

**General Docket**  
**United States Court of Appeals for District of Columbia Circuit**

<b>Court of Appeals Docket #:</b> 20-1087 The Judge Rotenberg Education v. FDA, et al <b>Appeal From:</b> Food & Drug Administration <b>Fee Status:</b> Fee Paid	<b>Docketed:</b> 03/26/2020 <b>Termed:</b> 07/06/2021										
<b>Case Type Information:</b> 1) Petition for Review 2) Review 3)											
<b>Originating Court Information:</b> <b>District:</b> FDA-1 : FDA-85FR13312											
<b>Prior Cases:</b> None											
<b>Current Cases:</b> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 15%;"></th> <th style="width: 15%; text-align: center;">Lead</th> <th style="width: 15%; text-align: center;">Member</th> <th style="width: 15%; text-align: center;">Start</th> <th style="width: 15%; text-align: center;">End</th> </tr> </thead> <tbody> <tr> <td>Consolidation</td> <td style="text-align: center;">20-1087</td> <td style="text-align: center;"><a href="#">20-1088</a></td> <td style="text-align: center;">03/27/2020</td> <td></td> </tr> </tbody> </table>			Lead	Member	Start	End	Consolidation	20-1087	<a href="#">20-1088</a>	03/27/2020	
	Lead	Member	Start	End							
Consolidation	20-1087	<a href="#">20-1088</a>	03/27/2020								
<b>Panel Assignment:</b> <b>Panel:</b> SS GGK DBS <b>Date of Hearing:</b> 04/23/2021 <b>Date of Decision:</b> 07/06/2021 <b>Date Completed:</b> 07/06/2021											

The Judge Rotenberg Educational Center, Inc.  
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v.

United States Food and Drug Administration  
Respondent

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Janet Woodcock, in her official capacity as Acting Commissioner of  
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Respondent

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(see above)

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Stephen M. Hahn, in his official capacity as Commissioner of Food  
and Drugs  
**Terminated:** 03/17/2021  
Respondent

United States Department of Health and Human Services  
Respondent

Daniel J. Aguilar, Attorney  
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(see above)

Scott R. McIntosh, Attorney  
[COR NTC Gvt US DOJ]  
(see above)

Norris W. Cochran, in his official capacity as Acting Secretary of  
Health and Human Services  
**Terminated:** 03/22/2021  
Respondent

Xavier Becerra, in his official capacity as Secretary of Health and  
Human Services  
Respondent

Daniel J. Aguilar, Attorney  
[COR LD NTC Gvt US DOJ]  
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Scott R. McIntosh, Attorney  
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(see above)

Alex M. Azar, II, in his official capacity as Secretary of Health and  
Human Services  
**Terminated:** 03/17/2021  
Respondent

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Amicus Curiae for Petitioner

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International Association for the Scientific Study of Intellectual and Developmental Disabilities Amicus Curiae for Respondent	Felicia H. Ellsworth, Attorney Direct: 617-526-6687 [COR LD NTC Retained] (see above)
National Association of State Directors of Developmental Disabilities Services Amicus Curiae for Respondent	Felicia H. Ellsworth, Attorney Direct: 617-526-6687 [COR LD NTC Retained] (see above)
National Association of State Directors of Special Education Amicus Curiae for Respondent	Felicia H. Ellsworth, Attorney Direct: 617-526-6687 [COR LD NTC Retained] (see above)
National Association for the Dually Diagnosed Amicus Curiae for Respondent	Felicia H. Ellsworth, Attorney Direct: 617-526-6687 [COR LD NTC Retained] (see above)

The Judge Rotenberg Educational Center, Inc.,

Petitioner

v.

United States Food and Drug Administration; Janet Woodcock, in her official capacity as Acting Commissioner of Food and Drugs; United States Department of Health and Human Services; Xavier Becerra, in his official capacity as Secretary of Health and Human Services,

Respondents

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New Civil Liberties Alliance,

Amicus Curiae for Petitioner

American Academy of Pediatrics; American Association on Intellectual and Developmental Disabilities; American Academy of Developmental Medicine and Dentistry; International Association for the Scientific Study of Intellectual and Developmental Disabilities; National Association of State Directors of Developmental Disabilities Services; National Association of State Directors of Special Education; National Association for the Dually Diagnosed,

Amici Curiae for Respondent

03/26/2020	<input type="checkbox"/>	PETITION FOR REVIEW CASE docketed. [20-1087] [Entered: 03/26/2020 12:48 PM]
03/26/2020	<input type="checkbox"/>	PETITION FOR REVIEW [1835490] of a decision by federal agency filed by The Judge Rotenberg Educational Center, Inc. [Service Date: 03/26/2020 ] Disclosure Statement: Not Attached; Certificate of Parties: Not Applicable to this Filing. [20-1087] [Entered: 03/26/2020 12:49 PM]
03/26/2020	<input type="checkbox"/>	CERTIFIED COPY [1835497] of Petition for Review sent to respondent [ <a href="#">1835490-2</a> ] [20-1087] [Entered: 03/26/2020 12:53 PM]
03/26/2020	<input type="checkbox"/>	CERTIFICATE OF SERVICE [1835544] to case opening document of federal agency decision [ <a href="#">1835490-2</a> ] filed by The Judge Rotenberg Educational Center, Inc.. [20-1087] (Flammia, Michael) [Entered: 03/26/2020 02:57 PM]
03/26/2020	<input type="checkbox"/>	STATEMENT [1835550] with Disclosure Listing filed by The Judge Rotenberg Educational Center, Inc. [Service Date: 03/26/2020 ] [20-1087] (Flammia, Michael) [Entered: 03/26/2020 03:09 PM]
03/27/2020	<input type="checkbox"/>	ENTRY OF APPEARANCE [1835690] filed by Daniel Aguilar and co-counsel Scott R. McIntosh on behalf of Respondents FDA, Stephen M. Hahn, HHS and Mr. Alex Michael Azar, II. [20-1087] (Aguilar, Daniel) [Entered: 03/27/2020 10:59 AM]
03/27/2020	<input type="checkbox"/>	CLERK'S ORDER [1835811] filed consolidating cases 20-1088 (Consolidation started 03/27/2020) with 20-1087 [20-1087, 20-1088] [Entered: 03/27/2020 04:09 PM]
03/27/2020	<input type="checkbox"/>	ENTRY OF APPEARANCE [1835812] filed by Michael P. Flammia on behalf of Petitioner The Judge Rotenberg Educational Center, Inc. in 20-1087. [20-1087, 20-1088] (Flammia, Michael) [Entered: 03/27/2020 04:24 PM]
03/27/2020	<input type="checkbox"/>	CLERK'S ORDER [1835816] filed directing the parties to file initial submissions: PETITIONER docketing statements due 04/27/2020, PETITIONER certificates as to parties due 04/27/2020, PETITIONER statements of issues due 04/27/2020, PETITIONER underlying decision due 04/27/2020, PETITIONER deferred appendix statement due 04/27/2020, PETITIONER procedural motions due 04/27/2020, PETITIONER dispositive motions due 05/11/2020, RESPONDENT procedural motions due 04/27/2020, RESPONDENT certified index to record due 05/11/2020, RESPONDENT dispositive motions due 05/11/2020. [20-1087, 20-1088] [Entered: 03/27/2020 04:32 PM]
03/27/2020	<input type="checkbox"/>	NOTICE [1835818] Notice of Filing of Administrative Stay filed by The Judge Rotenberg Educational Center, Inc. in 20-1087 [Service Date: 03/27/2020 ] [20-1087, 20-1088] (Flammia, Michael) [Entered: 03/27/2020 04:34 PM]
03/27/2020	<input type="checkbox"/>	ENTRY OF APPEARANCE [1835820] filed by Max D. Stern on behalf of Petitioners Luis Aponte, John Asare, Ophelia Asare, Maria Augusto, Nelson Bernardo, Richard Bevins, Indra Biggs, Carlo Casoria, Judy Casoria, Gail Cornish, Cornnis Crawford, Hannah Crawford, Patricia Crawford, Prudence Dellamano, Kathy Dion, Angela Disisto, Richard Doherty, Lauren Emmick, Martin Emmick, Stacy Engels, Barbara Forbes, Roger Forbes, Bruce Freeman, Lance Giuffrida, Yakuline Giuffrida, Louisa Goldberg, Robert Goldberg, Stephen Hanna, Lee Higgins, Judith Honore, Mathurin Honore, Erick Kemp, David Lewis, M.D., Cheryl Lloyd, Alfred Lopez, Carline Lopez, Mary Marini, Elizabeth Mesa, Ricardo Mesa, Trisha Moeder, Jean Murphy, Lainie Murphy, William Murphy, Cheryl Murray, Dollie Myrick, James Myrick, Donna Oldham, Malcolm Oldham, Carmen Pena, Carol Peterson, Paul Peterson, Joseph Pisano, Robin Pisano, Edward Prunckun, Pam Prunckun, Bridget Reaney, Colman Reaney, Ana Rivera, Marcia Shear, Mitchell Shear, James Shields, Amjad Siddiqi, Raul Sierra, Melody Simpson, Ilana Slaff-Galatan, Claudia Soucy, Leo Soucy, Ellen Stahler, Gary Tam, Jamie Tam, The B.R.I. Parents and Friends Association, Inc., Carmen Torres, Carlos Vollenweider, Kelly Walker, Laura J. Walker, Jenkin Washington, Marie Washington, Corine Watson, Charles Winters, Michele Winters, Roger Wood and Sharon Wood in 20-1088. [20-1088, 20-1087] (Stern, Max) [Entered: 03/27/2020 04:36 PM]
03/27/2020	<input type="checkbox"/>	STATEMENT [1835822] with Disclosure Listing filed by Luis Aponte, John Asare, Ophelia Asare, Maria Augusto, Nelson Bernardo, Richard Bevins, Indra Biggs, Carlo Casoria, Judy Casoria, Gail Cornish, Cornnis Crawford, Hannah Crawford, Patricia Crawford, Prudence Dellamano, Kathy Dion, Angela Disisto, Richard Doherty, Lauren Emmick, Martin Emmick, Stacy Engels, Barbara Forbes, Roger Forbes, Bruce Freeman, Lance Giuffrida, Yakuline Giuffrida, Louisa Goldberg, Robert Goldberg, Stephen Hanna, Lee Higgins, Judith Honore, Mathurin Honore, Erick Kemp, David Lewis, M.D., Cheryl Lloyd, Alfred Lopez, Carline Lopez, Mary Marini, Elizabeth Mesa, Ricardo Mesa, Trisha Moeder, Jean Murphy, Lainie Murphy, William Murphy, Cheryl Murray, Dollie Myrick, James Myrick, Donna Oldham, Malcolm Oldham, Carmen Pena, Carol Peterson, Paul Peterson, Joseph Pisano, Robin Pisano, Edward Prunckun, Pam Prunckun, Bridget Reaney, Colman Reaney, Ana Rivera, Marcia Shear, Mitchell Shear, James Shields, Amjad Siddiqi, Raul Sierra, Melody Simpson, Ilana Slaff-Galatan, Claudia Soucy, Leo Soucy, Ellen Stahler, Gary Tam, Jamie Tam, The B.R.I. Parents and Friends Association, Inc., Carmen Torres, Carlos Vollenweider, Kelly Walker, Laura J. Walker, Jenkin Washington, Marie Washington, Corine Watson, Charles Winters, Michele Winters, Roger Wood and Sharon Wood in 20-1088 [Service Date: 03/27/2020 ] [20-1088, 20-1087] (Stern, Max) [Entered: 03/27/2020 04:43 PM]
03/27/2020	<input type="checkbox"/>	ENTRY OF APPEARANCE [1835823] filed by Michael P. Flammia and co-counsel Edward J. Longosz, II on behalf of Petitioner The Judge Rotenberg Educational Center, Inc. in 20-1087. [20-1087, 20-1088] (Flammia, Michael) [Entered: 03/27/2020 04:44 PM]
03/27/2020	<input type="checkbox"/>	NOTICE [1835824] Notice of Filing Administrative Stay filed by Luis Aponte, John Asare, Ophelia Asare, Maria Augusto, Nelson Bernardo, Richard Bevins, Indra Biggs, Carlo Casoria, Judy Casoria, Gail Cornish, Cornnis Crawford, Hannah Crawford, Patricia Crawford, Prudence Dellamano, Kathy Dion, Angela Disisto, Richard Doherty, Lauren Emmick, Martin Emmick, Stacy Engels, Barbara Forbes, Roger Forbes, Bruce Freeman, Lance Giuffrida, Yakuline Giuffrida, Louisa Goldberg, Robert Goldberg, Stephen Hanna, Lee Higgins, Judith Honore, Mathurin Honore, Erick Kemp, David Lewis, M.D., Cheryl Lloyd, Alfred Lopez, Carline Lopez, Mary Marini, Elizabeth Mesa, Ricardo Mesa, Trisha Moeder, Jean Murphy, Lainie Murphy, William Murphy, Cheryl Murray, Dollie Myrick, James Myrick, Donna Oldham, Malcolm Oldham, Carmen Pena, Carol Peterson, Paul Peterson, Joseph Pisano, Robin Pisano, Edward Prunckun, Pam Prunckun, Bridget Reaney, Colman Reaney, Ana Rivera, Marcia Shear, Mitchell Shear, James Shields, Amjad Siddiqi, Raul Sierra, Melody Simpson, Ilana Slaff-Galatan, Claudia Soucy, Leo Soucy, Ellen Stahler, Gary Tam, Jamie Tam, The B.R.I. Parents and Friends Association, Inc., Carmen Torres, Carlos Vollenweider, Kelly Walker, Laura J. Walker, Jenkin Washington, Marie Washington,

