

**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 4th day of June, two thousand twenty-four.

Before: Susan L. Carney,
Michael H. Park,
*Circuit Judges,*¹
Victor Marrero,
*District Judge.*²

Claudia Gayle, Individually, On Behalf of All Others
Similarly Situated and as Class Representative, et al.,

ORDER

Plaintiffs - Appellees,

Docket No. 12-4764

v.

Harry's Nurses Registry, Harry Dorvilier,

Defendants - Appellants.

On January 13, 2021, Appellants moved the Court to recall the mandate and reinstate this appeal. The Court denied the motion on February 1, 2021. In a motion filed on February 9, 2024, Appellants renew their request for a recall of the mandate and request that the Court restrict access to their 2021 motion to recall the mandate and permit them to replace that motion with a redacted version. They seek to submit the redacted version in order to comply with the district court's preliminary injunction order entered on December 20, 2023 in E.D.N.Y. Case No. 23-cv-6661 (PKC) (TAM).

IT IS HEREBY ORDERED that the mandate is recalled for the limited administrative purpose of sealing the 2021 motion to recall the mandate (docket entry 171) and accepting for filing the redacted version. In all other respects, the motion is DENIED.

¹ Two members of the panel that decided this appeal are deceased; Judges Carney and Park were randomly selected to join the panel. This motion has been decided by the panel members pursuant to 2d Cir. IOP E(b).

² Judge Victor Marrero, of the United States District Court for the Southern District of New York, sitting by designation.

The panel notes that in a related appeal, *Gayle v. Harry's Nurses Registry*, No. 21-1463 (2d Cir. dismissed Mar. 16, 2022), this Court's Grievance Panel publicly reprimanded Appellants' counsel for engaging in frivolous conduct in pursuing the appeal. *See In re George Adrian Rusk, An Attorney*, No. 23-90006-am, Order of Grievance Panel (2d Cir. May 7, 2024). Counsel is cautioned that continued filings in this litigation may result in the imposition of additional sanctions.

For the Court:
Catherine O'Hagan Wolfe,
Clerk of Court


