
IN THE
SUPREME COURT OF THE
UNITED STATES

PALANI KARUPAIYAN et al
---Petitioners

v.

ARNAUD VAISSIE et al
---- Respondents

On Petition for a Writ of Certiorari
to the United States Court of
Appeals for the Third Circuit
before judgment entered in that
Court Docket-23-2946

**Appendix for PETITION FOR A
WRIT OF CERTIORARI**

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**APPENDIX- A : ECF-34 ORDER OF US DIST. COURT FOR
THE EASTERN DIST. OF PENNSYLVANIA TO DISMISSING THE
COMPLAINT FOR INTERNATIONAL SOS JAN 31 2023.**

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF PENNSYLVANIA**

Palani Karupaiyan et al <i>Plaintiffs, Prose</i>	Civil Action No 22-3083
V	
Arnaud Vaissie et al <i>Defendants</i>	

ORDER

AND NOW, this 31st day of January 2023, upon consideration of the *motion to dismiss the amended complaint* filed by Defendants International SOS, Arnaud Vaissie, Dessi Nikolova, and Gregory Harris (collectively, "Moving Defendants"), [ECF 30], Plaintiffs' response in opposition, [ECF 31], and the allegations in the amended complaint, [ECF 24],

it is hereby **ORDERED** that the motion to dismiss is **GRANTED**¹. Accordingly, this matter is **DISMISSED**, with prejudice, as to Moving Defendants.

BY THE COURT

/S/ Nitza I. Quinones Alejandro
NITZA I. QUINONES ALEJANDRO
Judge, United States Dist Court.

FoteNote-1. Continues below

In his amended complaint, Plaintiff Palani Karupaiyan ("Plaintiff"), proceeding *pro se* on his own behalf and purportedly on behalf of his children, asserts various claims against Moving Defendants premised on their alleged unlawful termination of his employment contract and their subsequent decision to not hire him for

another position allegedly because of his race, ethnicity, national origin, and disability, in violation of various federal and state statutes. (Am. Compl., ECF 24, at ¶ 2).

Moving Defendants filed the instant motion to dismiss and argue that the doctrine of *res judicata* bars Plaintiff's claims against them. When considering a motion to dismiss for failure to state a claim under Federal Rule of Civil Procedure ("Rule") 12(b)(6), the court "must accept all of the complaint's well-pleaded facts as true, but may disregard any legal conclusions." *Fowler v. UPMC Shadyside*, 578 F.3d 203, 210–11 (3d Cir. 2009). The court must determine "whether the facts alleged in the complaint are sufficient to show that the plaintiff has a plausible claim for relief." *Id.* at 211 (quoting *Ashcroft v. Iqbal*, 556 U.S. 662, 679 (2009)). The complaint must do more than merely allege the plaintiff's entitlement to relief; it must "show such an entitlement with its facts." *Id.* (quotations and citations omitted).

As noted, Moving Defendants move to dismiss Plaintiff's claims of unlawful termination of employment as barred by the doctrine of *res judicata*. Specifically, Moving Defendants argue that because Plaintiff previously brought identical claims against Moving Defendants in this Court that were fully adjudicated on the merits in Moving Defendants' favor by the Honorable Petrese B. Tucker, in the matter styled *Karupaiyan v. International SOS, et al.*, Civil Action No. 19-2259 (the "Prior Action"), Plaintiff's amended complaint here should be dismissed. Notably, Judge Tucker dismissed the Prior Action "with prejudice," and the United States Court of Appeals for the Third Circuit (the "Third Circuit") affirmed the dismissal. *See Karupaiyan v. Int'l SOS*, 2021 WL 6102077 (3d Cir. Dec. 22, 2021). For the reasons set forth herein, this Court agrees with Moving Defendants.

The doctrine of *res judicata*, or claim preclusion, “protect[s] litigants from the burden of relitigating an identical issue with the same party or his privy and . . . promot[es] judicial economy by preventing needless litigation.” *Parklane Hosiery Co. v. Shore*, 439 U.S. 322, 327 (1979). For the doctrine of *res judicata* to apply, the following requirements must be met, *to wit*: “(1) a final judgment on the merits in a prior suit involving (2) the same parties or their privies and (3) a subsequent suit based on the same cause of action.” *Lubrizol Corp. v. Exxon Corp.*, 929 F.2d 960, 963 (3d Cir. 1991).

