

**General Docket**  
**US Court of Appeals for the Second Circuit**  
Second Circuit Court of  
Appeals

INDIV

CLOSED

Court of Appeals Docket #: 07-2840-op  
Nsuit :

In Re: MetLife Inc. v. Filed 7/2/07

Appeal EDNY (BROOKLYN)  
from:

Case type information:

Original Proceeding

Mandamus

None

Lower court information:

District: 00-cv-2258

Trial Judge: Thomas C. Platt

MagJudge: A. Kathleen Tomlinson

Date Filed:

Date order/judgement:

Date NOA filed:

Fee status: Paid

Panel Assignment:

Panel: ALK CJS PWH 500 Pearl

Date of decision: 12/6/07

Prior cases: NONE

Current cases NONE

Official Caption 1/

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Docket No. [s] : 07-2840 -op

In re: Metropolitan Life Insurance Company, Metlife, Inc.

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Metropolitan Life Insurance Company, Metlife, Inc.,

Petitioners,

v.

Darren F. Murray, on behalf of himself and others  
similarly situated, Martin Gold, Mary A. Devito,  
Kevin L. Hymms, Harry S. Purnell III, Kathy Vanderveur,  
Michael A. Giannattasio,

Respondents.

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Authorized Abbreviated Caption 2/  
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Docket No. [s] : 07-2840 -op

In Re: Metropolitan Life Insurance Company, Metlife, Inc.  
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1/ Fed. R. App. P. Rule 12 [a] and 32 [a].  
2/ For use on correspondence and motions only.

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Metlife, Inc.	Carl Micarelli Esq.
Petitioner	[ LD n ] Debevoise & Plimpton LLP  919 3rd Ave. New York , NY , 10022  212-909-6000
Metropolitan Life Insurance Company Petitioner	Carl Micarelli Esq. (See above) [ LD n ]
Darren F. Murray	Jared B. Stamell Esq.
Respondent	[ LD n ] Stamell & Schager



18 2007 ] [YS]

8/21/07 Writ of mandamus is on the substantive motions calendar on September 4, 2007\*\*ON SUBMISSION\*\*; any responsive papers to calendar ASAP. [Entry date Aug 21 2007 ] [JC]

8/22/07 Revised notice for writ of mandamus sent to parties. [Entry date Aug 22 2007 ] [JC]

8/27/07 Letter received from Jared B. Stamell Esq., for Plaintiff-respondents, confirming his understanding of the docket entries made on 08/21/07 and 08/22/07. [Entry date Aug 29 2007 ] [YS]

9/4/07 Order filed stating: Petitioners, through counsel, have filed a petition for a writ of mandamus. The respondents are hereby ORDERED to file a reply brief within two weeks of the issuance of this order. Upon receipt of the reply brief, the petition will be scheduled for oral argument in regular course. (Before Hon. JMW GC RDS., C JJ., by LC) [Entry date Sep 4 2007 ] [YS]

9/4/07 Notice to counsel in re: Order filed on 09/04/2007. [Entry date Sep 4 2007 ] [YS]

9/4/07 Respondent Darren Murray, Respondent

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Martin Gold, Respondent Mary Devito, et al motion for extended time to file a reply to the mandamus filed with proof of service. [Entry date Sep 11 2007 ] [EJ]

9/19/07 Notice to counsel in re: Motion Order filed on 09/19/2007. [Entry date Sep 19 2007 ] [YS]

9/19/07 Order FILED GRANTING motion for an extension of time to respond to and including 10/04/2007, by Respondent Mary Devito, Respondent Martin Gold, Respondent Kevin Hymms, Respondent Darren Murray, Respondent Kathy Vanderveur, Respondent Harry Purnell, Respondent Michael Giannattasio, endorsed on motion dated 9/4/2007. (Before Hon. JMW., GC., RDS., C.J.J., by HZ) [Entry date Sep 19 2007 ] [YS]

