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Appendix A

**ORDER OF THE UNITED STATES COURT OF
APPEALS FOR THE SECOND CIRCUIT
DISMISSING THE APPEAL (APRIL 29, 2026)**

D. Conn.
25-cv-1578
Thompson, J.

**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 29th day of
April, two thousand twenty-six.

Present:
Gerard E. Lynch,
Joseph F. Bianco,
Maria Araújo Kahn,
Circuit Judges.

U.S. BANK TRUST, N.A., as trustee for LSF9
Master Participation Trust,
Plaintiff-Appellee,

v.

GREGG HEALEY, et al.,
Defendants-Appellants.

26-54

This Court has determined *sua sponte* that it lacks jurisdiction to review the district court's remand of this matter to state court for lack of federal subject matter jurisdiction. 28 U.S.C. § 1447(d); *see Shapiro v. Logistec USA, Inc.*, 412 F.3d 307, 310 (2d Cir. 2005) (“[A]s long as a district court’s remand is based . . . on lack of subject-matter jurisdiction . . . a court of appeals lacks jurisdiction to entertain an appeal of the remand order under [28 U.S.C.] § 1447(d).” (internal quotation marks omitted)). Because the Court lacks jurisdiction to review the remand order, it also lacks jurisdiction to review the denial of reconsideration. *Petrello v. White*, 533 F.3d 110, 116 (2d Cir. 2008). Accordingly, upon due consideration, it is hereby ORDERED that the appeal is DISMISSED.

FOR THE COURT:

Catherine O’Hagan Wolfe, Clerk of Court

Appendix B

**ORDER OF THE UNITED STATES DISTRICT
COURT FOR THE DISTRICT OF
CONNECTICUT DENYING
RECONSIDERATION (JANUARY 8, 2026)**

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

Civil No. 3:25-cv-1578 (AWT)

U.S. BANK TRUST, N.A. as trustee for LSF9 Master
Participation Trust, Plaintiff,

v.

GREGG P. HEALY, BRIDGETTE G. HEALEY, and
CONNOR J. HEALEY, Defendants.

**ORDER DENYING MOTION FOR
RECONSIDERATION**

For the reasons set forth below, the
Defendants' Motion for Reconsideration (ECF No. 38)
is hereby DENIED.

In support of their motion, the defendants
argue:

The additional law defendants request
the Court to reconsider remand in favor
of removal is that afforded by civil rights
statute 28 U.S.C. § 1443, given
defendants have previously raised 14th
Amendment due process and equal
protection violations relating to the

death of their attorney, Jack Errol Robinson III in both their notice to remove (ECF No. 1) and their memorandum of opposition to plaintiff's motion to remand (ECF No. 27).

However, 28 U.S.C. § 1443 was not one of the statutes pursuant to which the defendants removed this action. The first sentence of the Notice of Removal states: "Pursuant to 28 U.S.C. §§ 1331, 1332, 1441 and 1446, defendants Gregg P. Healey, Bridgette G. Healey, Connor J. Healey hereby give notice of removal of this action to the United States District Court for the District of Connecticut." ECF No. 1 at 1. Nowhere in their Notice of Removal or their Opposition Memorandum of Law to Plaintiff's Motion to Remand (ECF No. 27) do the defendants make any reference to 28 U.S.C. § 1443. Thus, the defendants are seeking to assert a new argument, which is impermissible. *See Davidson v. Scully*, 172 F. Supp. 2d 458, 461 (S.D.N.Y. 2001) ("A motion for reconsideration may not be used to advance new facts, issues or arguments not previously presented to the Court, nor may it be used as a vehicle for relitigating issues already decided by the Court.")

The defendants are also seeking to assert a new ground for removal. Under § 1446, the grounds for removal are required to be stated in the notice of removal, and there is no provision in the statute for adding a new ground after the case has been removed.

Moreover, even if the defendants had sought to remove this action pursuant to 28 U.S.C. § 1443, nothing in the record suggests there would have been

any basis for doing so. The Civil Rights Removal Act, 28 U.S.C. § 1443

identifies two situations in which cases can be removed from state to federal court. First, a defendant in state court can remove a case if he or she can demonstrate that the state court proceedings will deny rights created by federal civil rights statutes. Alternatively, a case can be removed to federal court if a person's defense is that the action was required by federal civil rights laws or that the person is being sued or prosecuted for failing to act in a manner that was prohibited by such a law.

Erwin Chemerinsky, *Federal Jurisdiction* 754 (9th ed. 2025). The first situation is clearly inapplicable to the defendants. As to the second situation, as explained in the Chemerinsky treatise:

A case can be removed under this clause only if two conditions are met. First, a person must be deprived of a right secured by a federal law dealing with racial equality. That is, removal cannot be based on a violation of a right that stems from other than a specific federal law, nor can removal be based on rights that do not pertain to racial equality. Second, the person must be deprived of his or her rights pursuant to a state statute or state constitutional provision.