In evaluating whether these elements are met, this Court must “focus on the central purpose of the doctrine, to require a plaintiff to present all claims arising out of the same occurrence in a single suit. In so doing, we avoid piecemeal litigation and conserve judicial resources.” *Blunt v. Lower Merion Sch. Dist.*, 767 F.3d 247, 277 (3d Cir. 2014) (internal quotation marks and brackets omitted). In *Blunt*, the Third Circuit explained:

[W]e take a broad view of what constitutes the same cause of action and that res judicata generally is thought to turn on the essential similarity of the underlying events giving rise to the various legal claims. In analyzing essential similarity, we consider several factors: (1) whether the acts complained of and the demand for relief are the same . . . ; (2) whether the theory of recovery is the same; (3) whether the witnesses and documents necessary at trial are the same . . . ; and (4) whether the material facts alleged are the same. It is not dispositive that a plaintiff asserts a different theory of recovery or seeks different relief in the two actions.

Id. (internal citations and quotations omitted); *see also Elkadrawy v. Vanguard Grp.*, 584 F.3d 169, 173 (3d Cir.

2009) (“This analysis does not depend on the specific legal theory invoked, but rather [on] the essential similarity of the underlying events giving rise to the various legal claims.”) (internal quotation marks omitted). “The doctrine of *res judicata* bars not only claims that were brought in a previous action, but also claims that could have been brought.” *In re Mullarkey*, 536 F.3d 215, 225 (3d Cir. 2008). With respect to privity between defendants, claim preclusion is applied whenever “there is a close or significant relationship between successive defendants.” *Lubrizol*, 929 F.2d at 966.

Here, Plaintiff and Moving Defendants (with the exception of Defendant Arnaud Vaissie) were all parties to the Prior Action. As the alleged CEO of Defendant International SOS (named as a defendant in this action *and* the Prior Action), Defendant Vaissie has a “close or significant relationship” to a previously named defendant such that he is in privity for preclusion purposes. *Salerno v. Corzine*, 449 F. App’x 118, 122–23 (3d Cir. 2011) (finding privity between employer and employees). Plaintiff’s claims against Moving Defendants in this case are also the same and/or premised on the same underlying allegations and theories as those he asserted in the Prior Action. Indeed, in the second amended complaint filed in the Prior Action, Plaintiff alleged:

This suit arises from Defendant’s decision to refuse[] to hire fulltime job and/or refused hire contract job and/or terminate Plaintiff because of his Race, Color, National of Origin, (Language), retaliation, Age, Disability, genetic information, US Citizenship in violation of [various federal statutes].”

(Sec. Am. Compl., Civil Action No. 19-2259, ECF 56, at ¶ 1). In the amended complaint underlying this action, Plaintiff makes the same allegations:

This suit arises from Defendant's decision to refuse[] to hire fulltime job and/or refused hire contract job and/or terminate Plaintiff because of his Race, Color, National of Origin, (Language), retaliation, Age, Disability, genetic information, US Citizenship in violation of Under Laws."

(Am. Compl., ECF 24, at ¶ 2). As such, the second and third elements for application of *res judicata* are clearly met.

Plaintiff contends, however, that the judgment in the Prior Action was not "on the merits" because it was premised on pleading deficiencies under Rules 8 and 10 and on his failure to comply with Court Orders under *Poulis v. State Farm Fire and Casualty Co.*, 747 F.2d 863 (3d Cir. 1984). While Plaintiff is correct as to the bases of the prior dismissal, he is incorrect as to the preclusive effect of such dismissals. Though not squarely determined by the Third Circuit, district courts in this Circuit have held that dismissal of a plaintiff's claims with prejudice for failure to comply with federal court orders operates as an adjudication on the merits for preclusion purposes. See, e.g., *Jackson v. Dow Chem. Co.*, 902 F. Supp. 2d 658, 668-69 (E.D. Pa. 2012); *Nwani v. Molly*, 2018 WL 2461987, at *6 (E.D. Pa. May 31, 2018) (citing and following *Jackson*). This approach is also the uniform view taken by other federal courts. See *Dillard v. Sec. Pac. Brokers, Inc.*, 835 F.2d 607, 608 (5th Cir. 1988) (affirming application of claim preclusion to earlier federal judgment entered as a sanction for failure to comply with court order); *United States v. \$149,345 U.S. Currency*, 747 F.2d 1278, 1280 (9th Cir. 1984) (same); see also 18A Charles A. Wright *et al.*, *Federal Practice and Procedure* § 4440 n.1 (3d ed.) (collecting cases). Though in *dicta*, the United States Supreme Court indicated its agreement. See *Costello v. United States*, 365 U.S. 265, 286 (1961) (stating that dismissal for reasons enumerated in Rule 41(b),

