

United States Court of Appeals For the First Circuit

No. 21-1981

MICHAEL MUEHE, on behalf of himself and all others similarly situated; COLLEEN FLANAGAN, on behalf of herself and all others similarly situated; CRYSTAL EVANS, on behalf of herself and all others similarly situated; ELAINE HAMILTON, on behalf of herself and all others similarly situated,

Plaintiffs - Appellees,

v.

CITY OF BOSTON, MA,

Defendant - Appellee,

WILLIAM NORKUNAS, class member,

Objector - Appellant.

Before

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

JUDGMENT

Entered: November 21, 2022

Objector-appellant William J. Norkunas appeals multiple orders issued by the district court in the underlying class action, see generally Fed. R. Civ. P. 23, including final approval of the parties' class settlement.

The court has carefully considered the record and the arguments sufficiently preserved in the district court and developed in Norkunas' opening brief. See Robinson v. Nat'l Student Clearinghouse, 14 F.4th 56, 60 (1st Cir. 2021) (argument waived where appellant "did not develop [] argument before the district court" and where no "exceptional circumstances warrant[ed] consideration of th[e] argument for the first time on appeal"); Alston v. Town of Brookline, 997 F.3d 23, 41 (1st Cir. 2021) ("We have warned before -- and today reaffirm -- that a litigant has an

obligation to spell out his arguments squarely and distinctly, or else forever hold his peace."); United States v. Zannino, 895 F.2d 1, 17 (1st Cir. 1990) ("Issues adverted to in a perfunctory manner, unaccompanied by some effort at developed argumentation, are waived.").

We discern no basis to disturb the challenged district court rulings. See Robinson, 14 F.4th at 59 (standard of review for approval of class settlement); Aronstein v. Mass. Mutual Life Ins. Co., 15 F.4th 527, 533-34 (1st Cir. 2021) (standard of review for class certification); Steir v. Girl Scouts of the USA, 383 F.3d 7, 15 (1st Cir. 2004) (standard of review for issues of standing).

Accordingly, plaintiffs-appellees' motion for summary affirmance is granted, and the judgment of the district court is affirmed. See 1st Cir. R. 27.0(c). Because the court has affirmed on the merits, the court need not reach the matter of the appeal bond imposed by the district court. Any remaining pending motions, to the extent not mooted by the foregoing, are denied.

By the Court:

Maria R. Hamilton, Clerk

cc:

William Norkunas

Anthony J. Brady

Jon G. Shadinger Jr.

Thomas P. Murphy

Tatum Alicia Pritchard

Linda M. Dardarian

Raymond A. Wendell

Timothy P. Fox

Stephanie Tilden

Adam N. Cederbaum

Samantha H. Fuchs