

United States Court of Appeals For the First Circuit

DOCKETING STATEMENT

No. 10-2133

Short Title: Evans v. Gerry

Type of Action

- Civil
 Criminal/Prisoner
 Cross Appeal

A. Timeliness of Appeal

1. Date of entry of judgment or order appealed from June 2, 2010
2. Date this notice of appeal filed July 29, 2010
If cross appeal, date first notice of appeal filed _____
3. Filing date of any post-judgment motion filed by any party which tolls time under Fed. R. App. P. 4(a)(4) or 4(b) _____
4. Date of entry of order deciding above post-judgment motion _____
5. Filing date of any motion to extend time under Fed. R. App. P. 4(a)(5), 4(a)(6) or 4(b) _____
Time extended to _____

B. Finality of Order or Judgment

1. Is the order or judgment appealed from a final decision on the merits? Yes No
2. If no,
 - a. Did the district court order entry of judgment as to fewer than all claims or all parties pursuant to Fed. R. C. P. 54(b)? Yes No
If yes, explain _____
 - b. Is the order appealed from a collateral or interlocutory order reviewable under any exception to the finality rule? Yes No
If yes, explain _____

C. Has this case previously been appealed? Yes No

If yes, give the case name, docket number and disposition of each prior appeal

D. Are any related cases or cases raising related issues pending in this court, any district court of this circuit, or the Supreme Court? Yes No

If yes, cite the case and manner in which it is related on a separate page. If abeyance or consolidation is warranted, counsel must file a separate motion seeking such relief.

- E. Were there any in-court proceedings below? Yes No
 If yes, is a transcript necessary for this appeal? Yes No
 If yes, is transcript already on file with district court? Yes No

F. List each adverse party to the appeal. If no attorney, give address and telephone number of the adverse party. Attach additional page if necessary.

1. Adverse party Richard Gerry
 Attorney Elizabeth C. Woodcock, N.H. Attorney General's Office
 Address 33 Capitol Street, Concord, N.H. 03301
 Telephone (630) 271-3671

2. Adverse party _____
 Attorney _____
 Address _____
 Telephone _____

3. Adverse party _____
 Attorney _____
 Address _____
 Telephone _____

G. List name(s) and address(es) of appellant(s) who filed this notice of appeal and appellant's counsel. Attach additional page if necessary.

1. Appellant's name Chad Evans (counsel: David M. Rothstein)
 Address Appellate Defender Program, 2 White Street, Concord, N.H. 03301
 Telephone (603) 228-9218

Attorney's name _____
 Firm _____
 Address _____
 Telephone _____

2. Appellant's name _____
 Address _____
 Telephone _____

Attorney's name _____
 Firm _____
 Address _____
 Telephone _____

Will you be handling the appeal? (In criminal cases counsel below will handle the appeal unless relieved by this court.) Yes No

Fed. R. App. P. 12(b) provides that each attorney who files a notice of appeal must file with the clerk of the court of appeals a statement naming each party represented on appeal by that attorney. 1st Cir. R. 12.0 requires that statement in the form of an appearance.

Signature /s/ David M. Rothstein
Date 9/27/10