclosures). THE FILER IS DIRECTED TO RE-FILE THE COMPLETE DOCUMENT WITHIN TWO DAYS. Re-file due on April 29, 2010. (WJF)
04/28/2010	 5 pg, 410.75 KB	MOTION to amend caption filed by Appellees Depot Corner Inc., Drake Petroleum Co., Inc., Kenyon Oil Company, Francis J. Paciello and R. M. Packer Company, Inc.. Certificate of service dated 04/28/2010. [10-1130] (WJF)
04/28/2010	 2 pg, 11.63 KB	ORDER granting motion to amend caption filed by Appellees R. M. Packer Company, Inc., Drake Petroleum Co., Inc., Kenyon Oil Company, Depot Corner Inc. and Francis J. Paciello. [10-1130] (TS)
04/28/2010	 3 pg, 241.83 KB	LETTER regarding <i>Amended Caption</i> filed by Attorney William J. Fidurko, Esq. for Appellees Drake Petroleum Co., Inc., Kenyon Oil Company and Mid-Valley Oil Company. Certificate of service dated 04/28/2010. [10-1130] (WJF)
04/28/2010	 73 pg, 213.05 KB	BRIEF tendered by Appellees Depot Corner Inc., Drake Petroleum Co., Inc., Kenyon Oil Company, Francis J. Paciello and R. M. Packer Company, Inc.. [10-1130] (WJF)
04/28/2010	 73 pg, 213.05 KB	APPELLEE'S BRIEF filed by Appellees. Certificate of service dated 04/26/2010. Reply brief due 05/13/2010 for Appellants. Appellees are directed to submit nine paper copies identical to that of the electronically filed brief so that they are received by the court on or before 05/05/2010. [10-1130] (RL)
04/28/2010	 3 pg, 789.31 KB	CORPORATE disclosure statement filed by Appellees Depot Corner Inc., Drake Petroleum Co., Inc., Kenyon Oil Company and R. M. Packer Company, Inc.. Certificate of service dated 04/26/2010. [10-1130] (RL)
04/30/2010		NINE (9) paper copies of appellee/respondent brief [5441660-2] submitted by Appellees. (RL)
05/10/2010	 0 pg, 0 KB	BRIEF tendered by Appellants. [10-1130]--[Edited 05/10/2010 by RL] CLERK'S NOTE: The document was scanned rather than created by converting the original word processing document into a PDF file. THE FILER IS DIRECTED TO RE-FILE THE DOCUMENT WITHIN TWO DAYS. RE-FILE DUE ON 05-12-10. [10-1130]--[Edited 05/10/2010 by RL]. (SS)
05/10/2010	 20 pg, 62.19 KB	BRIEF tendered by Appellants Ken Bailey, R. Carleen Cordwell, Ann Buttrick Floyd, Henry Kriegstein, Joan Kriegstein, Nadine Monaco, Sandcastle Realty, Hilary Schultz and William White. [10-1130] (SS)
05/10/2010	 20 pg, 73.96 KB	REPLY BRIEF filed by Appellants. Certificate of service dated 05/06/2010. [10-1130] (RL)
06/16/2010		SUBMISSION vacated. [10-1130] (LM)
09/29/2010	 2 pg, 16.65 KB	CASE calendared: 11/02/2010 Boston, MA Panel Courtroom. Designation form due 10/13/2010. [10-1130] (LM)
10/06/2010	 1 pg, 55.08 KB	DESIGNATION of attorney presenting oral argument filed by Attorney Stephen Schultz for Appellants William White, R. Carleen Cordwell, Ken Bailey, Nadine Monaco, Henry Kriegstein, Joan Kriegstein, Hilary Schultz, Ann Buttrick Floyd, Sandcastle Realty and Not Party Karen Lodge. [10-1130] (SS)
10/07/2010	 1 pg, 273.57 KB	DESIGNATION of attorney presenting oral argument filed by Attorney Brian Alan O'Connell, Esq. for Appellees Drake Petroleum Co., Inc., Kenyon Oil Company and Not Party Mid-Valley Oil Company. Certificate of service dated 10/07/2010. [10-1130] (BAO)
10/12/2010	 1 pg, 123.72 KB	DESIGNATION of attorney presenting oral argument filed by Attorney Richard Paterniti for Appellee R. M. Packer Company, Inc.. [10-1130] (RP)
11/02/2010		CASE argued. Panel: Sandra L. Lynch, Chief Appellate Judge; Bruce M. Selya, Appellate Judge and Jeffrey R. Howard, Appellate Judge. Arguing attorneys: Stephen Schultz for William White, R. Carleen Cordwell, Ken Bailey, Nadine Monaco, Henry Kriegstein, Joan Kriegstein, Hilary Schultz, Ann Buttrick Floyd, Sandcastle Realty and Karen Lodge, Brian Alan O'Connell for Drake Petroleum Co., Inc., Kenyon Oil Company and Mid-Valley Oil Company and Richard Paterniti for R. M. Packer Company, Inc.. [10-1130] (LM)
02/18/2011	 38 pg, 119.05 KB	OPINION issued by Sandra L. Lynch, Chief Appellate Judge; Bruce M. Selya, Appellate Judge and Jeffrey R. Howard, Appellate Judge. Published. [10-1130] (FP)
02/18/2011	 1 pg, 28.11 KB	JUDGMENT entered by Sandra L. Lynch, Chief Appellate Judge; Bruce M. Selya, Appellate Judge and Jeffrey R. Howard, Appellate Judge. Affirmed. [10-1130] (FP)
03/17/2011	 2 pg, 7.89 KB	MANDATE issued. [10-1130] (TS)

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Totals reflect accessible documents only and do not include unauthorized restricted documents.