including “failure . . . to comply with an order of the Court,” would normally “bar a subsequent action”). Further, the Third Circuit has recognized that dismissal as a sanction for failure to obey a court order would give rise to preclusion under Pennsylvania law. *McCarter v. Mitcham*, 883 F.2d 196, 199–200 (3d Cir. 1989). In light of this caselaw, this Court agrees that a dismissal with prejudice premised on a plaintiff’s failure to comply with court orders operates as a decision on the merits for preclusion purposes.

Here, Judge Tucker dismissed the Prior Action, with prejudice, on account of Plaintiff’s failure to comply with prior orders. Specifically, she concluded that Plaintiff’s second amended complaint was filed after the deadline set in an Order dismissing Plaintiff’s previous complaint. After conducting the requisite *Poulis* analysis, which included consideration of the merits of Plaintiff’s claims, Judge Tucker dismissed the second amended complaint with prejudice. Judge Tucker’s dismissal with prejudice was affirmed on appeal by the Third Circuit. See *Karupaiyan*, 2021 WL 6102077 (3d Cir. Dec. 22, 2021). Under these circumstances, and based on the caselaw cited above, this Court finds that the dismissal of the Prior Action with prejudice for failure to comply with court orders constitutes a decision on the merits for preclusion purposes. As such, Plaintiff’s claims against Moving Defendants are precluded by the doctrine of *res judicata*.

**APPENDIX-B: ECF-35 DIST COURT ORDER THAT
DISMISSING THE ACCESS DEFENDANTS. JAN 31 2023.
IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DIST OF PENNSYLVANIA**

Palani Karupaiyan et al <i>Plaintiffs, Prose</i>	Civil Action No 22-3083
V Arnaud Vaissie et al <i>Defendants</i>	

ORDER

AND NOW, this 31st day of January 2023, upon consideration of the *motion to dismiss the amended complaint* filed by Defendants Access Staffing, LLC, and Mike Weinstein (collectively, "Moving Defendants"), [ECF 28], Plaintiffs' response in opposition, [ECF 32], and the allegations in the amended complaint, [ECF 24], it is hereby **ORDERED** that the motion to dismiss is **GRANTED**.¹ Accordingly, this matter is **DISMISSED**, with prejudice, as to Moving Defendants.

BY THE COURT:

/s/ Nitza I. Quiñones Alejandro
NITZA I. QUIÑONES ALEJANDRO
Judge, United States District Court

FootNote-1

In his amended complaint, Plaintiff Palani Karupaiyan ("Plaintiff"), proceeding *pro se* on his own behalf and purportedly on behalf of his children, asserts various claims against Moving Defendants premised on their alleged unlawful termination of his employment contract and their subsequent decision to not hire him for another position allegedly because of his race, ethnicity,

national origin, and disability, in violation of various federal and state statutes. (Am. Compl., ECF 24, at ¶ 2).

Moving Defendants filed the instant motion to dismiss and argue, *inter alia*, that the doctrine of *res judicata* bars Plaintiff's current claims against them. When considering a motion to dismiss for failure to state a claim under Federal Rule of Civil Procedure ("Rule") 12(b)(6), the court "must accept all of the complaint's well-pleaded facts as true, but may disregard any legal conclusions." *Fowler v. UPMC Shadyside*, 578 F.3d 203, 210–11 (3d Cir. 2009). The court must determine "whether the facts alleged in the complaint are sufficient to show that the plaintiff has a 'plausible claim for relief.'" *Id.* at 211 (quoting *Ashcroft v. Iqbal*, 556 U.S. 662, 679 (2009)). The complaint must do more than merely allege the plaintiff's entitlement to relief; it must "show such an entitlement with its facts." *Id.* (quotations and citations omitted).

