

**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. Hinchey  
Charles F. Rourke II