

APPENDIX A

UNITED STATES COURT OF APPEALS FOR THE FIRST CIRCUIT

No. 15-1563

BAHIG F. BISHAY, ET AL
Plaintiffs/Appellants

v.

KURT DEUSCHLE, et al
Defendants/Appellees

JUDICIAL NOTICE

The Plaintiffs/Appellants in the within action hereby give notice, pursuant to 28 U.S.C., Section 455(a), to wit:

1. The Plaintiffs/Appellee Brighton Avenue Associates, LLC, is represented by Catherine J. Savoie, Esq., partner in the law firm POSTERNAK BLANKSTEIN & LUND LLP;
2. Defendant/Appellee, David Reier, Esq., partner in the law firm POSTERNAK BLANKSTEIN & LUND LLP, is also represented by Catherine J. Savoie, Esq.; and that
3. Erik Lund, Esq., on information and belief, is

also a partner in the law firm POSTERNAK
BLANKSTEIN & LUND LLP, and Judge
Sandra L. Lynch's husband.

Dated: October 5, 2015

APPENDIX B

UNITED STATES COURT OF APPEALS FOR THE FIRST CIRCUIT

No. 19-1257

[DATE STAMP]

RECEIVED

US COURT OF APPEALS
FIRST CIRCUIT
CLERK [Illegible]

BAHIG F. BISHAY; MARY T. BISHAY,
Plaintiffs - Appellants

v.

SUPREME JUDICIAL COURT OF THE
COMMONWEALTH OF MASSACHUSETTS;
JUSTICE RALPH D. GANTS, in his individual and
official capacity as Chief Justice of the Supreme
Judicial Court of Massachusetts; JUSTICE
BARBARA A. LENK, in her individual and official
capacity as Associate Justice of the Supreme Judicial
Court of Massachusetts; JUSTICE FRANK M.
GAZIANO, in his individual and official capacity as
Associate Justice of the Supreme Judicial Court of
Massachusetts; JUSTICE DAVID A. LOWY, in his
individual and official capacity as Associate Justice
of the Supreme Judicial Court of Massachusetts;
JUSTICE KIMBERLY S. BUDD, in her individual
and official capacity as Associate Justice of the

Supreme Judicial Court of Massachusetts; JUSTICE ELSPETH B. CYPHER, in his individual and official capacity as Associate Justice of the Supreme Judicial Court of Massachusetts; JUSTICE SCOTT KAFKER, in his individual and official capacity as Associate Justice of the Supreme Court Massachusetts; MERRILL LYNCH CREDIT CORP., a/k/a Bank of America, N.A.; REAL ESTATE GROWTH FUND, LLC; JON FREEMAN; MICHAEL P. GIUNTA; PETER D. KYBURG,
Defendants - Appellees.

Before

Howard,* Chief Judge,
Lynch, Thompson, Kayatta *
and Barron, * Circuit Judges

ORDER OF COURT

Entered: October 29, 2020

Pursuant to First Circuit Internal Operating Procedure X(C), the petition for rehearing en banc has also been treated as a petition for rehearing before the original panel.

The petition for panel rehearing is **denied**.

* Chief Judge Howard, Judge Kayatta and Judge Barron are recused and did not participate in the determination of this matter.

As there is no quorum of circuit judges in regular active service who are not recused who may vote on appellant's request for rehearing en banc, the request for rehearing en banc is also **denied**, *See* 28 U.S.C. § 46(d); 1st Cir. Loc. R. 35.0(a)(1).

Any remaining motions are denied as moot.

By the Court:

Maria R. Hamilton, Clerk

cc:

Bahig F. Bishay
Mary T. Bishay
Elizabeth A. Kaplan
Connie Flores Jones
Robert R. Pierce
Edward T. Hinchey
Charles F. Rourke II

APPENDIX C

UNITED STATES COURT OF APPEALS FOR THE FIRST CIRCUIT

No. 19-1975

BAHIG F. BISHAY,
Plaintiff - Appellant

v.

U.S. COURT OF APPEALS, First Circuit; JUDGE
JEFFREY R. HOWARD, in his individual and
official capacity as Chief Judge of the U.S. Court of
Appeals for the First Circuit; JUDGE JUAN R.
TORRUELLA, in his individual and official capacity
as Judge of the U.S. Court of Appeals for the First
Circuit; JUDGE WILLIAM J. KAYATTA, in his
individual and official capacity as Judge of the U.S.
Court of Appeals for the First Circuit; MAURA
HEALEY, in her individual and official capacity as
Massachusetts Attorney General; ELIZABETH A.
KAPLAN, in her individual and official capacity as
Massachusetts Assistant Attorney General,
Defendants - Appellees.

Before

Howard,* Chief Judge,
Lynch,* Thompson, Kayatta *
and Barron, Circuit Judges

ORDER OF COURT

Entered: October 29, 2020

Pursuant to First Circuit Internal Operating Procedure X(C), the petition for rehearing en banc has also been treated as a petition for rehearing before the original panel.

The petition for panel rehearing is **denied**.

The motion for leave to file an oversized petition for rehearing en banc is granted. As there is no quorum of circuit judges in regular active service who are not recused who may vote on appellant's request for rehearing en banc, the request for rehearing en banc is also **denied**. See 28 U.S.C. § 46(d); 1st Cir. Loc. R. 35.0(a)(1).

By the Court:

Maria R. Hamilton, Clerk

cc:

Bahig F. Bishay

* Chief Judge Howard, Judge Lynch and Judge Kayatta are recused and did not participate in the determination of this matter.

Mary T. Bishay
Elizabeth A. Kaplan
Connie Flores Jones
Robert R. Pierce
Edward T. Hincheay
Charles F. Rourke II