

# United States Court of Appeals For the First Circuit

No. 21-8019

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SHEET METAL WORKERS LOCAL NO. 20 WELFARE AND BENEFIT FUND, on behalf of  
itself and all others similarly situated; INDIANA CARPENTERS WELFARE FUND, on behalf  
of itself and all others similarly situated; PLUMBERS WELFARE FUND, Local 130, U.A., on  
behalf of itself and all others similarly situated,

Plaintiffs - Respondents,

v.

CVS PHARMACY, INC.; CAREMARK, LLC,

Defendants - Petitioners.

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Before

Howard, Chief Judge,  
Lynch and Barron, Circuit Judges.

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## JUDGMENT

Entered: November 15, 2021

Defendant-Petitioners, pursuant to Fed. R. Civ. P. 23(f), seek leave from this court to appeal the district court's grant of class certification in the underlying action. As an initial matter, Defendant-Petitioners' motion for leave to file a reply is **GRANTED**, and the tendered reply is accepted for filing. Having reviewed the parties' papers and relevant portions of the record, we conclude that the requirements for interlocutory review of class certification determinations have not been met here. See Waste Mgmt. Holdings, Inc. v. Mowbray, 208 F.3d 288, 293-94 (1st Cir. 2000) (setting out factors to be considered when deciding whether to allow review pursuant to Rule 23(f)). Accordingly, the petition for leave to appeal is **DENIED**.

By the Court:

Maria R. Hamilton, Clerk

cc:

Robert Clark Corrente  
Timothy K. Baldwin  
Craig D. Singer  
Enu Mainigi  
Grant A. Geyerman  
Christopher N. Dawson  
Steve W. Berman  
Elizabeth Anne Fegan  
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