



CIVIL APPEALS MEDIATION PROGRAM (CAMP)

Local Rule 42.1 Stipulation Basic Instructions and Templates*

A special stipulation - Local Rule 42.1 Stipulation - is available in the Second Circuit to CAMP participants after the initial session under very limited circumstances. The purpose of the Local Rule 42.1 Stipulation is to enable parties, with the consent of the mediator, to fully explore settlement without incurring the ongoing expenses of briefing. A template for each of the steps follows.

- Step 1: Counsel for **both** parties enter into a Local Rule 42.1 Stipulation for dismissal of the appeal without prejudice to reinstatement. The Stipulation specifies the terms of reinstatement, including a date by which reinstatement **by the appellant** must occur. The executed Local Rule 42.1 Stipulation must be filed on ACMS or CM/ECF using the "LR 42.1 Stipulation without Prejudice RECEIVED" filing type.
- Step 2: Upon approval by the Clerk's Office and CAMP, the Clerk of the Court issues an Order withdrawing the appeal per Local Rule 42.1, and the time running under Local Rule 31.2 is paused pending reinstatement, i.e., a stand still.
- Step 3: If, or when, the appellant wishes to reinstate the appeal, *which in all events must be before the reinstatement date on the Stipulation*, the appellant sends a letter to the Clerk of the Court asking that the appeal be reinstated. (See enclosed form letter.) The Clerk, upon receipt of the letter, will promptly reinstate the appeal. The letter must be filed on ACMS or CM/ECF under "Letter." (If the appellant settles the appeal, or does not wish to reinstate it, the appellant should file a FRAP 42 (b) Stipulation withdrawing the appeal.)
- Step 4:
- a) If reinstatement is timely requested, the Clerk of the Court will promptly issue an Order reinstating the appeal (no additional briefing schedules will be issued by the Clerk's office), and the amount of time remaining pursuant to Local Rule 31.2 begins to run again. For example, if there was 20 days remaining on the briefing schedule when the parties filed the Local Rule 42.1 Stipulation, when the appeal is reinstated the brief is due within 20 days of the reinstatement; or
 - b) If reinstatement is not timely requested, the Clerk of the Court issues a mandate dismissing the appeal with prejudice.

* For further information on this special procedure, please contact the Civil Appeals Mediation Program (CAMP) by phone to (212) 857-8760, or by email to camp_support@ca2.uscourts.gov.

**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 day of , two thousand .

[Appellant]

v.

(Appellee)

STIPULATION

Docket Number: **[XX-XXXX]**

The undersigned counsel for the parties stipulate that the above-captioned case is withdrawn
without costs or attorneys' fees and pursuant to Local Rule 42.1. Appellant may reinstate the case
by filing written notice with the Clerk, and serving such notice upon the undersigned appellee, by
[date] . The time, if any, tolled under LR 31.2 begins to run again from the date of
appellant's reinstatement notice to the Clerk.

If not timely reinstated, the appeal shall be mandated pursuant to FRAP 41.

Date:

Attorney for Appellant

John Smith. Jones LLP

Print Name and Firm

Date:

Attorney for Appellee

Jane Smith. White LLP

Print Name and Firm

**UNITED STATES COURT OF APPEALS
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[Appellant]

ORDER

Docket No. **XX-XXXX**

v.

[Appellee)

The parties in the above-referenced case have filed a stipulation withdrawing this appeal pursuant to Local Rule 42.1.

The stipulation is hereby "So Ordered"

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

The signature of Catherine O' Hagan Wolfe is written in cursive over a circular seal. The seal contains the text "UNITED STATES", "SECOND CIRCUIT", and "COURT OF APPEALS".

Jones, LLP

0000 Avenue of the Americas
New York, NY 10020

[Date]

VIA CM/ECF

Ms. Catherine O' Hagan Wolfe
Clerk of Court
Thurgood Marshall United States
Courthouse 40 Foley Square
New York, New York 10007

Re: [Appellant v. Appellee, Docket Number: **XX-XXXX**]

Dear Ms. O'Hagan Wolfe:

We represent appellants in the above-captioned matter. On [date], the parties filed a stipulation pursuant to Local Rule 42.1 withdrawing the appeal without prejudice, which was so-ordered on [date]. We write timely to reinstate the above-captioned appeal pursuant to Local Rules 42.1 and 31.2.

Respectfully submitted,

John Smith
Jones, LLP
0000 Avenue of the Americas
New York, NY 10020
Telephone: (212) 555-5555
Email:

cc: All counsel of record (via ECF)

**UNITED STATES COURT OF APPEALS
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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 day of , two thousand .

[Appellant],

ORDER

Docket No. [XX-XXXX]

v.

[Appellee],

This appeal was withdrawn subject to reinstatement upon terms agreed to by the parties.

Counsel for the appellant has submitted a timely notice of reinstatement.

IT IS HEREBY ORDERED that the appeal is reinstated.

For The Court:

Catherine O'Hagan Wolfe,
Clerk of Court

 

A True Copy

Catherine O'Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit

 

CERTIFIED COPY ISSUED ON 00/00/0000

**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 day of , two thousand .

ORDER

[Appellant],

Docket No. [XX-XXXX]

v.

[Appellees],

On June 20, 2019, the Court so ordered Appellant's scheduling notification setting September 19, 2019 as Appellant's brief due date. When the parties filed the Local Rule 42.1 stipulation on August 30, 2019, there were 20 days remaining of the briefing schedule. When the appeal was reinstated on October 22, 2019, Appellant was required to file his opening brief by November 12, 2019. Appellant failed to file a brief by that date. Upon consideration thereof,

IT IS HEREBY ORDERED that the appeal is DISMISSED for Appellant's failure to file a brief. Any motion to reinstate the appeal must be accompanied by the brief and appendix.

For the Court:

Catherine O'Hagan Wolfe,
Clerk of Court

 

MANDATE

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 day of , two thousand .

[Appellant]

ORDER

Docket No. XX-XXXX

v.

[Appellee]

The parties in the above-referenced case have filed a stipulation withdrawing this appeal pursuant to Local Rule 42.1.

The stipulation is hereby "So Ordered".

For The Court:

Catherine O'Hagan Wolfe,
Clerk of Court




A True Copy

Catherine O'Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit




MANDATE ISSUED ON 00/00/0000