

No. 06-

06-10-JUN 29 2008

OFFICE OF THE CLERK

IN THE
Supreme Court of the United States

NORFOLK DREDGING COMPANY,

Petitioner,

v.

JOHN L. WILEY,

Respondent.

ON PETITION FOR A WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

PETITION FOR A WRIT OF CERTIORARI

JAMES L. CHAPMAN, IV
Counsel of Record

SHAWN A. VOYLES

CRENSHAW, WARE & MARTIN, P.L.C.

1200 Bank of America Center

One Commercial Place

Norfolk, Virginia 23510

(757) 623-3000

Attorneys for Petitioner

201921



COUNSEL PRESS
(800) 274-3321 • (800) 359-6859

(1)

QUESTIONS PRESENTED

The Limitation of Liability Act (“Limitation Act”) provides that, in the event of an accident on navigable waters, a shipowner’s liability to claimants will be limited to the value of the vessel and its pending freight, provided that the loss was incurred without the owner’s privity or knowledge. The shipowner must deposit with the court security which equals the value of the vessel and its pending freight. This sum constitutes the Limitation Fund. The district court then issues notice to all potential claimants requiring them to file their claims, and also issues an injunction preventing the prosecution in another forum of any claim arising from the accident against the shipowner. A district court may dissolve the injunction where only one claim is asserted against the shipowner, but only if the claimant files certain protective stipulations to preserve the shipowner’s right to limit its liability to the Limitation Fund, and thus preserve the purpose of the Limitation Act.

The circuit courts are split on the following two questions, the resolution of which is necessary to ensure uniform application of the Limitation Act and to protect the rights of vessel owners under the Limitation Act.

1. Whether the Limitation Act requires a “single claimant” to stipulate to the specific value of the Limitation Fund before the district court determines whether to dissolve the limitation injunction and allow a single claimant to proceed with his case in state court.

2. Whether a limitation claimant’s stipulations adequately protect a vessel owner’s rights under the Limitation Act is a question of law reviewed *de novo*.

06-11 2006

OFFICE OF THE CLERK

No. _____

In the Supreme Court of the United States

KAREN LECLERC, ET AL.,

Petitioners,

v.

DANIEL E. WEBB, ET AL.,

Respondents.

**On Petition for a Writ of Certiorari to
the United States Court of Appeals
for the Fifth Circuit**

PETITION FOR A WRIT OF CERTIORARI

LOUIS R. KOERNER, JR.
*Koerner Law Firm
1204 Jackson Avenue
New Orleans, LA 70130
(504) 581-9569*

JEFFREY W. SARLES
Counsel of Record
HANS J. GERMANN
*Mayer, Brown, Rowe &
Maw LLP
71 South Wacker Drive
Chicago, IL 60606
(312) 782-0600*

Counsel for Petitioners

11

QUESTIONS PRESENTED

Louisiana has adopted a rule that excludes nonimmigrant aliens (aliens lawfully residing in the U.S. who do not hold permanent resident visas) from admission to the Louisiana Bar. That exclusion does not apply to immigrant aliens (aliens residing in the U.S. who hold permanent resident visas). A divided Fifth Circuit panel upheld the rule against an equal protection challenge after rejecting strict scrutiny in favor of the rational basis test. The Fifth Circuit also rejected a preemption challenge to the rule. It subsequently denied rehearing en banc by an 8-7 vote.

The questions presented are as follows:

1. Whether a burden imposed solely on nonimmigrant aliens lawfully residing in the United States, such as the Louisiana rule precluding such persons from Bar admission, is subject to strict scrutiny under the Equal Protection Clause, a question on which this Court granted certiorari but failed to reach in *Toll v. Moreno*, 458 U.S. 1 (1982), and which remains the subject of conflicting appellate decisions.

2. Whether the Louisiana rule excluding lawfully admitted nonimmigrant aliens from Bar admission is preempted by federal immigration law and policy.

No. 05-

~~OFFICE OF THE CLERK~~

IN THE

Supreme Court of the United States

UNITED STATES EX REL. KESHAV S. JOSHI, M.D.,

Petitioner,

v.

ST. LUKE'S HOSPITAL, INC., AND MOHAMMED BASHITI, M.D.,

Respondents.


