

Supreme Court U.S.

06 - 151 JUL 26 2006

No. OFFICE OF THE CLERK

In the Supreme Court of the United States

Bernard L. Rottschaefer, M.D.,
Petitioner

v.

United States of America

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

PETITION FOR A WRIT OF CERTIORARI

ELI D. STUTSMAN
Counsel of Record
621 SW Morrison
Thirteenth Floor
Portland, OR 97205
(503) 274-4048

151

QUESTIONS PRESENTED

1.

Is a physician denied a fair trial in a criminal prosecution for drug distribution under 21 U.S.C. §841(a)(1) when the parties frame and argue the issues under a Government interpretation of the "legitimate medical purpose" rule of 21 C.F.R. §1306.04 that equates the criminal standard ("outside the course of professional practice") with the civil "standard of care"?

2.

Has the circuit court's factors test to evaluate new trial motions under Rule 33 supplanted the language of the Rule so as to deny a new trial even when the interest of justice requires it?

No. 06-_____

Supreme Court. U.S.
FILED

06-153 JUL 27 2006

IN THE

Supreme Court of the United States
OFFICE OF THE CLERK

ROWE ENTERTAINMENT, INC., ET. AL.,

Petitioners,

—v.—

THE WILLIAM MORRIS AGENCY, INC., ET. AL.,

Respondents.

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

PETITION FOR WRIT OF CERTIORARI

GARY B. FRIEDMAN
FRIEDMAN LAW GROUP LLP
155 Spring Street
New York, New York 10012
(212) 680-5150
Of Counsel

MYRIAM E. GILLES
Counsel of Record
55 Fifth Avenue
New York, New York 10003
(212) 790-0344

KEILA D. RAVELO
WESLEY R. POWELL
HUNTON & WILLIAMS LLP
200 Park Avenue
New York, New York 10022
(212) 309-1000
Of Counsel

Attorneys for Petitioners

153

Questions Presented

Petitioners, African-American concert promoters, were denied the opportunity to negotiate concert promotion contracts with the Respondent booking agents, who collectively control the U.S. concert promotion industry, on the grounds of race. In support of their showing of racial animus, Petitioners submitted evidence that, among other things: (i) Respondents refuse to engage black promoters for their white acts; (ii) Respondents routinely provide to white promoters favorable financial terms that they have never once extended to any black promoter; and (iii) a handwritten note from a CAA executive warned agents to "not divulge" these disparate financial terms to "Black promoters," including specifically the Petitioners here.

The district court ignored all of this evidence, as well as evidence of Petitioners' qualifications as promoters and their repeated efforts to obtain notice of opportunities to contract with Respondents. Instead, after "weighing all of the evidence," the District Court held that the Petitioners failed to satisfy their burden of showing racial animus under *McDonnell Douglas Corp. v. Green*, 411 U.S. 792, 93 S. Ct. 1817 (1973).

The questions presented are:

1. Whether the Supreme Court's supervisory role is properly invoked to review evidence of institutionalized racially discriminatory practices that broadly infect a prominent U.S. industry, where such evidence appears to have been swept under the rug by the lower federal courts?
2. What is the proper role of the district court in evaluating plaintiffs' showing of prima facie elements under *McDonnell Douglas* where plaintiffs challenge a defendants' repeated failure to provide equal notice of contract bidding opportunities in violation of 42 U.S.C. § 1981?

Supreme Court, U.S.
CLERK

06 - 154 JUL 27 2006

OFFICE OF THE CLERK

IN THE SUPREME COURT OF THE UNITED STATES

TAMMY R. SABO,

Petitioner,

v.

STEVE CANTERBURY, Individually and in his capacity as Director,
West Virginia Regional Jail and Correctional Facility Authority;
JAMIE SPENCER, Individually and in his capacity as Warden;
NORTHERN REGIONAL JAIL AND CORRECTIONAL FACILITY;
WEST VIRGINIA REGIONAL JAIL AND CORRECTIONAL
FACILITY AUTHORITY,

Respondents.

On Petition for Writ of Certiorari to the
United States Court of Appeals
for the Fourth Circuit

PETITION FOR A WRIT OF CERTIORARI

Peter M. Suwak, Esquire
Counsel of Record for Petitioner

Pete's Surplus Building
P.O. Box 1
Washington, Pennsylvania 15301
(724) 228-4885

154

QUESTIONS PRESENTED FOR REVIEW

- I. Whether the Court of Appeals erred in affirming the district court's grant of summary judgment to the defendants under Sabo's Eighth Amendment Claim, when failure to follow a doctor's segregation recommendation incorporated into a Magistrate Order enhanced suicidal risks?
- II. Whether the Court of Appeals erred in affirming the district court's grant of summary judgment to the individual defendants on the basis of qualified immunity, when the defendants violated the clearly established rights of the plaintiff under the doctor's recommendation incorporated into a Magistrate's Order, by failing to follow the order?
- III. Whether the Court of Appeals erred in affirming the district court's grant of summary judgment to the defendants regarding the state law claims due to the inapplicability of state immunity and the establishment of the elements of the state causes of action?

Supreme Court, U.S.
FILED

No. 06-

06-125 JUL 11 2006

IN THE **OFFICE OF THE CLERK**
Supreme Court of the United States

IN RE: ELEANOR and RALPH SCHIANO,

Petitioners,

v.

MBNA, corporation, WOLPOFF & ABRAMSON, LLP,
PRESSLER & PRESSLER, Counsellors at law,
GERALD FELT, Esq., partner Pressler & Pressler, and
NATIONAL ARBITRATION FORUM,

Respondents.

ON PETITION FOR A WRIT OF CERTIORARI
AND A WRIT OF MANDAMUS TO THE
UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

**PETITION FOR A WRIT OF CERTIORARI AND
PETITION FOR A WRIT OF MANDAMUS**

HELEN E. COONEY
11 Susan Avenue
Wayne, New Jersey 07470
(973) 633-8021

Attorney for Petitioners

202257



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

155

i

QUESTIONS PRESENTED

1. Where the commission of fraud in the arbitration process, through misrepresentation of the real party in interest so that a subsequent payment of the arbitration award never reached the falsely represented arbitration claimant and instead was intercepted and taken by a non-claimant, has been established by ample evidence in the district court, is an order to compel a second arbitration with those who defrauded and lacked jurisdiction in the first arbitration, and where no party has the right or standing to compel a second arbitration, contrary to the law and a violation of Due Process?
2. Is there a right of direct appeal of a district court order that fails to confirm a final and binding arbitration award?

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

PETITION FOR A WRIT OF CERTIORARI

PAUL D. CLEMENT
Solicitor General
Counsel of Record

ANDREW D. KATZ
Solicitor General

ANDREW G. GAYNE
Solicitor General

157

QUESTION PRESENTED

Whether taxpayers have standing under Article III of the Constitution to challenge on Establishment Clause grounds the actions of Executive Branch officials pursuant to an Executive Order, where the plaintiffs challenge no Act of Congress, the Executive Branch actions at issue are financed only indirectly through general appropriations, and no funds are disbursed to any entities or individuals outside the government.

(I)