As noted, Moving Defendants move to dismiss Plaintiff's claims of unlawful termination of employment as barred by the doctrine of *res judicata*. Specifically, Moving Defendants argue that because Plaintiff previously brought identical claims against Moving Defendants in this Court that were fully adjudicated on the merits in Moving Defendants' favor by the Honorable Petrese B. Tucker, in the matter styled *Karupaiyan v. International SOS, et al.*, Civil Action No. 19-2259 (the "Prior Action"), Plaintiff's amended complaint here should be dismissed. Notably, Judge Tucker dismissed the Prior Action "with prejudice," and the United States Court of Appeals for the Third Circuit (the "Third Circuit") affirmed the dismissal. *See Karupaiyan v. Int'l SOS*, 2021 WL 6102077 (3d Cir. Dec. 22, 2021). For the reasons set forth herein, this Court agrees with Moving Defendants.

The doctrine of *res judicata*, or claim preclusion, “protect[s] litigants from the burden of relitigating an identical issue with the same party or his privy and . . . promot[es] judicial economy by preventing needless litigation.” *Parklane Hosiery Co. v. Shore*, 439 U.S. 322, 327 (1979). For the doctrine of *res judicata* to apply, the following requirements must be met, *to wit*: “(1) a final judgment on the merits in a prior suit involving (2) the same parties or their privies and (3) a subsequent suit based on the same cause of action.” *Lubrizol Corp. v. Exxon Corp.*, 929 F.2d 960, 963 (3d Cir. 1991).

In evaluating whether these elements are met, this Court must “focus on the central purpose of the doctrine, to require a plaintiff to present all claims arising out of the same occurrence in a single suit. In so doing, we avoid piecemeal litigation and conserve judicial resources.” *Blunt v. Lower Merion Sch. Dist.*, 767 F.3d 247, 277 (3d Cir. 2014) (internal quotation marks and brackets omitted). In *Blunt*, the Third Circuit explained:

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Id. (internal citations and quotations omitted); *see also Elkadrawy v. Vanguard Grp.*, 584 F.3d 169, 173 (3d Cir.

2009) (“This analysis does not depend on the specific legal theory invoked, but rather [on] the essential similarity of the underlying events giving rise to the various legal claims.”) (internal quotation marks omitted). “The doctrine of *res judicata* bars not only claims that were brought in a previous action, but also claims that could have been brought.” *In re Mullarkey*, 536 F.3d 215, 225 (3d Cir. 2008). With respect to privity between defendants, claim preclusion is applied whenever “there is a close or significant relationship between successive defendants.” *Lubrizol*, 929 F.2d at 966.

Here, Plaintiff and Moving Defendants were all parties to the Prior Action. Plaintiff’s claims against Moving Defendants in this case are also the same and/or premised on the same underlying allegations and theories as those he asserted in the Prior Action. Indeed, in the second amended complaint filed in the Prior Action, Plaintiff alleged:

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(Sec. Am. Compl., Civil Action No. 19-2259, ECF 56, at ¶ 1). In the amended complaint underlying this action, Plaintiff makes the same allegations:

This suit arises from Defendant’s decision to refuse[] to hire fulltime job and/or refused hire contract job and/or terminate Plaintiff because of his Race, Color, National of Origin, (Language), retaliation, Age, Disability, genetic information, US Citizenship in violation of Under Laws.”

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Plaintiff contends, however, that the judgment in the Prior Action was not “on the merits” because it was premised on pleading deficiencies under Rules 8 and 10 and on his failure to comply with Court Orders under *Poulis v. State Farm Fire and Casualty Co.*, 747 F.2d 863 (3d Cir. 1984). While Plaintiff is correct as to the bases of the prior dismissal, he is incorrect as to the preclusive effect of such dismissals. Though not squarely determined by the Third Circuit, district courts in this Circuit have held that dismissal of a plaintiff’s claims with prejudice for failure to comply with federal court orders operates as an adjudication on the merits for preclusion purposes. *See, e.g., Jackson v. Dow Chem. Co.*, 902 F. Supp. 2d 658, 668– 69 (E.D. Pa. 2012); *Nwani v. Molly*, 2018 WL 2461987, at *6 (E.D. Pa. May 31, 2018) (citing and following *Jackson*). This approach is also the uniform view taken by other federal courts. *See Dillard v. Sec. Pac. Brokers, Inc.*, 835 F.2d 607, 608 (5th Cir. 1988) (affirming application of claim preclusion to earlier federal judgment entered as a sanction for failure to comply with court order); *United States v. \$149,345 U.S. Currency*, 747 F.2d 1278, 1280 (9th Cir. 1984) (same); *see also* 18A Charles A. Wright *et al.*, *Federal Practice and Procedure* § 4440 n.1 (3d ed.) (collecting cases). Though in *dicta*, the United States Supreme Court indicated its agreement. *See Costello v. United States*, 365 U.S. 265, 286 (1961) (stating that dismissal for reasons enumerated in Rule 41(b), including “failure . . . to comply with an order of the Court,” would normally “bar a subsequent action”). Further, the Third Circuit has recognized that dismissal as a sanction for failure to obey a court order would give rise to preclusion under Pennsylvania law. *McCarter v. Mitcham*, 883 F.2d 196, 199– 200 (3d Cir. 1989). In light of this caselaw, this Court agrees that a dismissal with