ON PETITION FOR A WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

PETITION FOR A WRIT OF CERTIORARI

NAREN CHAGANTI
(*Counsel of Record*)

Law Offices of Naren Chaganti
515 S. St. Andrews Pl., #33
Los Angeles, CA 90020
naren@chaganti.com E-mail
(650) 248-7011
Counsel for Petitioner

QUESTIONS PRESENTED

1. Must a complaint under the False Claims Act (FCA) by a *qui tam* relator plead “indicia of reliability” of the allegations of fraud under Fed. R. Civ. P. (“Rule”) 9(b)?
 2. When a plaintiff alleges that all the details of fraudulent activity are peculiarly within the control of the defendants, is it proper for a district court to refuse discovery before ruling on a motion to dismiss under Rule 9(b)?
 3. Is an FCA *qui tam* relator subject to a different pleading standard compared to a claimant under the RICO statute because the *qui tam* relator suffered no “injury in fact?”
 4. Is a district court’s erroneous selection of one of a plurality of limitations periods insufficient for preserving the error?
 5. Is a defendant entitled to bring up issues for the first time in a reply brief and for the first time on appeal at oral argument but a plaintiff is barred from raising new arguments for the first time on appeal?
- 

In The 13
Supreme Court of the United States

WENDELL PIKE,

Petitioner,

v.

GOVERNMENT EMPLOYEES
INSURANCE COMPANY,


Respondent.

On Petition for a Writ of Certiorari to the United States
Court of Appeals from the Sixth Circuit

PETITION FOR WRIT OF CERTIORARI

JASON B. BELL
ERIC A. HAMILTON
KERRICK, STIVERS & COYLE, PLC
2819 RING ROAD
SUITE 200
ELIZABETHTOWN, KY 42701
(270) 737-9088
Counsel for Petitioner

Questions Presented

1. What is the appropriate period of limitations in Kentucky for an insured's contractual claim against his or her own insurance company for underinsured motorist [hereinafter "UIM"] benefits;
 2. Can an insurance company contractually shorten the applicable period of limitations with its insured by inserting language in the policy to that effect;
 3. If an insurance company can permissibly contractually limit the period of limitations by inserting language in the policy, what period of limitations for UIM claims is reasonable under Kentucky law;
 4. Can an insurance company's own actions after the limitations period in the policy has allegedly expired estop the insurance company from raising the limitations issue as a defense and/or result in a waiver of the limitations defense; and
 5. In Kentucky, the payment of an insured's medical bills by his or her personal injury protection [hereinafter "PIP"] benefits carrier tolls the statute of limitations – should the payment of an insured's medical expenses by a worker's compensation carrier likewise toll the limitations period.
- 

14

IN THE
Supreme Court of the United States

WESTERN MANAGEMENT INC.,
Petitioner,

v.

COMMISSIONER OF INTERNAL REVENUE,
Respondent.

**Petition for a Writ of Certiorari to the
United States Court of Appeals
for the Ninth Circuit**

PETITION FOR A WRIT OF CERTIORARI

[Faint, illegible text, possibly a stamp or signature]

ROBERT E. KOVACEVICH
Counsel of Record
4603 S. Pittsburg
Spokane, WA 99223
(509) 448-2677

19

QUESTIONS PRESENTED

1. Did the courts below err by denying discovery of the IRS and Tax Court's role in passing retroactive federal legislation? The legislation restored the Tax Court's social security tax deficiency jurisdiction in this case. The refusal of discovery was contrary to *Ballard v. Commissioner of Internal Revenue*, 544 U.S. 40, 125 S.Ct. 1270, 161 L. Ed 2d 227 (2005).

2. Can the courts below completely ignore jurisdictional federal statutes prohibiting assessment of unemployment taxes and interest to enter a judgment for the tax plus interest?

3. The courts below decided that the title "officer" automatically transmuted independent contractor services into employee wages. The Ninth Circuit misinterpreted 26 U.S.C. 3121(a), (c) and (d)(1). This decision conflicts with this Court's decision in *Clackamas Gastroenterology v. Wells*, 538 U.S. 440, 123 S.Ct. 1673, 155 L. Ed 615 (2003) and also conflicts with the First, Second, Fourth, Fifth, Seventh and Eighth Circuit decisions.

(i)



06-15-JUL 18 - 2006

No. OFFICE OF THE CLERK

IN THE
Supreme Court of the United States

RICHARD TOMIC,

Petitioner,

v.

CATHOLIC DIOCESE OF PEORIA,

Respondent.