Corine Watson, Charles Winters, Michele Winters, Roger Wood and Sharon Wood in 20-1088 [Service Date: 03/27/2020 ] [20-1088, 20-1087] (Stern, Max) [Entered: 03/27/2020 04:48 PM]

04/24/2020  4 pg, 175.22 KB


DOCKETING STATEMENT [1839658] filed by The Judge Rotenberg Educational Center, Inc. in 20-1087 [Service Date: 04/24/2020 ] [20-1087, 20-1088] (Flammia, Michael) [Entered: 04/24/2020 10:41 AM]

04/24/2020  5 pg, 93.13 KB

CERTIFICATE AS TO PARTIES, RULINGS AND RELATED CASES [1839662] filed by The Judge Rotenberg Educational Center, Inc. in 20-1087 [Service Date: 04/24/2020 ] [20-1087, 20-1088] (Flammia, Michael) [Entered: 04/24/2020 10:46 AM]

04/24/2020  45 pg, 530.15 KB


UNDERLYING DECISION IN CASE [1839667] submitted by The Judge Rotenberg Educational Center, Inc. in 20-1087 [Service Date: 04/24/2020 ] [20-1087, 20-1088] (Flammia, Michael) [Entered: 04/24/2020 11:04 AM]

04/24/2020  3 pg, 96.81 KB

STATEMENT OF ISSUES [1839669] filed by The Judge Rotenberg Educational Center, Inc. in 20-1087 [Service Date: 04/24/2020 ] [20-1087, 20-1088] (Flammia, Michael) [Entered: 04/24/2020 11:10 AM]

04/24/2020  5 pg, 35.7 KB


DOCKETING STATEMENT [1839773] filed by Luis Aponte, John Asare, Ophelia Asare, Maria Augusto, Nelson Bernardo, Richard Bevins, Indra Biggs, Carlo Casoria, Judy Casoria, Gail Cornish, Cornnis Crawford, Hannah Crawford, Patricia Crawford, Prudence Dellamano, Kathy Dion, Angela Disisto, Richard Doherty, Lauren Emmick, Martin Emmick, Stacy Engels, Barbara Forbes, Roger Forbes, Bruce Freeman, Lance Giuffrida, Yakuline Giuffrida, Louisa Goldberg, Robert Goldberg, Stephen Hanna, Lee Higgins, Judith Honore, Mathurin Honore, Erick Kemp, David Lewis, M.D., Cheryl Lloyd, Alfred Lopez, Carlina Lopez, Mary Marini, Elizabeth Mesa, Ricardo Mesa, Trisha Moeder, Jean Murphy, Lainie Murphy, William Murphy, Cheryl Murray, Dollie Myrick, James Myrick, Donna Oldham, Malcolm Oldham, Carmen Pena, Carol Peterson, Paul Peterson, Joseph Pisano, Robin Pisano, Edward Prunckun, Pam Prunckun, Bridget Reaney, Colman Reaney, Ana Rivera, Marcia Shear, Mitchell Shear, James Shields, Amjad Siddiqi, Raul Sierra, Melody Simpson, Ilana Slaff-Galatan, Claudia Soucy, Leo Soucy, Ellen Stahler, Gary Tam, Jamie Tam, The B.R.I. Parents and Friends Association, Inc., Carmen Torres, Carlos Vollenweider, Kelly Walker, Laura J. Walker, Jenkin Washington, Marie Washington, Corine Watson, Charles Winters, Michele Winters, Roger Wood and Sharon Wood in 20-1088 [Service Date: 04/24/2020 ] [20-1088, 20-1087] (Stern, Max) [Entered: 04/24/2020 04:08 PM]

04/24/2020  7 pg, 18.59 KB


CERTIFICATE AS TO PARTIES, RULINGS AND RELATED CASES [1839775] filed by Luis Aponte, John Asare, Ophelia Asare, Maria Augusto, Nelson Bernardo, Richard Bevins, Indra Biggs, Carlo Casoria, Judy Casoria, Gail Cornish, Cornnis Crawford, Hannah Crawford, Patricia Crawford, Prudence Dellamano, Kathy Dion, Angela Disisto, Richard Doherty, Lauren Emmick, Martin Emmick, Stacy Engels, Barbara Forbes, Roger Forbes, Bruce Freeman, Lance Giuffrida, Yakuline Giuffrida, Louisa Goldberg, Robert Goldberg, Stephen Hanna, Lee Higgins, Judith Honore, Mathurin Honore, Erick Kemp, David Lewis, M.D., Cheryl Lloyd, Alfred Lopez, Carlina Lopez, Mary Marini, Elizabeth Mesa, Ricardo Mesa, Trisha Moeder, Jean Murphy, Lainie Murphy, William Murphy, Cheryl Murray, Dollie Myrick, James Myrick, Donna Oldham, Malcolm Oldham, Carmen Pena, Carol Peterson, Paul Peterson, Joseph Pisano, Robin Pisano, Edward Prunckun, Pam Prunckun, Bridget Reaney, Colman Reaney, Ana Rivera, Marcia Shear, Mitchell Shear, James Shields, Amjad Siddiqi, Raul Sierra, Melody Simpson, Ilana Slaff-Galatan, Claudia Soucy, Leo Soucy, Ellen Stahler, Gary Tam, Jamie Tam, The B.R.I. Parents and Friends Association, Inc., Carmen Torres, Carlos Vollenweider, Kelly Walker, Laura J. Walker, Jenkin Washington, Marie Washington, Corine Watson, Charles Winters, Michele Winters, Roger Wood and Sharon Wood in 20-1088 [Service Date: 04/24/2020 ] [20-1088, 20-1087] (Stern, Max) [Entered: 04/24/2020 04:12 PM]

04/24/2020  45 pg, 459.43 KB


UNDERLYING DECISION IN CASE [1839778] submitted by Luis Aponte, John Asare, Ophelia Asare, Maria Augusto, Nelson Bernardo, Richard Bevins, Indra Biggs, Carlo Casoria, Judy Casoria, Gail Cornish, Cornnis Crawford, Hannah Crawford, Patricia Crawford, Prudence Dellamano, Kathy Dion, Angela Disisto, Richard Doherty, Lauren Emmick, Martin Emmick, Stacy Engels, Barbara Forbes, Roger Forbes, Bruce Freeman, Lance Giuffrida, Yakuline Giuffrida, Louisa Goldberg, Robert Goldberg, Stephen Hanna, Lee Higgins, Judith Honore, Mathurin Honore, Erick Kemp, David Lewis, M.D., Cheryl Lloyd, Alfred Lopez, Carlina Lopez, Mary Marini, Elizabeth Mesa, Ricardo Mesa, Trisha Moeder, Jean Murphy, Lainie Murphy, William Murphy, Cheryl Murray, Dollie Myrick, James Myrick, Donna Oldham, Malcolm Oldham, Carmen Pena, Carol Peterson, Paul Peterson, Joseph Pisano, Robin Pisano, Edward Prunckun, Pam Prunckun, Bridget Reaney, Colman Reaney, Ana Rivera, Marcia Shear, Mitchell Shear, James Shields, Amjad Siddiqi, Raul Sierra, Melody Simpson, Ilana Slaff-Galatan, Claudia Soucy, Leo Soucy, Ellen Stahler, Gary Tam, Jamie Tam, The B.R.I. Parents and Friends Association, Inc., Carmen Torres, Carlos Vollenweider, Kelly Walker, Laura J. Walker, Jenkin Washington, Marie Washington, Corine Watson, Charles Winters, Michele Winters, Roger Wood and Sharon Wood in 20-1088 [Service Date: 04/24/2020 ] [20-1088, 20-1087] (Stern, Max) [Entered: 04/24/2020 04:22 PM]