prejudice premised on a plaintiff's failure to comply with court orders operates as a decision on the merits for preclusion purposes.

Here, Judge Tucker dismissed the Prior Action, with prejudice, on account of Plaintiff's failure to comply with prior orders. Specifically, she concluded that Plaintiff's second amended complaint was filed after the deadline set in an Order dismissing Plaintiff's previous complaint. After conducting the requisite *Poulis* analysis, which included consideration of the merits of Plaintiff's claims, Judge Tucker dismissed the second amended complaint with prejudice. Judge Tucker's dismissal with prejudice was affirmed on appeal by the Third Circuit. See *Karupaiyan*, 2021 WL 6102077 (3d Cir. Dec. 22, 2021). Under these circumstances, and based on the caselaw cited above, this Court finds that the dismissal of the Prior Action with prejudice for failure to comply with court orders constitutes a decision on the merits for preclusion purposes. As such, Plaintiff's claims against Moving Defendants are precluded by the doctrine of *res judicata*.

**APPENDIX-C- ECF-17 DIST COURT ORDER- FORMA
 PAUPERIS GRANTED & ORDERED TO SERVE THE SUMMON
 AND COMPLAINT. NOV 3 2022. ECF-17
 IN THE UNITED STATES DISTRICT COURT
 FOR THE EASTERN DIST OF PENNSYLVANIA**

PALANI KARUPAIYAN V ARNAUD VAISSIE, <i>et</i> <i>al.</i>	CIVIL ACTION NO. 22-3083
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ORDER

AND NOW, this 3rd day of November 2022, upon consideration of Plaintiff's *application to proceed in District Court without prepaying fees or costs*, [ECF 1], and it appearing to this Court that Plaintiff is unable to pre-pay the filing fees and costs, it is hereby **ORDERED** that:

1. Plaintiff's application to proceed *in forma pauperis* is **GRANTED**;
2. The Clerk of Court shall file the complaint and issue summons;
3. All original pleadings and other papers submitted for consideration to the Court in this case are to be filed with the Clerk of Court. Copies of papers filed in this Court are to be served upon counsel for all other parties (or directly on any party acting *pro se*). Service may be made by mail. Proof that service has been made is provided by a certificate of service. The certificate of service should be filed in the case along with the original papers and should show the day and manner of service. An example of a certificate of service by mail follows:

"I, (name), do hereby certify that a true and correct copy of the foregoing (name of pleading or other paper) has been served upon (name(s) of person(s) served) by placing the same in the U.S. mail, properly addressed, this (day) of (month), (year).

(Signature)"

4. Any request for court action shall be set forth in a motion, properly filed and served. The parties shall file all motions, including proof of service upon opposing parties, with the Clerk of Court. The Federal Rules of Civil Procedure and local rules are to be followed. Plaintiff is specifically directed to comply with Local Civil Rule 7.1 and serve and file a proper response to all motions within fourteen (14) days. Failure to do so may result in dismissal of this action;

5. Plaintiff is specifically directed to comply with Local Rule 26.1(f) which provides that "[n]o motion or other application pursuant to the Federal Rules of Civil Procedure governing discovery or pursuant to this rule shall be made unless it contains a certification of counsel that the parties, after reasonable effort, are unable to resolve the dispute." Plaintiff shall attempt to resolve any discovery disputes by contacting defendant's counsel directly by telephone or through correspondence;

6. No direct communication is to take place with the District Judge or United States Magistrate Judge with regard to this case. All relevant information and papers are to be directed to the Clerk;

