

No. 19-1395

IN THE UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

MARY WALSH, et al.,)
)
Plaintiffs/Appellants,)
)
vs.)
)
FRIENDSHIP VILLAGE OF SOUTH COUNTY,)
et al.,)
)
Defendants/Appellees.)

REPLY MEMORANDUM IN SUPPORT OF
MOTION TO VACATE JUDGMENT

Defendants/Appellees Friendship Village of South County, d/b/a/ Friendship Village Sunset Hills and FV Services, Inc. (collectively “Friendship Village”) respectfully submit this short reply in support of their motion to vacate.

A one-line statement in plaintiffs’ response – “we agree” – would have sufficed. Instead, plaintiffs chose to file a multi-page response that includes what may be weasel words. On p. 3, they suggest that the Court should give them “the relief to which they would be entitled if the appeal went forward.” That may mean

nothing more than what Friendship Village asked: vacate the judgment and remand for further proceedings.

But it may also mean that plaintiffs want the Court to remand with instructions to enter judgment in their favor, which, of course, would be wholly premature and inappropriate.

Respectfully submitted,

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/s/ Mark Arnold

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CERTIFICATE OF COMPLIANCE

1. This reply complies with the type-volume limitation of Fed. R. App. P. 27(d)(2) because this motion contains 136 words, excluding the parts of the motion exempted by Fed. R. App. P. 27(a)(2)(B).

2. This reply complies with the typeface and type style requirements of Fed. R. App. P. 27(d)(1)(E) because this reply has been prepared in a proportionally spaced typeface using Microsoft Word 2010 in 14-point Bookman Old Style font.

3. This reply complies with the requirements of 8th Cir. R. 25A(g) because this reply has been generated as a PDF from the original word processing file, the text of the electronic version of the motion may be searched and copied, and this reply has been scanned for viruses that confirmed the motion is virus-free.

/s/ Mark Arnold
Attorney for Appellees

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on July 1, 2020, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Eighth Circuit by using the CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system.

/s/ Mark Arnold
Attorney for Appellees