04/24/2020  4 pg, 75.63 KB













STATEMENT OF ISSUES [1839781] filed by Luis Aponte, John Asare, Ophelia Asare, Maria Augusto, Nelson Bernardo, Richard Bevins, Indra Biggs, Carlo Casoria, Judy Casoria, Gail Cornish, Cornnis Crawford, Hannah Crawford, Patricia Crawford, Prudence Dellamano, Kathy Dion, Angela Disisto, Richard Doherty, Lauren Emmick, Martin Emmick, Stacy Engels, Barbara Forbes, Roger Forbes, Bruce Freeman, Lance Giuffrida, Yakuline Giuffrida, Louisa Goldberg, Robert Goldberg, Stephen Hanna, Lee Higgins, Judith Honore, Mathurin Honore, Erick Kemp, David Lewis, M.D., Cheryl Lloyd, Alfred Lopez, Carlina Lopez, Mary Marini, Elizabeth Mesa, Ricardo Mesa, Trisha Moeder, Jean Murphy, Lainie Murphy, William Murphy, Cheryl Murray, Dollie Myrick, James Myrick, Donna Oldham, Malcolm Oldham, Carmen Pena, Carol Peterson, Paul Peterson, Joseph Pisano, Robin Pisano, Edward Prunckun, Pam Prunckun, Bridget Reaney, Colman Reaney, Ana Rivera, Marcia Shear, Mitchell Shear, James Shields, Amjad Siddiqi, Raul Sierra, Melody Simpson, Ilana Slaff-Galatan, Claudia Soucy, Leo Soucy, Ellen Stahler, Gary Tam, Jamie Tam, The B.R.I. Parents and Friends Association, Inc., Carmen Torres, Carlos Vollenweider, Kelly Walker, Laura J. Walker, Jenkin Washington, Marie Washington, Corine Watson, Charles Winters, Michele Winters, Roger Wood and Sharon Wood in 20-1088 [Service Date: 04/24/2020 ] [20-1088, 20-1087] (Stern, Max) [Entered: 04/24/2020 04:26 PM]

04/27/2020  2 pg, 77.08 KB


STATEMENT OF INTENT REGARDING APPENDIX DEFERRAL [1839995] filed by The Judge Rotenberg Educational Center, Inc. in 20-1087 [Service Date: 04/27/2020 ] Intent: AppxDeferred [20-1087, 20-1088] (Flammia, Michael) [Entered: 04/27/2020 02:25 PM]

04/27/2020  2 pg, 75.53 KB


STATEMENT OF INTENT REGARDING APPENDIX DEFERRAL [1839998] filed by Luis Aponte, John Asare, Ophelia Asare, Maria Augusto, Nelson Bernardo, Richard Bevins, Indra Biggs, Carlo Casoria,

		Judy Casoria, Gail Cornish, Cornnis Crawford, Hannah Crawford, Patricia Crawford, Prudence Dellamano, Kathy Dion, Angela Disisto, Richard Doherty, Lauren Emmick, Martin Emmick, Stacy Engels, Barbara Forbes, Roger Forbes, Bruce Freeman, Lance Giuffrida, Yakuline Giuffrida, Louisa Goldberg, Robert Goldberg, Stephen Hanna, Lee Higgins, Judith Honore, Mathurin Honore, Erick Kemp, David Lewis, M.D., Cheryl Lloyd, Alfred Lopez, Carlina Lopez, Mary Marini, Elizabeth Mesa, Ricardo Mesa, Trisha Moeder, Jean Murphy, Lainie Murphy, William Murphy, Cheryl Murray, Dolie Myrick, James Myrick, Donna Oldham, Malcolm Oldham, Carmen Pena, Carol Peterson, Paul Peterson, Joseph Pisano, Robin Pisano, Edward Prunckun, Pam Prunckun, Bridget Reaney, Colman Reaney, Ana Rivera, Marcia Shear, Mitchell Shear, James Shields, Amjad Siddiqi, Raul Sierra, Melody Simpson, Ilana Slaff-Galatan, Claudia Soucy, Leo Soucy, Ellen Stahler, Gary Tam, Jamie Tam, The B.R.I. Parents and Friends Association, Inc., Carmen Torres, Carlos Vollenweider, Kelly Walker, Laura J. Walker, Jenkin Washington, Marie Washington, Corine Watson, Charles Winters, Michele Winters, Roger Wood and Sharon Wood in 20-1088 [Service Date: 04/27/2020 ] Intent: AppxDeferred [20-1087, 20-1088] (Stern, Max) [Entered: 04/27/2020 02:33 PM]
05/04/2020	 2 pg, 142.11 KB	ENTRY OF APPEARANCE [1841104] filed by Michael P. Flammia and co-counsel Christian B.W. Stephens; Matthew D. Rodgers on behalf of Petitioner The Judge Rotenberg Educational Center, Inc. in 20-1087. [20-1087, 20-1088] (Stephens, Christian) [Entered: 05/04/2020 12:24 PM]
05/06/2020	 8 pg, 131.6 KB	CONSENT UNOPPOSED MOTION [1841623] to extend time to file certified index to 05/26/2020 filed by Alex M. Azar, II, FDA, Stephen M. Hahn and HHS in 20-1087, 20-1088 [Service Date: 05/06/2020 ] Length Certification: 479 words. [20-1087, 20-1088] (Aguilar, Daniel) [Entered: 05/06/2020 09:13 PM]
05/07/2020	 1 pg, 39.33 KB	CLERK'S ORDER [1841720] filed granting motion to extend time <a href="#">[1841623-2]</a> ; PETITIONER and RESPONDENT dispositive motions due 05/26/2020. RESPONDENT certified index to record due 05/26/2020 [20-1087, 20-1088] [Entered: 05/07/2020 12:58 PM]
05/26/2020	 165 pg, 530.35 KB	CERTIFIED INDEX TO RECORD [1844255] filed by Alex M. Azar, II, FDA, Stephen M. Hahn and HHS in 20-1087, 20-1088 [Service Date: 05/26/2020 ] [20-1087, 20-1088] (Aguilar, Daniel) [Entered: 05/26/2020 01:52 PM]
05/26/2020	 2793 pg, 346.28 MB	MOTION [1844326] to remand record and adduce additional evidence filed by The Judge Rotenberg Educational Center, Inc. in 20-1087 (Service Date: 05/26/2020 by CM/ECF NDA) Length Certification: 5,199 words. [20-1087, 20-1088]--[Edited 05/27/2020 by LMC-RELIEF REPLACED] (Flammia, Michael) [Entered: 05/26/2020 05:25 PM]
05/26/2020	 1790 pg, 341.23 MB	SUPPLEMENT [1844328] to motion to remand case <a href="#">[1844326-2]</a> filed by The Judge Rotenberg Educational Center, Inc. in 20-1087 [Service Date: 05/26/2020 ] [20-1087, 20-1088]--[Edited 05/27/2020 by AY] (Flammia, Michael) [Entered: 05/26/2020 05:56 PM]
05/26/2020	 1940 pg, 380.05 MB	SUPPLEMENT [1844330] to motion to remand case <a href="#">[1844326-2]</a> filed by The Judge Rotenberg Educational Center, Inc. in 20-1087 [Service Date: 05/26/2020 ] [20-1087, 20-1088]--[Edited 05/27/2020 by AY] (Flammia, Michael) [Entered: 05/26/2020 06:18 PM]
05/26/2020	 2912 pg, 315.69 MB	SUPPLEMENT [1844331] to motion to remand case <a href="#">[1844326-2]</a> filed by The Judge Rotenberg Educational Center, Inc. in 20-1087 [Service Date: 05/26/2020 ] [20-1087, 20-1088]--[Edited 05/27/2020 by AY] (Flammia, Michael) [Entered: 05/26/2020 06:33 PM]
05/26/2020	 4 pg, 18.42 KB	MOTION [1844333] to remand record filed by Luis Aponte, John Asare, Ophelia Asare, Maria Augusto, Nelson Bernardo, Richard Bevins, Indra Biggs, Carlo Casoria, Judy Casoria, Gail Cornish, Cornnis Crawford, Hannah Crawford, Patricia Crawford, Prudence Dellamano, Kathy Dion, Angela Disisto, Richard Doherty, Lauren Emmick, Martin Emmick, Stacy Engels, Barbara Forbes, Roger Forbes, Bruce Freeman, Lance Giuffrida, Yakuline Giuffrida, Louisa Goldberg, Robert Goldberg, Stephen Hanna, Lee Higgins, Judith Honore, Mathurin Honore, Erick Kemp, David Lewis, M.D., Cheryl Lloyd, Alfred Lopez, Carlina Lopez, Mary Marini, Elizabeth Mesa, Ricardo Mesa, Trisha Moeder, Jean Murphy, Lainie Murphy, William Murphy, Cheryl Murray, Dolie Myrick, James Myrick, Donna Oldham, Malcolm Oldham, Carmen Pena, Carol Peterson, Paul Peterson, Joseph Pisano, Robin Pisano, Edward Prunckun, Pam Prunckun, Bridget Reaney, Colman Reaney, Ana Rivera, Marcia Shear, Mitchell Shear, James Shields, Amjad Siddiqi, Raul Sierra, Melody Simpson, Ilana Slaff-Galatan, Claudia Soucy, Leo Soucy, Ellen Stahler, Gary Tam, Jamie Tam, The B.R.I. Parents and Friends Association, Inc., Carmen Torres, Carlos Vollenweider, Kelly Walker, Laura J. Walker, Jenkin Washington, Marie Washington, Corine Watson, Charles Winters, Michele Winters, Roger Wood and Sharon Wood in 20-1088 (Service Date: 05/26/2020 by CM/ECF NDA) Length Certification: 348 words. [20-1087, 20-1088] (Stern, Max) [Entered: 05/26/2020 06:42 PM]
05/26/2020	 6 pg, 25.92 KB	MOTION [1844334] to hold case in abeyance filed by The Judge Rotenberg Educational Center, Inc. in 20-1087, Luis Aponte, John Asare, Ophelia Asare, Maria Augusto, Nelson Bernardo, Richard Bevins, Indra Biggs, Carlo Casoria, Judy Casoria, Gail Cornish, Cornnis Crawford, Hannah Crawford, Patricia Crawford, Prudence Dellamano, Kathy Dion, Angela Disisto, Richard Doherty, Lauren Emmick, Martin Emmick, Stacy Engels, Barbara Forbes, Roger Forbes, Bruce Freeman, Lance Giuffrida, Yakuline Giuffrida, Louisa Goldberg, Robert Goldberg, Stephen Hanna, Lee Higgins, Judith Honore, Mathurin Honore, Erick Kemp, David Lewis, M.D., Cheryl Lloyd, Alfred Lopez, Carlina Lopez, Mary Marini, Elizabeth Mesa, Ricardo Mesa, Trisha Moeder, Jean Murphy, Lainie Murphy, William Murphy, Cheryl Murray, Dolie Myrick, James Myrick, Donna Oldham, Malcolm Oldham, Carmen Pena, Carol Peterson, Paul Peterson, Joseph Pisano, Robin Pisano, Edward Prunckun, Pam Prunckun, Bridget Reaney, Colman Reaney, Ana Rivera, Marcia Shear, Mitchell Shear, James Shields, Amjad Siddiqi, Raul Sierra, Melody Simpson, Ilana Slaff-Galatan, Claudia Soucy, Leo Soucy, Ellen Stahler, Gary Tam, Jamie Tam, The B.R.I. Parents and Friends Association, Inc., Carmen Torres, Carlos Vollenweider, Kelly Walker, Laura J. Walker, Jenkin Washington, Marie Washington, Corine Watson, Charles Winters, Michele Winters, Roger Wood and Sharon Wood in 20-1088 (Service Date: 05/26/2020 by CM/ECF NDA) Length Certification: 508 words. [20-1087, 20-1088] (Flammia, Michael) [Entered: 05/26/2020 06:55 PM]
06/05/2020	 26 pg, 218.53 KB	RESPONSE IN OPPOSITION [1845945] to motion <a href="#">[1844326-2]</a> , motion <a href="#">[1844326-3]</a> , motion <a href="#">[1844333-2]</a> , motion <a href="#">[1844334-2]</a> filed by FDA, Stephen M. Hahn, HHS and Alex M. Azar, II in 20-1087, 20-1088 [Service Date: 06/05/2020 by CM/ECF NDA] Length Certification: 4,895 words. [20-1087, 20-1088] (Aguilar, Daniel) [Entered: 06/05/2020 01:56 PM]
06/05/2020	 7 pg, 103.26 KB	UNOPPOSED MOTION [1845993] to extend time to file reply to 06/17/2020 filed by The Judge Rotenberg Educational Center, Inc. in 20-1087, Luis Aponte, John Asare, Ophelia Asare, Maria Augusto, Nelson Bernardo, Richard Bevins, Indra Biggs, Carlo Casoria, Judy Casoria, Gail Cornish, Cornnis