10/4/07 RESPONDENT Darren Murray, Harry Purnell, Kathy Vanderveur, Kevin Hymms, ET AL , answer in opposition to writ of mandamus

petition filed (w/pfs). [Entry date Oct  
5 2007 ] [YS]

10/11/07 Letter received from Eric Newman, Esq.,  
advising the court that when they filed  
their answer to Petition for Writ of  
Mandamus, one copy was missing exhibit 4  
CD-ROM. He is sending in that one missing  
exhibit. [Entry date Oct 11 2007 ] [YS]

10/15/07 Petitioner Metropolitan Life Insurance  
Company, Petitioner Metlife, Inc. motion  
leave to file Reply to Respondent's Answer  
in Opposition to Petition for Writ of  
Mandamus, filed with proof of service.  
[Entry date Oct 16 2007 ] [YS]

10/24/07 Notice to counsel in re: Motion Order filed  
on 10/24/2007. [Entry date Oct 24 2007 ]  
[YS]

10/24/07 PETITIONER Metlife, Inc., Metropolitan  
Life Insurance Company, reply to  
Respondent's answer filed. [Entry date  
Oct 24 2007 ] [YS]

10/24/07 Order FILED GRANTING motion leave/permission  
to file a reply to respondent`s answer in  
opposition to petitioner`s petition for a  
writ of mandamus, by Petitioner Metlife,  
Inc., Petitioner Metropolitan Life  
Insurance Company, endorsed on motion dated  
10/15/2007. (Before Hon. JMW., GC., RDS., C.  
J.J. by JF) [Entry date Oct 24 2007 ]  
[YS]

10/26/07 Respondent Darren Murray, Respondent  
Martin Gold, Respondent Mary Devito, et al  
motion to supplement Respondent`s opposition  
to mandamus by adding the affirmation  
attached, filed with proof of service.

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[Entry date Oct 29 2007 ] [YS]

11/7/07 Notice to counsel in re: Motion Order filed  
on 11/07/2007. [Entry date Nov 7 2007 ]  
[YS]

11/7/07 Order FILED DENYING motion allow by  
Respondent Mary Devito, Respondent Martin  
Gold, Respondent Kevin Hymms, Respondent  
Darren Murray, Respondent Kathy Vanderveur,  
Respondent Harry Purnell, Respondent  
Michael Giannattasio, endorsed on motion  
dated 10/26/2007. (Before Hon. JMW., GC.,  
RDS., CJJ., by JF) [Entry date Nov 7 2007

] [YS]

- 12/5/07 Petitioner Metropolitan Life Insurance Company, Petitioner Metlife, Inc. motion for stay of District Court Order pending Mandamus filed with proof of service. [Entry date Dec 6 2007 ] [YS]
- 12/6/07 Petitioner, through counsel, has filed a petition for a writ of mandamus. Upon due consideration, it is hereby ORDERED that the mandamus petition is DENIED because Petitioner has not demonstrated that exceptional circumstances warrant the requested relief. See In re von Bulow, 828 F. 2d 94, 96(2d cir.1987) (Before Hon. ALK., CJS., PWH., CJJ., by FP) [Entry date Dec 6 2007 ] [YS]
- 12/6/07 Certified copy of order dated 12/06/2007 disposing of the appeal issued to district court. [Mandate] [Entry date Dec 6 2007 ] [YS]
- 12/6/07 Notice to counsel in re: Order filed on 12/06/2007 and Mandate issued on 12/06/2007. [Entry date Dec 6 2007 ] [YS]
- 12/7/07 Notice to counsel in re Motion Order filed on 12/07/2007 [Entry date Dec 7 2007 ] [YS]
- 12/7/07 Order FILED DENYING motion stay by Petitioner Metlife, Inc., Petitioner Metropolitan Life Insurance Company, as MOOT in light of the Courts12/06/2007 order denying mandamus. (JF) [Entry date Dec 7 2007 ] [YS]

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