

88 Fed.Appx. 454

This case was not selected for publication in the
Federal Reporter.
United States Court of Appeals,
Second Circuit.

Richard S. TROWBRIDGE, Dr., Lucille Donadio,
Richard Coriasco, Betty Jo Merritt, Dr., Patricia
Brophy, Alex Zemcov, Dr., and Michael
Zembrower, Dr., individually and on behalf of all
other Persons similarly situated,
Plaintiffs-Appellants,

v.

INSTITUTE FOR BASIC RESEARCH IN
DEVELOPMENTAL DISABILITIES OF THE
OFFICE OF MENTAL RETARDATION AND
DEVELOPMENTAL DISABILITIES, New York
State Department of Mental Hygiene, New York
State Department of Civil Service, Henryk M.
Wisniewski, Dr., Melvin Hicks, Peter Vietze,
Public Employees Federation, AFL-CIO, Michael
Fenko, Thomas Maul, Office of Mental
Retardation and Developmental Disabilities, Jean
S. Miller, and George C. Sinnott,
Defendants-Appellees.

Docket No. 03-7339.

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Feb. 23, 2004.

Appeal from a March 3, 2003 order entered by the United
States District Court for the Eastern District of New York
(Sterling Johnson, Jr., Judge), *Trowbridge v. Institute for
Basic Research in Developmental Disabilities*, 2003 WL
21143086 (E.D.N.Y. Mar.3, 2003), which denied
plaintiffs' motion under Federal Rule of Civil Procedure
60(b) to vacate the District Court's earlier judgments
dismissing their claims.

ON CONSIDERATION WHEREOF, IT IS HEREBY
ORDERED, ADJUDGED, AND DECREED that the
District Court's order of March 3, 2003 be and it hereby is

AFFIRMED.

Attorneys and Law Firms

Robert Valli, Jr. (Catherine Sammartino, on the brief),
Leeds, Morelli & Brown, P.C., Carle Place, NY, for
Appellants.

Leonard A. Cohen, Assistant Attorney General of the
State of New York (Eliot Spitzer, Attorney General, on
the brief; Deon J. Nossel, Senior Assistant Solicitor
General, of counsel), New York, NY, for Appellees.

PRESENT: OAKES, KEARSE and CABRANES, Circuit
Judges.

SUMMARY ORDER

****1** Finding no abuse of discretion in the District Court's
denial of appellants' Rule 60(b) motion, we affirm the
order of the District Court, for substantially the reasons
stated by Judge Johnson in his Memorandum and Order,
*see Trowbridge v. Institute for Basic Research in
Developmental Disabilities*, 2003 WL 21143086
(E.D.N.Y. Mar.3, 2003). We also reject the request, made
in appellants' October 22, 2003 brief on this appeal, that
this Court recall the mandate that was issued on July 31,
2001, dismissing the prior appeal.

The judgment of the District Court is **AFFIRMED**.

All Citations

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