Crawford, Hannah Crawford, Patricia Crawford, Prudence Dellamano, Kathy Dion, Angela Disisto, Richard Doherty, Lauren Emmick, Martin Emmick, Stacy Engels, Barbara Forbes, Roger Forbes, Bruce Freeman, Lance Giuffrida, Yakuline Giuffrida, Louisa Goldberg, Robert Goldberg, Stephen Hanna, Lee Higgins, Judith Honore, Mathurin Honore, Erick Kemp, David Lewis, M.D., Cheryl Lloyd, Alfred Lopez, Carlina Lopez, Mary Marini, Elizabeth Mesa, Ricardo Mesa, Trisha Moeder, Jean Murphy, Lainie Murphy, William Murphy, Cheryl Murray, Dollie Myrick, James Myrick, Donna Oldham, Malcolm Oldham, Carmen Pena, Carol Peterson, Paul Peterson, Joseph Pisano, Robin Pisano, Edward Prunckun, Pam Prunckun, Bridget Reaney, Colman Reaney, Ana Rivera, Marcia Shear, Mitchell Shear, James Shields, Amjad Siddiqi, Raul Sierra, Melody Simpson, Ilana Slaff-Galatan, Claudia Soucy, Leo Soucy, Ellen Stahler, Gary Tam, Jamie Tam, The B.R.I. Parents and Friends Association, Inc., Carmen Torres, Carlos Vollenweider, Kelly Walker, Laura J. Walker, Jenkin Washington, Marie Washington, Corine Watson, Charles Winters, Michele Winters, Roger Wood and Sharon Wood in 20-1088 [Service Date: 06/05/2020 ] Length Certification: 539 words. [20-1087, 20-1088] (Flammia, Michael) [Entered: 06/05/2020 05:29 PM]

06/09/2020  1 pg, 39.06 KB


CLERK'S ORDER [1846359] filed granting motion to extend time [\[1845993-2\]](#); petitioners' replies to response [\[1845945-2\]](#) due 06/17/2020 [20-1087, 20-1088] [Entered: 06/09/2020 03:27 PM]

06/17/2020  29 pg, 765.82 KB

REPLY [1847826] filed by The Judge Rotenberg Educational Center, Inc. in 20-1087 to response [\[1845945-2\]](#) [Service Date: 06/17/2020 by CM/ECF NDA] Length Certification: 2581 words. [20-1087, 20-1088] (Flammia, Michael) [Entered: 06/17/2020 08:02 PM]

06/17/2020  3 pg, 78.64 KB

REPLY [1847827] filed by Luis Aponte, John Asare, Ophelia Asare, Maria Augusto, Nelson Bernardo, Richard Bevins, Indra Biggs, Carlo Casoria, Judy Casoria, Gail Cornish, Cornis Crawford, Hannah Crawford, Patricia Crawford, Prudence Dellamano, Kathy Dion, Angela Disisto, Richard Doherty, Lauren Emmick, Martin Emmick, Stacy Engels, Barbara Forbes, Roger Forbes, Bruce Freeman, Lance Giuffrida, Yakuline Giuffrida, Louisa Goldberg, Robert Goldberg, Stephen Hanna, Lee Higgins, Judith Honore, Mathurin Honore, Erick Kemp, David Lewis, M.D., Cheryl Lloyd, Alfred Lopez, Carlina Lopez, Mary Marini, Elizabeth Mesa, Ricardo Mesa, Trisha Moeder, Jean Murphy, Lainie Murphy, William Murphy, Cheryl Murray, Dollie Myrick, James Myrick, Donna Oldham, Malcolm Oldham, Carmen Pena, Carol Peterson, Paul Peterson, Joseph Pisano, Robin Pisano, Edward Prunckun, Pam Prunckun, Bridget Reaney, Colman Reaney, Ana Rivera, Marcia Shear, Mitchell Shear, James Shields, Amjad Siddiqi, Raul Sierra, Melody Simpson, Ilana Slaff-Galatan, Claudia Soucy, Leo Soucy, Ellen Stahler, Gary Tam, Jamie Tam, The B.R.I. Parents and Friends Association, Inc., Carmen Torres, Carlos Vollenweider, Kelly Walker, Laura J. Walker, Jenkin Washington, Marie Washington, Corine Watson, Charles Winters, Michele Winters, Roger Wood, Sharon Wood and Stephen M. Hahn in 20-1088 to response [\[1845945-2\]](#) [Service Date: 06/17/2020 by CM/ECF NDA] Length Certification: 132 words. [20-1087, 20-1088] (Stern, Max) [Entered: 06/17/2020 08:07 PM]

07/29/2020  1 pg, 39.48 KB

PER CURIAM ORDER [1853887] filed referring motions to remand the record to the merits panel to which this petition for review is assigned [\[1844333-2\]](#) [\[1844326-3\]](#). The parties are directed to address in their briefs the issues presented in the motions to remand the record rather than incorporate those arguments by reference. Denying motion to hold case in abeyance [\[1844334-2\]](#). The Clerk is directed to enter a briefing schedule. Before Judges: Rogers, Griffith and Pillard. [20-1087, 20-1088] [Entered: 07/29/2020 09:44 AM]

08/07/2020  3 pg, 80.24 KB


CLERK'S ORDER [1855657] filed setting briefing schedule: PETITIONER Brief due 09/16/2020. RESPONDENT Brief due on 10/16/2020. PETITIONER Reply Brief due 11/06/2020. DEFERRED APPENDIX due 11/13/2020. Final Briefs due 11/27/2020. [20-1087, 20-1088] [Entered: 08/07/2020 03:20 PM]

09/03/2020  9 pg, 34.46 KB

CONSENT MOTION [1859803] to extend time to file brief to 11/16/2020 filed by The Judge Rotenberg Educational Center, Inc. in 20-1087, Luis Aponte, John Asare, Ophelia Asare, Maria Augusto, Nelson Bernardo, Richard Bevins, Indra Biggs, Carlo Casoria, Judy Casoria, Gail Cornish, Cornis Crawford, Hannah Crawford, Patricia Crawford, Prudence Dellamano, Kathy Dion, Angela Disisto, Richard Doherty, Lauren Emmick, Martin Emmick, Barbara Forbes, Roger Forbes, Bruce Freeman, Lance Giuffrida, Yakuline Giuffrida, Louisa Goldberg, Robert Goldberg, Stephen Hanna, Lee Higgins, Judith Honore, Mathurin Honore, Erick Kemp, David Lewis, M.D., Cheryl Lloyd, Alfred Lopez, Carlina Lopez, Mary Marini, Elizabeth Mesa, Ricardo Mesa, Trisha Moeder, Jean Murphy, Lainie Murphy, William Murphy, Cheryl Murray, Dollie Myrick, James Myrick, Donna Oldham, Malcolm Oldham, Carmen Pena, Carol Peterson, Paul Peterson, Joseph Pisano, Robin Pisano, Edward Prunckun, Pam Prunckun, Bridget Reaney, Colman Reaney, Ana Rivera, Marcia Shear, Mitchell Shear, James Shields, Amjad Siddiqi, Raul Sierra, Melody Simpson, Ilana Slaff-Galatan, Claudia Soucy, Leo Soucy, Ellen Stahler, Gary Tam, Jamie Tam, The B.R.I. Parents and Friends Association, Inc., Carmen Torres, Carlos Vollenweider, Kelly Walker, Laura J. Walker, Jenkin Washington, Marie Washington, Corine Watson, Charles Winters, Michele Winters, Roger Wood and Sharon Wood in 20-1088 (Service Date: 09/03/2020 by CM/ECF NDA) Length Certification: 902. [20-1087, 20-1088] (Flammia, Michael) [Entered: 09/03/2020 02:05 PM]











09/04/2020  1 pg, 39.36 KB

CLERK'S ORDER [1859985] filed granting petitioners' consent motion to extend time [\[1859803-2\]](#). The following revised briefing schedule will now apply: PETITIONER Brief due 11/16/2020. RESPONDENT Brief due on 01/15/2021. PETITIONER Reply Brief due 02/05/2021. DEFERRED APPENDIX due 02/12/2021. Final Briefs due 02/12/2021. [20-1087, 20-1088] [Entered: 09/04/2020 01:21 PM]

09/18/2020  7 pg, 195.4 KB

ENTRY OF APPEARANCE [1862348] filed by Joseph M. Cacace on behalf of Petitioners Luis Aponte, John Asare, Ophelia Asare, Maria Augusto, Nelson Bernardo, Richard Bevins, Indra Biggs, Carlo Casoria, Judy Casoria, Gail Cornish, Cornis Crawford, Hannah Crawford, Patricia Crawford, Prudence Dellamano, Kathy Dion, Angela Disisto, Richard Doherty, Lauren Emmick, Martin Emmick, Stacy Engels, Barbara Forbes, Roger Forbes, Bruce Freeman, Lance Giuffrida, Yakuline Giuffrida, Louisa Goldberg, Robert Goldberg, Stephen Hanna, Lee Higgins, Judith Honore, Mathurin Honore, Erick Kemp, David Lewis, M.D., Cheryl Lloyd, Alfred Lopez, Carlina Lopez, Mary Marini, Elizabeth Mesa, Ricardo Mesa, Trisha Moeder, Jean Murphy, Lainie Murphy, William Murphy, Cheryl Murray, Dollie Myrick, James Myrick, Donna Oldham, Malcolm Oldham, Carmen Pena, Carol Peterson, Paul Peterson, Joseph Pisano, Robin Pisano, Edward Prunckun, Pam Prunckun, Bridget Reaney, Colman Reaney, Ana Rivera, Marcia Shear, Mitchell Shear, James Shields, Amjad Siddiqi, Raul Sierra, Melody Simpson, Ilana Slaff-Galatan, Claudia Soucy, Leo Soucy, Ellen Stahler, Gary Tam, Jamie Tam, The B.R.I. Parents and Friends Association, Inc., Carmen Torres, Carlos Vollenweider, Kelly Walker, Laura J. Walker, Jenkin Washington, Marie Washington, Corine Watson, Charles Winters, Michele Winters, Roger Wood, Sharon Wood and Respondents Alex M. Azar, II, FDA, Stephen M. Hahn and HHS in 20-1088, Respondents