7. In the event a summons is returned unexecuted, it is plaintiff's responsibility to ask the Clerk of Court to issue an alias summons and to provide the Clerk with the defendant's correct address, so service can be made; and

8. The parties should notify the Clerk's Office when there is an address change. Failure to do so could result in court orders or other information not being timely delivered, which could affect the parties' legal rights

BY THE COURT:

/s/ Nitza I. Quiñones Alejandro

NITZA I. QUIÑONES ALEJANDRO

Judge, United States District Court

APPENDIX-D : DIST COURT DOCKET ENTRIES-22-CV-03083-NIQA

2:22-cv-03083-NIQA KARUPAIYAN v.

VAISSIE et al

NITZA I QUINONES ALEJANDRO, presiding

Date filed: 08/01/2022

Date terminated: 05/09/2023

Date of last filing: 11/18/2023

History

Doc. No.	Dates	Description
<u>1</u>	<i>Filed:</i> 08/01/2022 <i>Entered:</i> 08/05/2022 <i>Terminated:</i> 11/03/2022	● Motion for Leave to Proceed in forma pauperis
<u>2</u>	<i>Filed:</i> 08/01/2022 <i>Entered:</i> 08/05/2022	● Complaint
<u>3</u>	<i>Filed:</i> 08/01/2022 <i>Entered:</i> 08/05/2022	● Notice re: Pro Se Guidelines
<u>4</u>	<i>Filed:</i> 08/18/2022 <i>Entered:</i> 08/19/2022	● Affidavit of Service
<u>5</u>	<i>Filed:</i> 08/18/2022 <i>Entered:</i> 08/19/2022 <i>Terminated:</i> 02/01/2023	● Motion to Appoint Counsel
<u>6</u>	<i>Filed & Entered:</i> 09/21/2022 <i>Terminated:</i> 11/28/2022	● Dismiss for Failure to State a Claim
<u>7</u>	<i>Filed:</i> 09/28/2022 <i>Entered:</i> 09/29/2022 <i>Terminated:</i> 11/03/2022	● Motion for Order

<u>8</u>	<i>Filed & Entered:</i> <i>Terminated:</i>	10/03/2022 05/09/2023	☛ Motion for Miscellaneous Relief
<u>9</u>	<i>Filed & Entered:</i>	10/07/2022	☛ Response to Motion
<u>10</u>	<i>Filed & Entered:</i> <i>Terminated:</i>	10/07/2022 02/01/2023	☛ Motion to Consolidate Cases
<u>11</u>	<i>Filed & Entered:</i>	10/28/2022	☛ Notice of Appearance
<u>12</u>	<i>Filed & Entered:</i>	10/28/2022	☛ Disclosure Statement Form
<u>13</u>	<i>Filed & Entered:</i> <i>Terminated:</i>	10/28/2022 11/28/2022	☛ Motion to Dismiss
<u>14</u>	<i>Filed & Entered:</i> <i>Terminated:</i>	11/02/2022 11/03/2022	☛ Motion for Miscellaneous Relief
	<i>Filed:</i> <i>Entered:</i>	11/03/2022 11/04/2022	☛ Set Motion and R&R Deadlines/Hearings
<u>15</u>	<i>Filed:</i> <i>Entered:</i>	11/03/2022 11/04/2022	☛ Order on Motion for Order
<u>16</u>	<i>Filed:</i> <i>Entered:</i>	11/03/2022 11/04/2022	☛ Protective Order
<u>17</u>	<i>Filed:</i> <i>Entered:</i>	11/03/2022 11/04/2022	☛ Order on Motion for Leave to Proceed in forma pauperis
<u>18</u>	<i>Filed:</i> <i>Entered:</i>	11/03/2022 11/04/2022	☛ Summons Issued
<u>19</u>	<i>Filed & Entered:</i>	11/04/2022	☛ Notice of Change of Address

