

Supreme Court, U.S.  
FILED

06-271 AUG 22 2006

No. \_\_\_\_\_ OFFICE OF THE CLERK

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In the  
**Supreme Court of the United States**

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ANDREA SKOROS, individually, and next  
friend of NICHOLAS TINE, a minor,  
and CHRISTOS TINE, a minor,  
*Petitioners,*

v.

CITY OF NEW YORK, JOEL L. KLEIN,  
in his official capacity as Chancellor,  
New York City Department of Education, et al.,  
*Respondents.*

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

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**PETITION FOR WRIT OF CERTIORARI**

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## QUESTIONS PRESENTED

This case presents an issue of exceptional public importance. It involves an Establishment Clause challenge to a religiously divisive policy promulgated by the Department of Education for the City of New York—the largest public school system in the country—that affects over one million students enrolled in 1,200 public elementary and secondary schools. The public school policy at issue expressly permits Jewish and Islamic religious symbols in year-end holiday celebrations, but bans the similar use of Christian religious symbols.

In a lengthy decision, a sharply divided panel of the Second Circuit held that this policy does not violate the Constitution. Because this decision conflicts with decisions from this and other federal courts, review is necessary to secure and maintain uniformity of this Court's decisions. Moreover, review is necessary to provide much needed guidance to the lower courts that is capable of consistent application in cases arising under the Establishment Clause.

1. Whether the Establishment Clause prohibits a public school policy directed at schoolchildren participating in year-end holiday celebrations that expressly utilizes Jewish and Islamic religious symbols, but bans the similar use of Christian religious symbols, thereby making denominational preferences and showing hostility toward the Christian religion.
2. Whether the reasonable observer standard of the endorsement test was changed in *McCreary County v. ACLU*, 125 S.Ct. 2722 (2005), such that young schoolchildren can no longer satisfy the requirements of an “objective observer,” as the Second Circuit held in this case.
3. Whether this Court should abandon the endorsement test because it is unworkable and incapable of consistent application, as this case demonstrates.

Supreme Court of the United States

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OFFICE OF THE CLERK

In The  
**Supreme Court of the United States**

—◆—  
SYLVIA VAUGHN, as Administratrix of  
the Estate of Anthony Ryan McLemore,

*Petitioner,*

vs.

THE CITY OF ATHENS, ALABAMA,  
WAYNE HARPER, TRACY HARRISON,  
and TREVOR HARRIS,

*Respondents.*

—◆—  
**On Petition For A Writ Of Certiorari  
To The United States Court Of Appeals  
For The Eleventh Circuit**

—◆—  
**PETITION FOR A WRIT OF CERTIORARI**

—◆—  
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**QUESTION PRESENTED**

WHETHER THE "SPECIAL RELATIONSHIP" AND  
"STATE CREATED DANGER" DOCTRINES WERE SUPER-  
CEDED BY *COLLINS V. CITY OF HARKER HEIGHTS*,  
503 U.S. 115 (1992)?

Supreme Court, U.S.  
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**OFFICE OF THE CLERK**  
**In the Supreme Court**  
**of the United States**

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MIKE COX, in his official capacity as Attorney General of the  
State of Michigan; ROBERT KLEINE, in his official capacity  
as Treasurer of the State of Michigan

*Petitioners.*

v

DAIMLERCHRYSLER CORPORATION;  
DAIMLERCHRYSLER – UAW PENSION  
AGREEMENT

*Respondents,*

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

**PETITION FOR A WRIT OF CERTIORARI**

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### QUESTIONS PRESENTED

1. 29 USC 1056(d)(1) of the Employee Retirement Security Act (ERISA) preempts State laws that result in an alienation of protected pension benefits. Alienation occurs when a right or interest transfers to a third-party, while it is still under plan control, through an arrangement that is enforceable against the pension plan. Where a State court reimbursement order is in place against an inmate's prison account, and Michigan law prohibits inmate ownership of a non-prison account, is there an alienation of plan benefits when the warden notifies the Plan to send the inmate's pension benefits to the prison for deposit into his prison account rather than to an inmate-designated non-prison account?

2. 29 USC 1144(a) preempts State laws that "relate to" or impose a burden on an ERISA-protected plan when the laws have more than a tenuous, remote, or peripheral connection with a core plan activity. Do Michigan laws that restrict inmates to only a prison bank account and prohibit any non-prison accounts, impose a burden on a private pension plan when the plan is required to send an inmate-pensioner's payments to the prison for deposit into the inmate's account?

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IN THE  
**Supreme Court of the United States**

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SOUTH CAROLINA STATE BOARD OF DENTISTRY,  
*Petitioner,*

v.

FEDERAL TRADE COMMISSION,  
*Respondent.*

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

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**PETITION FOR A WRIT OF CERTIORARI**

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**QUESTION PRESENTED FOR REVIEW**

Whether an order denying “state action” antitrust immunity asserted by a state agency under *Parker v. Brown*, 317 U.S. 341 (1943), is immediately appealable under the collateral order doctrine.