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Both individually and cumulatively, these restrictions greatly limit the instances in which removal is possible.

Id. at 756. Nothing in the defendants' papers addresses these requirements, and nothing in the record suggests that the defendants can satisfy them.

It is so ordered.

Dated this 8th day of January 2026, at
Hartford, Connecticut.

/s/

Alvin W. Thompson
United States District Judge

Appendix C

**ORDER OF THE UNITED STATES DISTRICT
COURT FOR THE DISTRICT OF
CONNECTICUT GRANTING REMAND
(DECEMBER 18, 2025)**

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

Civil No. 3:25-cv-1578 (AWT)

U.S. BANK TRUST, N.A. as trustee for LSF9 Master
Participation Trust, Plaintiff,

v.

GREGG P. HEALY, BRIDGETTE G. HEALEY, and
CONNOR J. HEALEY, Defendants.

ORDER RE MOTION TO REMAND

The notice of removal was filed on September 22, 2025. The motion to remand was filed on October 22, 2025, together with a memorandum of law. The defendants filed an amended memorandum in support of their motion to remand on October 29, 2025. The defendants appear to rely on the fact that the amended memorandum was filed after the 30-day period had passed. However, the plaintiff raised the fact that removal is barred by the forum defendant rule in their original memorandum of law. *See* ECF No. 19-1 at 5-6. In fact, the language in the paragraph setting forth that argument in the amended memorandum is identical to the language in the original memorandum. Therefore, the plaintiff's

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motion to remand (ECF No. 19) is hereby GRANTED.
This case is remanded to the Connecticut Superior
Court, Housing Session at Stamford.

It is so ordered.

Dated this 18th day of December 2025, at
Hartford, Connecticut.

/s/AWT
Alvin W. Thompson
United States District Judge

Appendix D

**ORDER OF THE UNITED STATES COURT OF
APPEALS FOR THE SECOND CIRCUIT
DENYING REHEARING AND REHEARING EN
BANC (JUNE 15, 2026)**

**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 15th day of June, two thousand twenty-six.

U.S. BANK TRUST, N.A., as trustee for LSF9
Master Participation Trust,
Plaintiff – Appellee,

v.

GREGG HEALEY, BRIDGETTE G. HEALEY,
CONNOR J. HEALEY,
Defendants – Appellants.

ORDER

Docket No: 26-54

Appellants, Gregg Healey, Bridgette G. Healey and Connor J. Healey, filed a motion for panel reconsideration, or, in the alternative, for reconsideration en banc. The panel that determined the appeal has considered the request for reconsideration, and the active members of the Court

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have considered the request for reconsideration en banc.

IT IS HEREBY ORDERED that the motion is denied.

FOR THE COURT:
Catherine O'Hagan Wolfe, Clerk

Appendix E

**EXCERPTS FROM NOTICE OF REMOVAL
(SEPTEMBER 22, 2025)**

Notice of Removal at 1:

Pursuant to 28 U.S.C. §§ 1331, 1332, 1441 and 1446, defendants Gregg P. Healey, Bridgette G. Healey, Connor J. Healey hereby give notice of removal of this action to the United States District Court for the District of Connecticut. All three defendants consent to removal. The grounds for removal are federal question and diversity jurisdiction, described as follows:

Notice of Removal at 2:

2. Pursuant to 28 U.S.C. § 1331 there is federal question jurisdiction because the plaintiff together with the state of Connecticut violated defendants' 14th Amendment's due process rights, "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law."

Notice of Removal at 3-4:

"That the action of state courts and judicial officers in their official capacities is to be regarded as action of

the State within the meaning of the Fourteenth Amendment, is a proposition which has long been established by decisions of this Court." *Shelley v. Kraemer*, 334 US 1 at 14 (1948).

"If the Fourteenth Amendment is not to be displaced... its ambit cannot be a simple line between States and people operating outside formally governmental organizations, and the deed of an ostensibly private organization or individual is to be treated sometimes as if a State had caused it to be performed. Thus, we say that state action may be found if... there is such a "close nexus between the State and the challenged action" that seemingly private behavior "may be fairly treated as that of the State itself." *Jackson*, *supra*, at 351." *Brentwood Academy v. Tennessee Secondary School Athletic Assn.*, 531 U.S. 288 at 295 (2001).

The Supreme Court has set out two prongs when establishing state action under the Fourteenth Amendment through a private party. "First, the deprivation must be caused by the exercise of some right or privilege created by the State... Second, the party charged with the deprivation must be a person who may fairly be said to be a state actor. This may be because... he

has acted together with or has obtained significant aid from state officials” *Lugar v. Edmondson Oil Co.*, 457 US 922 at 937 (1982).

“We have, for example, held that a challenged activity may be state action... when a private actor operates as a ‘willful participant in joint activity with the State or its agents’ *Lugar*, supra, at 941” *Brentwood*, supra at 296.