<u>23</u>	<i>Filed:</i> 11/24/2022 <i>Entered:</i> 11/25/2022	● Affidavit of Service
<u>20</u>	<i>Filed & Entered:</i> 11/25/2022	● Response to Motion
<u>21</u>	<i>Filed & Entered:</i> 11/25/2022	● Response to Motion
<u>22</u>	<i>Filed & Entered:</i> 11/25/2022	● Response to Motion
<u>24</u>	<i>Filed:</i> 11/25/2022 <i>Entered:</i> 11/28/2022	● Amended Complaint
<u>25</u>	<i>Filed:</i> 11/25/2022 <i>Entered:</i> 11/28/2022	● Summons Issued
<u>26</u>	<i>Filed & Entered:</i> 11/28/2022	● Order on Motion to Dismiss for Failure to State a Claim
<u>27</u>	<i>Filed & Entered:</i> 11/30/2022	● Affidavit of Service
<u>28</u>	<i>Filed & Entered:</i> 12/07/2022 <i>Terminated:</i> 01/31/2023	● Dismiss for Failure to State a Claim
<u>29</u>	<i>Filed & Entered:</i> 12/08/2022 <i>Terminated:</i> 01/26/2023	● Motion for Order
<u>30</u>	<i>Filed & Entered:</i> 12/09/2022 <i>Terminated:</i> 01/31/2023	● Motion to Dismiss
<u>31</u>	<i>Filed:</i> 12/10/2022 <i>Entered:</i> 12/12/2022	● Response in Opposition to Motion
<u>32</u>	<i>Filed:</i> 12/12/2022 <i>Entered:</i> 12/13/2022	● Memorandum

<u>33</u>	<i>Filed:</i> 01/26/2023 <i>Entered:</i> 01/27/2023	☛ Order on Motion for Order
<u>34</u>	<i>Filed:</i> 01/31/2023 <i>Entered:</i> 02/01/2023	☛ Order on Motion to Dismiss
<u>35</u>	<i>Filed:</i> 01/31/2023 <i>Entered:</i> 02/01/2023	☛ Order on Motion to Dismiss for Failure to State a Claim
<u>36</u>	<i>Filed & Entered:</i> 02/01/2023	☛ Notice (Other)
<u>37</u>	<i>Filed & Entered:</i> 02/01/2023	☛ Order on Motion to Consolidate Cases
<u>38</u>	<i>Filed & Entered:</i> 02/01/2023	☛ Order on Motion to Appoint Counsel
<u>39</u>	<i>Filed & Entered:</i> 02/02/2023 <i>Terminated:</i> 02/02/2023	☛ Motion for Leave to Proceed in forma pauperis
<u>40</u>	<i>Filed & Entered:</i> 02/02/2023 <i>Terminated:</i> 04/17/2023	☛ Notice of Appeal
<u>41</u>	<i>Filed & Entered:</i> 02/02/2023	☛ Order on Motion for Leave to Proceed in forma pauperis
<u>42</u>	<i>Filed & Entered:</i> 02/08/2023	☛ Affidavit of Service
<u>43</u>	<i>Filed & Entered:</i> 02/09/2023 <i>Terminated:</i> 04/17/2023	☛ USCA Notice of Docketing ROA
<u>44</u>	<i>Filed:</i> 02/11/2023 <i>Entered:</i> 02/13/2023 <i>Terminated:</i> 02/11/2023	☛ Notice of Appeal
<u>45</u>	<i>Filed & Entered:</i> 02/15/2023	☛ Motion for Leave to Proceed in forma pauperis

	<i>Terminated:</i> 04/12/2023	
<u>46</u>	<i>Filed:</i> 02/18/2023 <i>Entered:</i> 02/21/2023	● Notice (Other)
<u>47</u>	<i>Filed:</i> 02/19/2023 <i>Entered:</i> 02/21/2023	● Certificate of Service
<u>48</u>	<i>Filed & Entered:</i> 04/12/2023	● Order on Motion for Leave to Proceed in forma pauperis
<u>49</u>	<i>Filed & Entered:</i> 04/17/2023	● USCA Order
<u>50</u>	<i>Filed & Entered:</i> 05/09/2023	● Order Dismissing Case
<u>51</u>	<i>Filed:</i> 05/20/2023 <i>Entered:</i> 05/22/2023	● Notice of Appeal
<u>52</u>	<i>Filed & Entered:</i> 06/01/2023	● USCA Notice of Docketing ROA
<u>53</u>	<i>Filed & Entered:</i> 06/12/2023	● Statement
<u>54</u>	<i>Filed:</i> 09/29/2023 <i>Entered:</i> 10/02/2023	● Application/Petition
<u>55</u>	<i>Filed:</i> 11/18/2023 <i>Entered:</i> 11/20/2023	● Application/Petition