ON PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT

PETITION FOR A WRIT OF CERTIORARI

STEPHEN J. THOMAS
JACKSON THOMAS LLP
416 Main Street
Suite 717
Peoria, IL 61602
(309) 637-8888

PAUL R.Q. WOLFSON
COUNSEL OF RECORD
KELLEY BROOKE SNYDER
WILMER CUTLER PICKERING
HALE AND DORR LLP
1875 Pennsylvania Avenue NW
Washington, DC 20006
(202) 663-6000

15

QUESTION PRESENTED

Whether a ministerial exception to federal employment discrimination laws bars the courts from adjudicating an age-discrimination complaint brought by a lay employee of a religious organization who was terminated from a position not reserved for members of a particular faith, where the religious organization has raised no defense that the discrimination was religiously motivated.

(i)



16

No.

OFFICE OF THE CLERK

IN THE SUPREME COURT OF THE UNITED
STATES

THUMBELINA BROWN,

Petitioner,

v.

MCLEOD REGIONAL MEDICAL CENTER OF
THE PEE DEE, INC.

Respondent.

PETITION FOR WRIT OF CERTIORARI TO
THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

Chalmers C. Johnson
Counsel of Record for Petitioner
Chalmers Johnson Law Firm, LLC
182 East Bay Street, Suite 203
Charleston, South Carolina 29401
TEL (843) 723-8288
FAX (843) 853-8749

66

QUESTIONS PRESENTED

- I. THE COURT SHOULD GRANT CERTIORARI TO DETERMINE WHETHER THE MCDONNELL DOUGLAS SHIFTING BURDEN TEST CAN STILL BE USED AS JUSTIFICATION FOR DISMISSAL OF A TITLE VII CASE AT THE SUMMARY JUDGMENT STAGE, IN LIGHT OF THE COURT'S DECISION FROM DESERT PALACE, INC. V. COSTA, 539 U.S. 90 (2003).**

- II. THE COURT SHOULD GRANT CERTIORARI TO DETERMINE WHETHER THE RECORD CONTAINS GENUINE ISSUES OF MATERIAL FACT AS TO BROWN'S PRIMA FACIE CASE OF RACE DISCRIMINATION UNDER TITLE VII AND 42 U.S.C. 1981a.**



OFFICE OF THE CLERK

In The
Supreme Court of the United States

RENTAL SYSTEMS, INC.,

Petitioner,

v.

ROBERT M. TYSON, ET AL.,

Respondents.

**On Petition For Writ Of Certiorari
To The Court Of Appeals For The
First District Of Texas**

PETITION FOR WRIT OF CERTIORARI

JOHN C. ALLEN
Counsel of Record
JOHN C. ALLEN, P.C.
909 Fannin Street, Suite 1225
Houston, Texas 77010
(713) 654-7000 (Telephone)
(713) 654-7074 (Facsimile)

*Attorney for Petitioner
Rental Systems, Inc.*

18

QUESTIONS PRESENTED FOR REVIEW

1. Did the arbitrators exceed their authority under the Federal Arbitration Act by deciding the arbitration on a theory that was not pled, argued, briefed or asserted in any manner?
2. Was the arbitration award secured by undue means under the Federal Arbitration Act when Mr. Tyson spoliated critical evidence that was discovered only after the arbitration?

19

OFFICE OF THE CLERK
No. _____

IN THE
Supreme Court of the United States

Shalaan Fisher,

Petitioner

v.

Christian Fisher and Andrea Fisher,

Respondents.

In the Matter of Sara Fox, a Minor.

On Petition For Writ of Certiorari
To the Michigan Supreme Court

PETITION FOR WRIT OF CERTIORARI

Timothy M. Holloway
Counsel of Record for Petitioner
P.O. Box 296
Taylor, MI 48180
(313) 383-3880

19

QUESTIONS PRESENTED FOR REVIEW

I. Whether a liberty interest, protected by Due Process, exists when a person has guardianship and physical custody of her blood-related minor ward?

II. Whether Due Process is violated by deprivation of the liberty interest by a Probate Court, without any pre-proceeding notice that the Probate Court may extinguish the interest, without any type of hearing where evidence is admitted, without any apparent consideration of factors deemed important by the State, such as the welfare of the child, and where the Probate Court apparently based its decision on its desire to expedite a visitation schedule for various relatives?