

16-1150 HALL V. HALL

DECISION BELOW: 679 Fed.Appx. 142

LOWER COURT CASE NUMBER: 15-1564

QUESTION PRESENTED:

The deadline for filing an appeal has "jurisdictional consequences" and "should above all be clear." *Budinich v. Becton Dickinson & Co.*, 486 U.S. 196, 202 (1988). The deadline is measured from the entry of final judgment. 28 U.S.C. § 1291; Fed. R. App. P. 4. Despite the need for clarity, for at least forty-five years the courts of appeals have disagreed as to when their jurisdiction attaches if cases are consolidated and a final judgment is entered in only one of the cases.

The split and lack of clarity have widened with the passage of time—there are four different circuit rules for determining appellate jurisdiction in consolidated cases. This Court has twice set out to resolve the fourway split. The Court granted certiorari in *Erickson v. Maine Central Railroad Co.*, 498 U.S. 807 (1990); but subsequently dismissed the petition. 498 U.S. 1018 (1990) (mem.). The Court again granted certiorari and partially addressed the split in *Gelboim v. Bank of Am. Corp.*, 135 S.Ct. 897 (2015).

Gelboim held that for cases consolidated in multidistrict litigation, a final judgment in a single case triggers the "appeal-clock" for that case. But, by limiting its holding to multidistrict litigation, *Gelboim* left the split unresolved for cases consolidated in a single district under Fed. R. Civ. P. 42.

The question presented is:

Should the clarity *Gelboim* gave to multidistrict cases be extended to single district consolidated cases, so that the entry of a final judgment in only one case triggers the appeal-clock for that case?

CERT. GRANTED 9/28/2017