

APPENDIX

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APPENDIX A

U.S. District Court District of Connecticut

Notice of Electronic Filing

The following transaction was entered on 10/6/2022 at 10:10 AM EDT and filed on 10/6/2022

Case Name: Li v. Connecticut et al

Case Number: 3:21-cv-00996-VAB

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Docket Text:

ORDER denying [142] Motion for Reconsideration; denying [146] Motion for Default Entry 55(a); granting [150] Motion to Stay; and finding as moot [154] Motion for Sanctions.

Ms. Li's [142] motion for reconsideration is DENIED. As a threshold matter, Ms. Li's [144] notice of interlocutory appeal does not deprive the Court of jurisdiction over the motion for reconsideration. See Lowrance v. Achtyl, 20 F.3d 529, 533 (2d Cir. 1994) (holding that a notice of appeal, filed after a motion for reconsideration was filed but before the district court disposed of the motion, did not divest the district court of jurisdiction over the motion for reconsideration).

"The standard for granting [a motion for reconsideration] is strict, and reconsideration will generally be denied unless the moving party can point to

controlling decisions or data that the court overlooked--matters, in other words, that might reasonably be expected to alter the conclusion reached by the court." Shrader v. CSX Transp., Inc., 70 F.3d 255, 257 (2d Cir. 1995). The Court finds that Ms. Li has not met this standard. The Court's [140] ruling and order granting in part Defendants' motions to dismiss addressed Ms. Li's argument relating to Eleventh Amendment immunity and her argument that the 2016 and 2020 incidents form part of the same conspiracy. See ECF No. 140 at 1821, 4849. Ms. Li's remaining arguments related to the service of summonses and the stay of discovery do not provide a basis for reconsidering the Court's order.

Ms. Li's [146] motion for default entry is DENIED. Even assuming that Ms. Li's motion for reconsideration and interlocutory appeal did not toll the deadline for filing an answer, the Second Circuit has expressed its preference that cases be decided on the merits. See Enron Oil Corp. v. Diakuhara, 10 F.3d 90, 95 (2d Cir. 1993). Accordingly, disposition of a case by default is an "extreme sanction" that "must remain a weapon of last, rather than first, resort." Meehan v. Snow, 652 F.2d 274, 277 (2d Cir. 1981).

Consistent with the Court's "broad discretion to stay proceedings as an incident to its power to control its own docket," Clinton v. Jones, 520 U.S. 681, 706 (1997), Defendants' [150] motion for a stay of proceedings is GRANTED. The outcome of Ms. Li's interlocutory appeal will determine the scope of discovery required in this case. Staying proceedings until the appeal is

resolved will therefore ensure a more orderly discovery process. See Dietz v. Bouldin, 579 U.S. 40, 47 (2016) ("[D]istrict courts have the inherent authority to manage their dockets and courtrooms with a view toward the efficient and expedient resolution of cases."). Moreover, because Ms. Li's decision to file an interlocutory appeal is the source of this delay, her interest in proceeding expeditiously is diminished. Accordingly, discovery and all other proceedings are stayed pending the resolution of Ms. Li's interlocutory appeal.

In light of the Court's order staying proceedings, Ms. Li's [154] motion for sanctions is DENIED as moot.

Signed by Judge Victor A. Bolden on 10/6/2022.
(Sullivan, John)

APPENDIX B

United States Court of Appeals

FOR THE SECOND CIRCUIT

D. Conn. 21-cv-996 Bolden, J.

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 22th day of December, two thousand twenty-two.

Present:

Debra Ann Livingston, Chief Judge,

Jose A. Cabranes, Raymond J. Lohier, Jr., Circuit Judges.

Dongmei Li,

Plaintiff-Appellant,

V.

State of Connecticut et al.,

Defendants-Appellees.

22-1980 (L), 22-2863 (Con)

This Court has determined sua sponte that it lacks jurisdiction over these consolidated appeals because a final order has not been issued by the district court as

contemplated by 28 U.S.C. § 1291, and the appeals do not otherwise fall into any of the exceptions that might authorize appellate jurisdiction. See Petrello v. White, 533 F.3d 110, 113 (2d Cir. 2008). Upon due consideration, it is hereby ORDERED that the appeals are DISMISSED.

FOR THE COURT:

Catherine O'Hagan Wolfe,

Clerk of Court


Catherine O'Hagan Wolfe

APPENDIX C
UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

At a Stated Term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 20 day of January, two thousand twenty-three,

Present:

Debra Ann Livingston, Chief Judge,

Jose A. Cabranes, Raymond J. Lohier, Jr., Circuit Judges.

Dongmei Li, Plaintiff - Appellant,

V.

State of Connecticut, Dept of Public Health,
Connecticut, Dept of Mental Health & Addiction Svcs,
Connecticut, Richard Colangelo, Joseph T. Corradino,
Anthony Formato, Morgan Rhodes, Fairfield Police
Dept, Chris Lyddy, Lance Newkirchen, Richard Peck,
Fairfield Emergency Communications Center, American
Medical Response Inc, Bret Jackson, Mackenzie D'lorio,
St. Vincent's Medical Center, Rachel Bouteiller, Fayoa
Carmichael, Margaret Chuckta, Kellie Clomiro, Lori
Dube, Jingchun Liu, Melissa Ortiz, Bonnie Perez, Nadine
Ritt, Jemesha Wright, Clifford Schwartz, Sharon
Hasbani, Audrey Harrell, Ryan Liberman, Bujji B.
Surapaneni, Dora Orosz, Christopher M. Orelup, Simon
A. Ovanessian, Kelechi Ogbonna, Roger Jou, Lei Li,

Stephanie A. Sirois, Amanda M. Sandrew, Raj K. Bansal,
Miriam E. Delphin-Rittmon, Town of Fairfield, Fairfield
Board of Education, Kovacs, James P. Zwally, Cynthia
Anderson, Andrea E. Bertolozzi, Cynthia Campbell,
Patricia Galich, Barbara Mcconachie, Christine
Pannone, James Richards, Rahul Gupta, Bruny Jacques
Germain, Lilliana Hernandez,

Defendants - Appellees.

ORDER

Docket No. 22-1980 (L), 22-2863 (Con)

Appellant Dongmei Li filed a motion for reconsideration
and the panel that determined the motion has
considered the request.

IT IS HEREBY ORDERED, that the motion is denied.

For The Court:

Catherine O'Hagan Wolfe, Clerk of Court

Catherine O'Hagan Wolfe