- Alex M. Azar, II, FDA, Stephen M. Hahn, HHS and Petitioner The Judge Rotenberg Educational Center, Inc. in 20-1087. [20-1088, 20-1087] (Cacace, Joseph) [Entered: 09/18/2020 04:09 PM]
- 10/29/2020    
206 pg, 607.73 KB  
*AMENDED CERTIFIED INDEX TO RECORD* [1868914] filed by Alex M. Azar, II, FDA, Stephen M. Hahn and HHS in 20-1087, 20-1088 [Service Date: 10/29/2020 ] [20-1087, 20-1088] (Aguilar, Daniel) [Entered: 10/29/2020 02:03 PM]
- 11/13/2020    
3 pg, 191.46 KB  
ENTRY OF APPEARANCE [1871122] filed by Alexandra H. Deal on behalf of Petitioners Luis Aponte, John Asare, Ophelia Asare, Maria Augusto, Nelson Bernardo, Richard Bevins, Indra Biggs, Carlo Casoria, Judy Casoria, Gail Cornish, Cornnis Crawford, Hannah Crawford, Patricia Crawford, Prudence Dellamano, Kathy Dion, Angela Disisto, Richard Doherty, Lauren Emmick, Martin Emmick, Stacy Engels, Barbara Forbes, Roger Forbes, Bruce Freeman, Lance Giuffrida, Yakuline Giuffrida, Louisa Goldberg, Robert Goldberg, Stephen Hanna, Lee Higgins, Judith Honore, Mathurin Honore, Erick Kemp, David Lewis, M.D., Cheryl Lloyd, Alfred Lopez, Carlina Lopez, Mary Marini, Elizabeth Mesa, Ricardo Mesa, Trisha Moeder, Jean Murphy, Lainie Murphy, William Murphy, Cheryl Murray, Dollie Myrick, James Myrick, Donna Oldham, Malcolm Oldham, Carmen Pena, Carol Peterson, Paul Peterson, Joseph Pisano, Robin Pisano, Edward Prunckun, Pam Prunckun, Bridget Reaney, Colman Reaney, Ana Rivera, Marcia Shear, Mitchell Shear, James Shields, Amjad Siddiqi, Raul Sierra, Melody Simpson, Ilana Slaff-Galatan, Claudia Soucy, Leo Soucy, Ellen Stahler, Gary Tam, Jamie Tam, The B.R.I. Parents and Friends Association, Inc. and Carmen Torres in 20-1088. [20-1088, 20-1087] (Deal, Alexandra) [Entered: 11/13/2020 02:29 PM]
- 11/16/2020    
10 pg, 122.69 KB  
UNOPPOSED MOTION [1871363] to terminate party, to substitute party Corine Watson, on behalf of herself and on behalf of her ward, S.W. for Chiniqua Frias and Brenda Watson, Co-Guardians of S.W., on behalf of themselves and on behalf of their ward, S.W. filed by Luis Aponte, John Asare, Ophelia Asare, Maria Augusto, Nelson Bernardo, Richard Bevins, Indra Biggs, Carlo Casoria, Judy Casoria, Gail Cornish, Cornnis Crawford, Hannah Crawford, Patricia Crawford, Prudence Dellamano, Kathy Dion, Angela Disisto, Richard Doherty, Lauren Emmick, Martin Emmick, Stacy Engels, Barbara Forbes, Roger Forbes, Bruce Freeman, Lance Giuffrida, Yakuline Giuffrida, Louisa Goldberg, Robert Goldberg, Stephen Hanna, Lee Higgins, Judith Honore, Mathurin Honore, Erick Kemp, David Lewis, M.D., Cheryl Lloyd, Alfred Lopez, Carlina Lopez, Mary Marini, Elizabeth Mesa, Ricardo Mesa, Trisha Moeder, Jean Murphy, Lainie Murphy, William Murphy, Cheryl Murray, Dollie Myrick, James Myrick, Donna Oldham, Malcolm Oldham, Carmen Pena, Carol Peterson, Paul Peterson, Joseph Pisano, Robin Pisano, Edward Prunckun, Pam Prunckun, Bridget Reaney, Colman Reaney, Ana Rivera, Marcia Shear, Mitchell Shear, James Shields, Amjad Siddiqi, Raul Sierra, Melody Simpson, Ilana Slaff-Galatan, Claudia Soucy, Leo Soucy, Ellen Stahler, Gary Tam, Jamie Tam, The B.R.I. Parents and Friends Association, Inc., Carmen Torres, Carlos Vollenweider, Kelly Walker, Laura J. Walker, Jenkin Washington, Marie Washington, Corine Watson, Charles Winters, Michele Winters, Roger Wood and Sharon Wood in 20-1088 [Service Date: 11/16/2020 ] Length Certification: less than 5,200 words. [20-1087, 20-1088] (Stern, Max) [Entered: 11/16/2020 01:10 PM]
- 11/16/2020    
80 pg, 1.34 MB  
PETITIONER BRIEF [1871473] filed by The Judge Rotenberg Educational Center, Inc. in 20-1087 [Service Date: 11/16/2020 ] Length of Brief: 12,998 words. [20-1087, 20-1088] (Flammia, Michael) [Entered: 11/16/2020 05:25 PM]
- 11/16/2020    
80 pg, 568.24 KB  
PETITIONER BRIEF [1871482] filed by Luis Aponte, John Asare, Ophelia Asare, Maria Augusto, Nelson Bernardo, Richard Bevins, Indra Biggs, Carlo Casoria, Judy Casoria, Gail Cornish, Cornnis Crawford, Hannah Crawford, Patricia Crawford, Prudence Dellamano, Kathy Dion, Angela Disisto, Richard Doherty, Lauren Emmick, Martin Emmick, Stacy Engels, Barbara Forbes, Roger Forbes, Bruce Freeman, Lance Giuffrida, Yakuline Giuffrida, Louisa Goldberg, Robert Goldberg, Stephen Hanna, Lee Higgins, Judith Honore, Mathurin Honore, Erick Kemp, David Lewis, M.D., Cheryl Lloyd, Alfred Lopez, Carlina Lopez, Mary Marini, Elizabeth Mesa, Ricardo Mesa, Trisha Moeder, Jean Murphy, Lainie Murphy, William Murphy, Cheryl Murray, Dollie Myrick, James Myrick, Donna Oldham, Malcolm Oldham, Carmen Pena, Carol Peterson, Paul Peterson, Joseph Pisano, Robin Pisano, Edward Prunckun, Pam Prunckun, Bridget Reaney, Colman Reaney, Ana Rivera, Marcia Shear, Mitchell Shear, James Shields, Amjad Siddiqi, Raul Sierra, Melody Simpson, Ilana Slaff-Galatan, Claudia Soucy, Leo Soucy, Ellen Stahler, Gary Tam, Jamie Tam, The B.R.I. Parents and Friends Association, Inc., Carmen Torres, Carlos Vollenweider, Kelly Walker, Laura J. Walker, Jenkin Washington, Marie Washington, Corine Watson, Charles Winters, Michele Winters, Roger Wood and Sharon Wood in 20-1088 [Service Date: 11/16/2020 ] Length of Brief: 12,875 words. [20-1087, 20-1088] (Stern, Max) [Entered: 11/16/2020 05:42 PM]
- 11/16/2020    
309 pg, 45.61 MB  
SEPARATE STATUTORY ADDENDUM [1871483] to Appellant/Petitioner brief [[1871473-2](#)], Appellant/Petitioner brief [[1871482-2](#)] filed by The Judge Rotenberg Educational Center, Inc. in 20-1087, Luis Aponte, John Asare, Ophelia Asare, Maria Augusto, Nelson Bernardo, Richard Bevins, Indra Biggs, Carlo Casoria, Judy Casoria, Gail Cornish, Cornnis Crawford, Hannah Crawford, Patricia Crawford, Prudence Dellamano, Kathy Dion, Angela Disisto, Richard Doherty, Lauren Emmick, Martin Emmick, Stacy Engels, Barbara Forbes, Roger Forbes, Bruce Freeman, Lance Giuffrida, Yakuline Giuffrida, Louisa Goldberg, Robert Goldberg, Stephen Hanna, Lee Higgins, Judith Honore, Mathurin Honore, Erick Kemp, David Lewis, M.D., Cheryl Lloyd, Alfred Lopez, Carlina Lopez, Mary Marini, Elizabeth Mesa, Ricardo Mesa, Trisha Moeder, Jean Murphy, Lainie Murphy, William Murphy, Cheryl Murray, Dollie Myrick, James Myrick, Donna Oldham, Malcolm Oldham, Carmen Pena, Carol Peterson, Paul Peterson, Joseph Pisano, Robin Pisano, Edward Prunckun, Pam Prunckun, Bridget Reaney, Colman Reaney, Ana Rivera, Marcia Shear, Mitchell Shear, James Shields, Amjad Siddiqi, Raul Sierra, Melody Simpson, Ilana Slaff-Galatan, Claudia Soucy, Leo Soucy, Ellen Stahler, Gary Tam, Jamie Tam, The B.R.I. Parents and Friends Association, Inc., Carmen Torres, Carlos Vollenweider, Kelly Walker, Laura J. Walker, Jenkin Washington, Marie Washington, Corine Watson, Charles Winters, Michele Winters, Roger Wood and Sharon Wood in 20-1088 [Service Date: 11/16/2020 ] [20-1087, 20-1088] (Flammia, Michael) [Entered: 11/16/2020 05:45 PM]
- 11/17/2020    
1 pg, 60.46 KB  
LETTER [1871527] sent to counsel concerning the use of uncommon acronyms and abbreviations in briefs. Nonconforming Briefs: [[1871482-2](#)], [[1871473-2](#)]. [20-1087, 20-1088] [Entered: 11/17/2020 09:36 AM]
- 11/17/2020    
4 pg, 118.36 KB  
*CONSENT NOTICE* [1871700] of intention to participate as amicus curiae [Disclosure Listing: Attached] filed by New Civil Liberties Alliance [Service Date: 11/17/2020 ] [20-1087]--[Edited 11/18/2020 by TAM] (Samp, Richard) [Entered: 11/17/2020 05:40 PM]
- 11/23/2020 *CONSENT AMICUS FOR PETITIONER BRIEF* [1872873] lodged by New Civil Liberties Alliance in 20-