APPENDIX-E USCA3's DOCKET ENTRIES- PETITION FOR WRIT OF MANDAMUS (DOCKET 23-2946)

<p>Court of Appeals Docket #: 23-2946 Docketed: 11/08/2023</p> <p>In re: Palani Karupaiyan Appeal From: United States District Court for the Eastern District of Pennsylvania Fee Status: IFP</p>	
<p>Case Type Information:</p> <p>1) original proceeding 2) Not Paid Mandamus 3) DC Civil Case</p>	
<p>Originating Court Information:</p> <p>District: 0313-2 : 2-22-cv-03083 Trial Judge: Nitza I. Quinones Alejandro, U.S. District Judge</p>	
11/08/2023	<p><u>1</u> PETITION FOR WRIT OF MANDAMUS DOCKETED. Notice filed by Petitioner Palani Karupaiyan. (SB) [Entered: 11/08/2023 09:47 AM]</p>
11/08/2023	<p><u>2</u> NONCOMPLIANCE Order sent to Petitioner Palani Karupaiyan. It is noted that on October 23, 2023, Petitioner filed the above-captioned petition for writ of mandamus in the existing appeal docketed at No. 23-1948. As a petition for writ of</p>

mandamus is an original proceeding, it has been assigned a new case number and Petitioner must pay a new filing fee. There is a \$500 docketing fee for this petition. Because Petitioner did not submit the fee or a motion for leave to proceed in forma pauperis with the mandamus petition, action on the petition is deferred. Within fourteen (14) days of the date of this order, Petitioner must either remit payment of the \$500.00 filing fee or file a motion for leave to proceed in forma pauperis and affidavit. A form affidavit is enclosed for Petitioner's convenience. If the filing fee is not paid or the motion is not filed, the petition may be dismissed without further notice. See 3d Cir. L.A.R. Misc. 107.1. Petitioner must also provide a copy of the petition for writ of mandamus to the District Court judge. See Fed. R. App. P. 21(a)(1). In addition, a copy of the motion for leave to proceed in forma pauperis must be served on each party to the proceeding, including the District Court judge. Petitioner must submit a certificate of service reflecting that the petition has been served on the District Court judge and that the motion to proceed in forma pauperis has been served on all parties, including the District

Court judge, to the Court of Appeals within fourteen (14) days of the date of this order. See Fed. R. App. P. 21 and 25. The petition will not be submitted to the Court until the filing fee or motion to proceed in forma pauperis and affidavit and the certificate of service are received. See Fed. R. App. P. 21(a)(3). (SB) [Entered: 11/08/2023 10:02 AM]

11/15/2023 3 ECF FILER: Motion filed by Petitioner Palani Karupaiyan for leave to proceed In Forma Pauperis. Certificate of Service dated 11/15/2023. Service made by ECF. [23-2946] (PK) [Entered: 11/15/2023 11:33 AM]

11/15/2023 4 ECF FILER: CERTIFICATE OF SERVICE for noncompliance order, motion. Service made on 11/15/2023 by ECF. [23-2946] (PK) [Entered: 11/15/2023 11:54 AM]

11/16/2023 5 ECF FILER: ENTRY OF APPEARANCE from Jessica G. Lucas, Esquire on behalf of Respondent(s) Access Staffing LLC and Mike Weinstein. [23-2946] (JL) [Entered: 11/16/2023 04:06 PM]

11/22/2023 6 ECF FILER: ENTRY OF APPEARANCE from Karli Lubin Talmo, Esquire on behalf of Respondent(s) International SOS

Assistance Inc., Dessi Nikolova,
Gregory Harris, and Arnaud
Vassie.. [23-2946] (KET) [Entered:
11/22/2023 09:36 AM]

11/22/2023 7 ECF FILER: ENTRY OF
APPEARANCE from David S.
Fryman, Esquire on behalf of
Respondent(s) International SOS
Assistance Inc., Dessi Nikolova,
Gregory Harris, and Arnaud Vassie.
[23-2946] (DSF) [Entered:
11/22/2023 09:39 AM]

12/07/2023 8 ORDER (Clerk)The Motion by
Petitioner for Leave to Proceed In
Forma Pauperis is granted. The
Court may reconsider in forma
pauperis status or request
additional information at any time
during the course of these
proceedings. (SB) [Entered:
12/07/2023 01:01 PM]

