

No. 22-1770

**In the United States Court of Appeals
for the First Circuit**

JOHN CONTI,
Plaintiff-Appellant,

v.

CITIZENS BANK, N.A.,
Defendant-Appellee.

On Appeal from the United States District Court
for the District of Rhode Island
Case No. 1:21-cv-00296-MSM (The Hon. Mary S. McElroy)

STATUS REPORT

On April 20, 2023, this Court issued an order granting the parties' joint motion to hold this appeal in abeyance pending the U.S. Supreme Court's resolution of the petitions for certiorari in *Cantero v. Bank of America, N.A.*, No. 22-529, and *Flagstar Bank, FSB, v. Kivett*, No. 22-349. After the petition in *Cantero* was granted, this Court issued an order on November 27, 2023 stating that: "Appellant shall promptly alert this court once *Cantero* has been decided and propose a schedule for further proceedings."

Consistent with that order, appellant John Conti informs this Court that the Supreme Court issued its decision in *Cantero* on May 30, 2024, unanimously vacating the Second Circuit's judgment and remanding for further proceedings. The parties to this appeal have conferred and agreed on the following proposed briefing schedule:

- Appellant’s opening brief: Tuesday, July 30, 2024
- Appellee’s brief: Thursday, September 19, 2024
- Appellant’s reply brief: Thursday, October 10, 2024

This agreed-upon proposed schedule seeks to replicate the briefing deadlines provided in Federal Rule of Appellate Procedure 31(a), treating the Supreme Court’s opinion in *Cantero* as the triggering event, and then gives each side an additional 21 days for their principal briefs to account for counsels’ competing deadlines and other preexisting obligations.

June 4, 2024

Respectfully submitted,

/s/ Jonathan E. Taylor
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CERTIFICATE OF SERVICE

I hereby certify that on June 4, 2024, I electronically filed the foregoing report with the Clerk of the Court for the U.S. Court of Appeals for the First Circuit by using the CM/ECF system. All participants are registered CM/ECF users and will be served by the appellate CM/ECF system.

/s/ Jonathan E. Taylor
Jonathan E. Taylor