		1087, 20-1088 [Service Date: 11/23/2020 ] Length of Brief: 5999 words. [20-1087, 20-1088]--[Edited 11/24/2020 by TAM--MODIFIED EVENT FROM FILED TO LODGED] (Samp, Richard) [Entered: 11/23/2020 10:39 PM]
11/24/2020	 38 pg, 194.9 KB	<b>AMENDED AMICUS FOR PETITIONER BRIEF</b> [1872976] filed by New Civil Liberties Alliance in 20-1087, 20-1088 [Service Date: 11/24/2020 ] Length of Brief: 5999. [20-1087, 20-1088] (Samp, Richard) [Entered: 11/24/2020 11:41 AM]
11/30/2020	 1 pg, 89.67 KB	LETTER [1873619] regarding submission of revised brief filed by The Judge Rotenberg Educational Center, Inc. in 20-1087 [Service Date: 11/30/2020 ] [20-1087, 20-1088] (Flammia, Michael) [Entered: 11/30/2020 04:21 PM]
11/30/2020	 1 pg, 81.92 KB	LETTER [1873620] regarding submission of revised brief filed by Luis Aponte, John Asare, Ophelia Asare, Maria Augusto, Nelson Bernardo, Richard Bevins, Indra Biggs, Carlo Casoria, Judy Casoria, Gail Cornish, Cornnis Crawford, Hannah Crawford, Patricia Crawford, Prudence Dellamano, Kathy Dion, Angela Disisto, Richard Doherty, Lauren Emmick, Martin Emmick, Stacy Engels, Barbara Forbes, Roger Forbes, Bruce Freeman, Lance Giuffrida, Yakuline Giuffrida, Louisa Goldberg, Robert Goldberg, Stephen Hanna, Lee Higgins, Judith Honore, Mathurin Honore, Erick Kemp, David Lewis, M.D., Cheryl Lloyd, Alfred Lopez, Carline Lopez, Mary Marini, Elizabeth Mesa, Ricardo Mesa, Trisha Moeder, Jean Murphy, Lainie Murphy, William Murphy, Cheryl Murray, Dollie Myrick, James Myrick, Donna Oldham, Malcolm Oldham, Carmen Pena, Carol Peterson, Paul Peterson, Joseph Pisano, Robin Pisano, Edward Prunckun, Pam Prunckun, Bridget Reaney, Colman Reaney, Ana Rivera, Marcia Shear, Mitchell Shear, James Shields, Amjad Siddiqi, Raul Sierra, Melody Simpson, Ilana Slaff-Galatan, Claudia Soucy, Leo Soucy, Ellen Stahler, Gary Tam, Jamie Tam, The B.R.I. Parents and Friends Association, Inc., Carmen Torres, Carlos Vollenweider, Kelly Walker, Laura J. Walker, Jenkin Washington, Marie Washington, Corine Watson, Charles Winters, Michele Winters, Roger Wood and Sharon Wood in 20-1088 [Service Date: 11/30/2020 ] [20-1087, 20-1088] (Stern, Max) [Entered: 11/30/2020 04:34 PM]
11/30/2020	 80 pg, 1.34 MB	<b>AMENDED PETITIONER BRIEF</b> [1873653] filed by The Judge Rotenberg Educational Center, Inc. in 20-1087 [Service Date: 11/30/2020 ] Length of Brief: 12,991 words. [20-1087, 20-1088] (Flammia, Michael) [Entered: 11/30/2020 05:46 PM]
11/30/2020	 82 pg, 966.87 KB	<b>AMENDED PETITIONER BRIEF</b> [1873668] filed by Luis Aponte, John Asare, Ophelia Asare, Maria Augusto, Nelson Bernardo, Richard Bevins, Indra Biggs, Carlo Casoria, Judy Casoria, Gail Cornish, Cornnis Crawford, Hannah Crawford, Patricia Crawford, Prudence Dellamano, Kathy Dion, Angela Disisto, Richard Doherty, Lauren Emmick, Martin Emmick, Stacy Engels, Barbara Forbes, Roger Forbes, Bruce Freeman, Lance Giuffrida, Yakuline Giuffrida, Louisa Goldberg, Robert Goldberg, Stephen Hanna, Lee Higgins, Judith Honore, Mathurin Honore, Erick Kemp, David Lewis, M.D., Cheryl Lloyd, Alfred Lopez, Carline Lopez, Mary Marini, Elizabeth Mesa, Ricardo Mesa, Trisha Moeder, Jean Murphy, Lainie Murphy, William Murphy, Cheryl Murray, Dollie Myrick, James Myrick, Donna Oldham, Malcolm Oldham, Carmen Pena, Carol Peterson, Paul Peterson, Joseph Pisano, Robin Pisano, Edward Prunckun, Pam Prunckun, Bridget Reaney, Colman Reaney, Ana Rivera, Marcia Shear, Mitchell Shear, James Shields, Amjad Siddiqi, Raul Sierra, Melody Simpson, Ilana Slaff-Galatan, Claudia Soucy, Leo Soucy, Ellen Stahler, Gary Tam, Jamie Tam, The B.R.I. Parents and Friends Association, Inc., Carmen Torres, Carlos Vollenweider, Kelly Walker, Laura J. Walker, Jenkin Washington, Marie Washington, Corine Watson, Charles Winters, Michele Winters, Roger Wood and Sharon Wood in 20-1088 [Service Date: 11/30/2020 ] Length of Brief: 12,986 words. [20-1087, 20-1088] (Stern, Max) [Entered: 11/30/2020 06:24 PM]
12/10/2020	 2 pg, 42.7 KB	CLERK'S ORDER [1875245] filed granting motion for voluntary dismissal [ <a href="#">1871363-2</a> ] of Elizabeth Mesa and Ricardo Mesa, Donna Oldham and Malcolm Oldham, and Pam Prunckun and Edward Prunckun. It is FURTHER ORDERED that, with respect to the motion for voluntary dismissal [ <a href="#">1871363-3</a> ] of Richard Doherty, and to substitute as parties Chiniqua Frias and Brenda Watson for Corine Watson, petitioners either supplement their motion to comply with the requirements of Federal Rule of Appellate Procedure 43 or explain why those requirements do not apply, by January 11, 2021. (SEE ORDER FOR DETAILS) [20-1087, 20-1088] [Entered: 12/10/2020 12:33 PM]
01/11/2021	 33 pg, 23.01 MB	SUPPLEMENT [1879442] to motion to substitute party or change name [ <a href="#">1871363-3</a> ] filed by Luis Aponte, John Asare, Ophelia Asare, Maria Augusto, Nelson Bernardo, Richard Bevins, Indra Biggs, Carlo Casoria, Judy Casoria, Gail Cornish, Cornnis Crawford, Hannah Crawford, Patricia Crawford, Prudence Dellamano, Kathy Dion, Angela Disisto, Richard Doherty, Lauren Emmick, Martin Emmick, Stacy Engels, Barbara Forbes, Roger Forbes, Bruce Freeman, Lance Giuffrida, Yakuline Giuffrida, Louisa Goldberg, Robert Goldberg, Stephen Hanna, Lee Higgins, Judith Honore, Mathurin Honore, Erick Kemp, David Lewis, M.D., Cheryl Lloyd, Alfred Lopez, Carline Lopez, Mary Marini, Trisha Moeder, Jean Murphy, Lainie Murphy, William Murphy, Cheryl Murray, Dollie Myrick, James Myrick, Carmen Pena, Carol Peterson, Paul Peterson, Joseph Pisano, Robin Pisano, Bridget Reaney, Colman Reaney, Ana Rivera, Marcia Shear, Mitchell Shear, James Shields, Amjad Siddiqi, Raul Sierra, Melody Simpson, Ilana Slaff-Galatan, Claudia Soucy, Leo Soucy, Ellen Stahler, Gary Tam, Jamie Tam, The B.R.I. Parents and Friends Association, Inc., Carmen Torres, Carlos Vollenweider, Kelly Walker, Laura J. Walker, Jenkin Washington, Marie Washington, Corine Watson, Charles Winters, Michele Winters, Roger Wood and Sharon Wood in 20-1088 [Service Date: 01/11/2021 ] [20-1087, 20-1088] (Stern, Max) [Entered: 01/11/2021 04:43 PM]
01/15/2021	 68 pg, 370.65 KB	RESPONDENT BRIEF [1880448] filed by FDA, HHS, Alex M. Azar, II and Stephen M. Hahn in 20-1087, 20-1088 [Service Date: 01/15/2021 ] Length of Brief: 11,665 words. [20-1087, 20-1088] (Aguilar, Daniel) [Entered: 01/15/2021 04:26 PM]
01/20/2021	 4 pg, 123.58 KB	<b>CONSENT NOTICE</b> [1880836] of intention to participate as amicus curiae [Disclosure Listing: Attached] filed by American Academy of Pediatrics, et al. [Service Date: 01/20/2021 ] [20-1087, 20-1088]--[Edited 01/27/2021 by TAM] (Ellsworth, Felicia) [Entered: 01/20/2021 05:29 PM]
01/22/2021	 40 pg, 313.55 KB	AMICUS FOR RESPONDENT BRIEF [1881454] filed by American Academy of Pediatrics, American Association on Intellectual and Developmental Disabilities, American Academy of Developmental Medicine and Dentistry, et al. [Service Date: 01/22/2021 ] Length of Brief: 6,402 words. [20-1087, 20-1088] (Ellsworth, Felicia) [Entered: 01/22/2021 07:25 PM]
01/27/2021	 8 pg, 106.95 KB	MOTION [1882214] to extend time to file brief to 02/26/2021 filed by The Judge Rotenberg Educational Center, Inc. in 20-1087, Luis Aponte, John Asare, Ophelia Asare, Maria Augusto, Nelson Bernardo, Richard Bevins, Indra Biggs, Carlo Casoria, Judy Casoria, Gail Cornish, Cornnis Crawford, Hannah

