

United States Court of Appeals For the First Circuit

No. 12-8028

CHRISTINE S. LYONS, on behalf of herself and similarly situated employees,

Plaintiff, Respondent,

v.

CITIZENS FINANCIAL GROUP, INC.; RBS CITIZENS, N.A., d/b/a Citizens Bank,

Defendants, Petitioners.

Before

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

ORDER OF COURT

Entered: October 1, 2012

Defendant-Petitioners Citizens Financial Group, Inc. and RBS Citizens, N.A., pursuant to Fed. R. Civ. P. 23(f), seek leave from this court to appeal the district court's recent certification of a class in a suit brought pursuant to the Massachusetts Wage Act, Mass. Gen. Laws ch. 151, §§ 1A and 1B. Based on the district court's brief memorandum and order of July 9, 2012, this court is unable to determine whether interlocutory review is in order. Accordingly, we retain jurisdiction over the petition for permission to appeal but **REMAND** for entry of a supplemental memorandum reflecting a more detailed and "rigorous" Fed. R. Civ. P. 23 analysis of the sort contemplated in Wal-Mart Stores, Inc. v. Dukes, 131 S. Ct. 2541, 2551-54 (2011) and In re New Motor Vehicles Canadian Exp. Antitrust Litig., 522 F.3d 6, 24-27 (1st Cir. 2008). The supplemental memorandum should be entered within 40 days of entry of this order.

By the Court:

/s/ Margaret Carter, Clerk.

cc:

Hon. George A. O'Toole

Sarah A. Thornton, Clerk, U.S.D.C. of Massachusetts

Juliet A. Davison

Brendan John Donelon

Mark W. Batten

Elise M. Bloom

Amanda Dealy Haverstick

Elizabeth A. Kowal

Peter Winebrake

Brian Jeffrey Gershengorn