

United States Court of Appeals For the First Circuit

No. 23-8047

EMILY FITZMORRIS; STEPHANIE PRICE; KATHLEEN BATES; PAUL SCOTT,

Plaintiffs - Respondents,

v.

LORI WEAVER, Commissioner of New Hampshire Department of Health and Human Services;
NEW HAMPSHIRE DEPARTMENT OF HEALTH AND HUMAN SERVICES,

Defendants - Petitioners.

Before

Gelpí, Montecalvo and Rikelman,
Circuit Judges.

JUDGMENT

Entered: February 21, 2024

Pursuant to Fed. R. Civ. P. 23(f), the defendant-petitioners seek leave from this court to appeal the district court's grant of class certification. We conclude that the requirements for interlocutory review of a class certification ruling have not been met here. See Waste Mgmt. Holdings, Inc. v. Mowbray, 208 F.3d 288, 293-94 (1st Cir. 2000) (setting out factors to be considered when deciding whether to allow review pursuant to Rule 23(f)). Accordingly, the petition for leave to appeal is **DENIED**.

By the Court:

Maria R. Hamilton, Clerk

cc: Caroline Brown, Anthony J. Galdier, Samuel R. V. Garland, Philip Peisch, Kendra Doty, Rebecca Wolfe, Kay Elizabeth Drought, W. Daniel Deane, Jennifer Aimee Eber, Mark Tyler Knights, Kelly Riseden Bagby, Kierstan E. Schultz, Cheryl S. Steinberg, Tammy P. Nguyen, Seth R. Aframe, David M. Lieberman