- Crawford, Patricia Crawford, Prudence Dellamano, Kathy Dion, Angela Disisto, Richard Doherty, Lauren Emmick, Martin Emmick, Stacy Engels, Barbara Forbes, Roger Forbes, Bruce Freeman, Lance Giuffrida, Yakuline Giuffrida, Louisa Goldberg, Robert Goldberg, Stephen Hanna, Lee Higgins, Judith Honore, Mathurin Honore, Erick Kemp, David Lewis, M.D., Cheryl Lloyd, Alfred Lopez, Carlina Lopez, Mary Marini, Trisha Moeder, Jean Murphy, Lainie Murphy, William Murphy, Cheryl Murray, Dollie Myrick, James Myrick, Carmen Pena, Carol Peterson, Paul Peterson, Joseph Pisano, Robin Pisano, Bridget Reaney, Colman Reaney, Ana Rivera, Marcia Shear, Mitchell Shear, James Shields, Amjad Siddiqi, Raul Sierra, Melody Simpson, Ilana Slaff-Galatan, Claudia Soucy, Leo Soucy, Ellen Stahler, Gary Tam, Jamie Tam, The B.R.I. Parents and Friends Association, Inc., Carmen Torres, Carlos Vollenweider, Kelly Walker, Laura J. Walker, Jenkin Washington, Marie Washington, Corine Watson, Charles Winters, Michele Winters, Roger Wood and Sharon Wood in 20-1088 (Service Date: 01/27/2021 by CM/ECF NDA) Length Certification: 712 words. [20-1087, 20-1088] (Flammia, Michael) [Entered: 01/27/2021 04:37 PM]
- 01/28/2021  LETTER [1882390] sent to counsel concerning the use of uncommon acronyms and abbreviations in briefs. Nonconforming Briefs: [\[1881454-2\]](#). [20-1087] [Entered: 01/28/2021 11:42 AM]  
1 pg, 60.67 KB
- 01/28/2021  *CORRECTED* AMICUS FOR RESPONDENT BRIEF [1882527] filed by American Academy of Pediatrics, American Association on Intellectual and Developmental Disabilities, American Academy of Developmental Medicine and Dentistry, International Association for the Scientific Study of Intellectual and Developmental Disabilities, National Association of State Directors of Developmental Disabilities Services, National Association of State Directors of Special Education and National Association for the Dually Diagnosed in 20-1087, 20-1088 [Service Date: 01/28/2021 ] Length of Brief: 6,452 words. [20-1087, 20-1088] (Ellsworth, Felicia) [Entered: 01/28/2021 04:12 PM]  
40 pg, 312.98 KB
- 02/01/2021  CLERK'S ORDER [1882982] filed granting petitioners' motion to extend time [\[1882214-2\]](#). The following revised briefing schedule will now apply: PETITIONER Reply Brief due 02/26/2021. DEFERRED APPENDIX due 03/12/2021. Final Briefs due 03/12/2021. [20-1087, 20-1088] [Entered: 02/01/2021 09:54 AM]  
1 pg, 39.76 KB
- 02/26/2021  CLERK'S ORDER [1887405] filed scheduling oral argument on Friday, 04/23/2021. [20-1087, 20-1088] [Entered: 02/26/2021 12:09 PM]  
1 pg, 41.55 KB
- 02/26/2021  PETITIONER REPLY BRIEF [1887471] filed by Luis Aponte, John Asare, Ophelia Asare, Maria Augusto, Nelson Bernardo, Richard Bevins, Indra Biggs, Carlo Casoria, Judy Casoria, Gail Cornish, Cornnis Crawford, Hannah Crawford, Patricia Crawford, Prudence Dellamano, Kathy Dion, Angela Disisto, Richard Doherty, Lauren Emmick, Martin Emmick, Stacy Engels, Barbara Forbes, Roger Forbes, Bruce Freeman, Lance Giuffrida, Yakuline Giuffrida, Louisa Goldberg, Robert Goldberg, Stephen Hanna, Lee Higgins, Judith Honore, Mathurin Honore, Erick Kemp, David Lewis, M.D., Cheryl Lloyd, Alfred Lopez, Carlina Lopez, Mary Marini, Trisha Moeder, Jean Murphy, William Murphy, Lainie Murphy, Cheryl Murray, Dollie Myrick, James Myrick, Carmen Pena, Carol Peterson, Paul Peterson, Joseph Pisano, Robin Pisano, Bridget Reaney, Colman Reaney, Ana Rivera, Marcia Shear, Mitchell Shear, James Shields, Amjad Siddiqi, Raul Sierra, Melody Simpson, Ilana Slaff-Galatan, Claudia Soucy, Leo Soucy, Ellen Stahler, Gary Tam, Jamie Tam, The B.R.I. Parents and Friends Association, Inc., Carmen Torres, Carlos Vollenweider, Kelly Walker, Laura J. Walker, Jenkin Washington, Marie Washington, Corine Watson, Charles Winters, Michele Winters, Roger Wood and Sharon Wood in 20-1088 [Service Date: 02/26/2021 ] Length of Brief: 6,452 words. [20-1087, 20-1088] (Stern, Max) [Entered: 02/26/2021 02:51 PM]  
37 pg, 623 KB
- 02/26/2021  PETITIONER REPLY BRIEF [1887525] filed by The Judge Rotenberg Educational Center, Inc. in 20-1087 [Service Date: 02/26/2021 ] Length of Brief: 6,486 words. [20-1087, 20-1088] (Flammia, Michael) [Entered: 02/26/2021 04:50 PM]  
41 pg, 761.96 KB
- 03/12/2021  RESPONDENT FINAL BRIEF [1889702] filed by Alex M. Azar, II, FDA, Stephen M. Hahn and HHS in 20-1087, 20-1088 [Service Date: 03/12/2021 ] Length of Brief: 11,665 words. [20-1087, 20-1088] (Aguilar, Daniel) [Entered: 03/12/2021 04:32 PM]  
69 pg, 377.87 KB
- 03/12/2021  AMICUS FOR RESPONDENT FINAL BRIEF [1889718] filed by American Academy of Pediatrics, American Association on Intellectual and Developmental Disabilities, American Academy of Developmental Medicine and Dentistry, International Association for the Scientific Study of Intellectual and Developmental Disabilities, National Association of State Directors of Developmental Disabilities Services, National Association of State Directors of Special Education and National Association for the Dually Diagnosed in 20-1087, 20-1088 [Service Date: 03/12/2021 ] Length of Brief: 6,452 words.. [20-1087, 20-1088]--[Edited 03/15/2021 by TAM] (Ellsworth, Felicia) [Entered: 03/12/2021 06:42 PM]  
40 pg, 226.39 KB
- 03/12/2021  *JOINT* APPENDIX [1889725] filed by The Judge Rotenberg Educational Center, Inc. in 20-1087, Luis Aponte, John Asare, Ophelia Asare, Maria Augusto, Nelson Bernardo, Richard Bevins, Indra Biggs, Carlo Casoria, Judy Casoria, Gail Cornish, Cornnis Crawford, Hannah Crawford, Patricia Crawford, Prudence Dellamano, Kathy Dion, Angela Disisto, Richard Doherty, Lauren Emmick, Martin Emmick, Stacy Engels, Barbara Forbes, Roger Forbes, Bruce Freeman, Lance Giuffrida, Yakuline Giuffrida, Louisa Goldberg, Robert Goldberg, Stephen Hanna, Lee Higgins, Judith Honore, Mathurin Honore, Erick Kemp, David Lewis, M.D., Cheryl Lloyd, Alfred Lopez, Carlina Lopez, Mary Marini, Trisha Moeder, Jean Murphy, Lainie Murphy, William Murphy, Cheryl Murray, Dollie Myrick, James Myrick, Carmen Pena, Carol Peterson, Paul Peterson, Joseph Pisano, Robin Pisano, Bridget Reaney, Colman Reaney, Ana Rivera, Marcia Shear, Mitchell Shear, James Shields, Amjad Siddiqi, Raul Sierra, Melody Simpson, Ilana Slaff-Galatan, Claudia Soucy, Leo Soucy, Ellen Stahler, Gary Tam, Jamie Tam, The B.R.I. Parents and Friends Association, Inc., Carmen Torres, Carlos Vollenweider, Kelly Walker, Laura J. Walker, Jenkin Washington, Marie Washington, Corine Watson, Charles Winters, Michele Winters, Roger Wood and Sharon Wood in 20-1088. [Volumes: 13] [Service Date: 03/12/2021 ] [20-1087, 20-1088] (Flammia, Michael) [Entered: 03/12/2021 08:59 PM]  
6480 pg, 865.77 MB
- 03/12/2021  NOTICE [1889726] of submission of paper filing filed by The Judge Rotenberg Educational Center, Inc. in 20-1087, Luis Aponte, John Asare, Ophelia Asare, Maria Augusto, Nelson Bernardo, Richard Bevins, Indra Biggs, Carlo Casoria, Judy Casoria, Gail Cornish, Cornnis Crawford, Hannah Crawford, Patricia Crawford, Prudence Dellamano, Kathy Dion, Angela Disisto, Richard Doherty, Lauren Emmick, Martin Emmick, Stacy Engels, Barbara Forbes, Roger Forbes, Bruce Freeman, Lance Giuffrida, Yakuline Giuffrida, Louisa Goldberg, Robert Goldberg, Stephen Hanna, Lee Higgins, Judith Honore, Mathurin Honore, Erick Kemp, David Lewis, M.D., Cheryl Lloyd, Alfred Lopez, Carlina Lopez, Mary Marini, Trisha Moeder, Jean Murphy, Lainie Murphy, William Murphy, Cheryl Murray, Dollie Myrick, James Myrick,  
4 pg, 81.41 KB

Carmen Pena, Carol Peterson, Paul Peterson, Joseph Pisano, Robin Pisano, Bridget Reaney, Colman Reaney, Ana Rivera, Marcia Shear, Mitchell Shear, James Shields, Amjad Siddiqi, Raul Sierra, Melody Simpson, Ilana Slaff-Galatan, Claudia Soucy, Leo Soucy, Ellen Stahler, Gary Tam, Jamie Tam, The B.R.I. Parents and Friends Association, Inc., Carmen Torres, Carlos Vollenweider, Kelly Walker, Laura J. Walker, Jenkin Washington, Marie Washington, Corine Watson, Charles Winters, Michele Winters, Roger Wood and Sharon Wood in 20-1088 [Service Date: 03/12/2021 ] [20-1087, 20-1088] (Flammia, Michael) [Entered: 03/12/2021 09:04 PM]

03/12/2021   81 pg, 1.32 MB

PETITIONER FINAL BRIEF [1889727] filed by The Judge Rotenberg Educational Center, Inc. in 20-1087 [Service Date: 03/12/2021 ] Length of Brief: 12,989 words. [20-1087, 20-1088] (Flammia, Michael) [Entered: 03/12/2021 09:06 PM]

03/12/2021   79 pg, 982.29 KB

PETITIONER FINAL BRIEF [1889729] filed by Luis Aponte, John Asare, Ophelia Asare, Maria Augusto, Nelson Bernardo, Richard Bevins, Indra Biggs, Carlo Casoria, Judy Casoria, Gail Cornish, Cornnis Crawford, Hannah Crawford, Patricia Crawford, Prudence Dellamano, Kathy Dion, Angela Disisto, Richard Doherty, Lauren Emmick, Martin Emmick, Stacy Engels, Barbara Forbes, Roger Forbes, Bruce Freeman, Lance Giuffrida, Yakuline Giuffrida, Louisa Goldberg, Robert Goldberg, Stephen Hanna, Lee Higgins, Judith Honore, Mathurin Honore, Erick Kemp, David Lewis, M.D., Cheryl Lloyd, Alfred Lopez, Carlina Lopez, Mary Marini, Trisha Moeder, Jean Murphy, Lainie Murphy, William Murphy, Cheryl Murray, Dollie Myrick, James Myrick, Carmen Pena, Carol Peterson, Paul Peterson, Joseph Pisano, Robin Pisano, Bridget Reaney, Colman Reaney, Ana Rivera, Marcia Shear, Mitchell Shear, James Shields, Amjad Siddiqi, Raul Sierra, Melody Simpson, Ilana Slaff-Galatan, Claudia Soucy, Leo Soucy, Ellen Stahler, Gary Tam, Jamie Tam, The B.R.I. Parents and Friends Association, Inc., Carmen Torres, Carlos Vollenweider, Kelly Walker, Laura J. Walker, Jenkin Washington, Marie Washington, Corine Watson, Charles Winters, Michele Winters, Roger Wood and Sharon Wood in 20-1088 [Service Date: 03/12/2021 ] Length of Brief: 12,808 words. [20-1087, 20-1088] (Stern, Max) [Entered: 03/12/2021 09:11 PM]

03/12/2021   309 pg, 29.58 MB

SEPARATE STATUTORY ADDENDUM [1889730] to Appellant/Petitioner final brief [1889727-2], Appellant/Petitioner final brief [1889729-2] filed by The Judge Rotenberg Educational Center, Inc. in 20-1087, Luis Aponte, John Asare, Ophelia Asare, Maria Augusto, Nelson Bernardo, Richard Bevins, Indra Biggs, Carlo Casoria, Judy Casoria, Gail Cornish, Cornnis Crawford, Hannah Crawford, Patricia Crawford, Prudence Dellamano, Kathy Dion, Angela Disisto, Richard Doherty, Lauren Emmick, Martin Emmick, Stacy Engels, Barbara Forbes, Roger Forbes, Bruce Freeman, Lance Giuffrida, Yakuline Giuffrida, Louisa Goldberg, Robert Goldberg, Stephen Hanna, Lee Higgins, Judith Honore, Mathurin Honore, Erick Kemp, David Lewis, M.D., Cheryl Lloyd, Alfred Lopez, Carlina Lopez, Mary Marini, Trisha Moeder, Jean Murphy, Lainie Murphy, William Murphy, Cheryl Murray, Dollie Myrick, James Myrick, Carmen Pena, Carol Peterson, Paul Peterson, Joseph Pisano, Robin Pisano, Bridget Reaney, Colman Reaney, Ana Rivera, Marcia Shear, Mitchell Shear, James Shields, Amjad Siddiqi, Raul Sierra, Melody Simpson, Ilana Slaff-Galatan, Claudia Soucy, Leo Soucy, Ellen Stahler, Gary Tam, Jamie Tam, The B.R.I. Parents and Friends Association, Inc., Carmen Torres, Carlos Vollenweider, Kelly Walker, Laura J. Walker, Jenkin Washington, Marie Washington, Corine Watson, Charles Winters, Michele Winters, Roger Wood and Sharon Wood in 20-1088 [Service Date:03/12/2021 ] [20-1087, 20-1088] (Flammia, Michael) [Entered: 03/12/2021 09:13 PM]

03/12/2021   42 pg, 784.08 KB

PETITIONER FINAL REPLY BRIEF [1889731] filed by The Judge Rotenberg Educational Center, Inc. in 20-1087 [Service Date: 03/12/2021 ] Length of Brief: 6,488 words. [20-1087, 20-1088] (Flammia, Michael) [Entered: 03/12/2021 09:15 PM]

03/12/2021   38 pg, 809.4 KB

PETITIONER FINAL REPLY BRIEF [1889732] filed by Luis Aponte, John Asare, Ophelia Asare, Maria Augusto, Nelson Bernardo, Richard Bevins, Indra Biggs, Carlo Casoria, Judy Casoria, Gail Cornish, Cornnis Crawford, Hannah Crawford, Patricia Crawford, Prudence Dellamano, Kathy Dion, Angela Disisto, Richard Doherty, Lauren Emmick, Martin Emmick, Stacy Engels, Barbara Forbes, Roger Forbes, Bruce Freeman, Lance Giuffrida, Yakuline Giuffrida, Louisa Goldberg, Robert Goldberg, Stephen Hanna, Lee Higgins, Judith Honore, Mathurin Honore, Erick Kemp, David Lewis, M.D., Cheryl Lloyd, Alfred Lopez, Carlina Lopez, Mary Marini, Trisha Moeder, Jean Murphy, Lainie Murphy, William Murphy, Cheryl Murray, Dollie Myrick, James Myrick, Carmen Pena, Carol Peterson, Paul Peterson, Joseph Pisano, Robin Pisano, Bridget Reaney, Colman Reaney, Ana Rivera, Marcia Shear, Mitchell Shear, James Shields, Amjad Siddiqi, Raul Sierra, Melody Simpson, Ilana Slaff-Galatan, Claudia Soucy, Leo Soucy, Ellen Stahler, Gary Tam, Jamie Tam, The B.R.I. Parents and Friends Association, Inc., Carmen Torres, Carlos Vollenweider, Kelly Walker, Laura J. Walker, Jenkin Washington, Marie Washington, Corine Watson, Charles Winters, Michele Winters, Roger Wood and Sharon Wood in 20-1088 [Service Date: 03/12/2021 ] Length of Brief: 6,435 words. [20-1087, 20-1088] (Stern, Max) [Entered: 03/12/2021 09:17 PM]

03/12/2021






SEALED JOINT SUPPLEMENTAL APPENDIX [1889807] filed by The Judge Rotenberg Educational Center, Inc. in 20-1087, Luis Aponte, John Asare, Ophelia Asare, Maria Augusto, Nelson Bernardo, Richard Bevins, Indra Biggs, Carlo Casoria, Judy Casoria, Gail Cornish, Cornnis Crawford, Hannah Crawford, Patricia Crawford, Prudence Dellamano, Kathy Dion, Angela Disisto, Richard Doherty, Lauren Emmick, Martin Emmick, Stacy Engels, Barbara Forbes, Roger Forbes, Bruce Freeman, Lance Giuffrida, Yakuline Giuffrida, Louisa Goldberg, Robert Goldberg, Stephen Hanna, Lee Higgins, Judith Honore, Mathurin Honore, Erick Kemp, David Lewis, M.D., Cheryl Lloyd, Alfred Lopez, Carlina Lopez, Mary Marini, Trisha Moeder, Jean Murphy, Lainie Murphy, William Murphy, Cheryl Murray, Dollie Myrick, James Myrick, Carmen Pena, Carol Peterson, Paul Peterson, Joseph Pisano, Robin Pisano, Bridget Reaney, Colman Reaney, Ana Rivera, Marcia Shear, Mitchell Shear, James Shields, Amjad Siddiqi, Raul Sierra, Melody Simpson, Ilana Slaff-Galatan, Claudia Soucy, Leo Soucy, Ellen Stahler, Gary Tam, Jamie Tam, The B.R.I. Parents and Friends Association, Inc., Carmen Torres, Carlos Vollenweider, Kelly Walker, Laura J. Walker, Jenkin Washington, Marie Washington, Corine Watson, Charles Winters, Michele Winters, Roger Wood and Sharon Wood in 20-1088. [Volumes: 3] [Service Date:03/12/2021 ] [20-1087, 20-1088] [Entered: 03/15/2021 12:00 PM]

04/12/2021   1 pg, 41.65 KB

PER CURIAM ORDER [1894097] filed allocating oral argument time as follows: Petitioners Luis Aponte, et al. - 10 Minutes, Petitioner The Judge Rotenberg Educational Center, Inc. - 10 Minutes, Respondents - 20 Minutes; directing party to file Form 72 notice of arguing attorney by 04/19/2021. [20-1087, 20-1088] [Entered: 04/12/2021 11:02 AM]

04/13/2021

FORM 72 submitted by arguing attorney, Max D. Stern, on behalf of Petitioners Luis Aponte, John Asare, Ophelia Asare, Maria Augusto, Nelson Bernardo, Richard Bevins, Indra Biggs, Carlo Casoria, Judy

		Casoria, Gail Cornish, Cornnis Crawford, Hannah Crawford, Patricia Crawford, Prudence Dellamano, Kathy Dion, Angela Disisto, Richard Doherty, Lauren Emmick, Martin Emmick, Stacy Engels, Barbara Forbes, Roger Forbes, Bruce Freeman, Lance Giuffrida, Yakuline Giuffrida, Louisa Goldberg, Robert Goldberg, Stephen Hanna, Lee Higgins, Judith Honore, Mathurin Honore, Erick Kemp, David Lewis, M.D., Cheryl Lloyd, Alfred Lopez, Carline Lopez, Mary Marini, Trisha Moeder, Jean Murphy, Lainie Murphy, William Murphy, Cheryl Murray, Dollie Myrick, James Myrick, Carmen Pena, Carol Peterson, Paul Peterson, Joseph Pisano, Robin Pisano, Bridget Reaney, Colman Reaney, Ana Rivera, Marcia Shear, Mitchell Shear, James Shields, Amjad Siddiqi, Raul Sierra, Melody Simpson, Ilana Slaff-Galatan, Claudia Soucy, Leo Soucy, Ellen Stahler, Gary Tam, Jamie Tam, Carmen Torres, Carlos Vollenweider, Kelly Walker, Laura J. Walker, Jenkin Washington, Marie Washington, Corine Watson, Charles Winters, Michele Winters, Roger Wood and Sharon Wood in 20-1088 ( <i>For Internal Use Only: Form is restricted to protect counsel's personal contact information</i> ). [20-1087, 20-1088] (Stern, Max) [Entered: 04/13/2021 11:21 AM]
04/15/2021	<input type="checkbox"/>	FORM 72 submitted by arguing attorney, Michael P. Flammia, on behalf of Petitioner The Judge Rotenberg Educational Center, Inc. in 20-1087 ( <i>For Internal Use Only: Form is restricted to protect counsel's personal contact information</i> ). [20-1087, 20-1088] (Flammia, Michael) [Entered: 04/15/2021 08:58 AM]
04/15/2021	<input type="checkbox"/>	FORM 72 submitted by arguing attorney, Daniel Aguilar, on behalf of Respondents FDA, Janet Woodcock, HHS and Xavier Becerra in 20-1087, 20-1088 ( <i>For Internal Use Only: Form is restricted to protect counsel's personal contact information</i> ). [20-1087, 20-1088] (Aguilar, Daniel) [Entered: 04/15/2021 09:24 AM]
04/16/2021	<input type="checkbox"/>  2 pg, 50.84 KB	PER CURIAM ORDER [1894979] filed that Dena Ribaudo, as personal representative for the estate of Richard Doherty, is hereby substituted as petitioner in No. 20-1088 for the limited purpose of dismissing all claims brought by petitioner Doherty on his own behalf and on behalf of M.D. and their claims are hereby dismissed. The Clerk is directed to terminate Ribaudo as a petitioner in No. 20-1088. Substituting Brenda Watson and Chiniqua Frias for Corine Watson as petitioners in No. 20-1088, on behalf of themselves and on behalf of their ward, S.W., nunc pro tunc to the date of the original filing of the petition in No. 20-1088. Before Judges: Srinivasan, Katsas, and Sentelle [20-1087, 20-1088] [Entered: 04/16/2021 04:01 PM]
04/23/2021	<input type="checkbox"/>  1 pg, 40.26 KB	ORAL ARGUMENT HELD before Judges Srinivasan, Katsas and Sentelle. [20-1087, 20-1088] [Entered: 04/23/2021 11:28 AM]
05/10/2021	<input type="checkbox"/>	TRANSCRIPT [1897994] of oral argument [20-1087, 20-1088] [Entered: 05/10/2021 01:51 PM]
07/06/2021	<input type="checkbox"/>  1 pg, 55.47 KB	PER CURIAM JUDGMENT [1905076] filed that the petitions for review be granted and the FDA's rule banning electrical stimulation devices for self-injurious and aggressive behavior be vacated, for the reasons in the accompanying opinion . Before Judges: Srinivasan, Katsas and Sentelle. [20-1087, 20-1088] [Entered: 07/06/2021 10:23 AM]
07/06/2021	<input type="checkbox"/>  26 pg, 330.21 KB	OPINION [1905079] filed (Pages: 17) for the Court by Judge Sentelle, DISSENTING OPINION (Pages: 9) by Judge Srinivasan. [20-1087, 20-1088] [Entered: 07/06/2021 10:32 AM]
07/06/2021	<input type="checkbox"/>  1 pg, 39.63 KB	CLERK'S ORDER [1905080] filed withholding issuance of the mandate. [20-1087, 20-1088] [Entered: 07/06/2021 10:34 AM]

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