

**General Docket  
Third Circuit Court of Appeals**

<b>Court of Appeals Docket #:</b> 94-5112	<b>Docketed:</b> 03/08/1994
<b>Nature of Suit:</b> 1442 Jobs	<b>Termed:</b> 08/08/1996
USA v. Bd Ed Piscataway	
<b>Appeal From:</b> United States District Court for the District of New Jersey	
<b>Fee Status:</b> Paid	

**Case Type Information:**

- 1) civil
- 2) United States as party
- 3) Other civil

**Originating Court Information:****District:** 0312-2 : [92-cv-00340](#)**Court Reporter:** John K. Stone**Appellate Judge:** Maryanne Trump Barry, Circuit Judge**Date Filed:** 01/28/1992**Date Order/Judgment:**

02/15/1994

**Date NOA Filed:**

02/28/1994

**Prior Cases:**

None

**Current Cases:**

	Lead	Member	Start	End
Cross-appeal	<a href="#">94-5090</a>	94-5112	03/04/1994	

UNITED STATES OF AMERICA  
Plaintiff - dismissed\_USCA

SHARON TAXMAN  
Intervenor-Plaintiff - Appellant

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Somerville, NJ 08876-0000

v.

PISCATAWAY BOARD OF EDUCATION  
Defendant - Appellee

David B. Rubin, Esq.  
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Metuchen, NJ 08840-0000

MARRIOTT INC  
Intervenor-Defendant

SHARON TAXMAN, Appellant

v.

BOARD OF EDUCATION OF THE TOWNSHIP OF PISCATAWAY

(Caption amended per the Clerk's 6-9-94 order)

- 03/08/1994  CIVIL CASE DOCKETED. Notice filed by Sharon Taxman. (LLD)
- 03/18/1994  APPEARANCE from Attorney Lisa C. Wilson on behalf of Appellee USA, filed. (LLD)
- 03/18/1994  APPEARANCE from Attorney Dennis J. Dimsey on behalf of Appellee USA, filed. (LLD)
- 03/21/1994  APPEARANCE from Attorney David B. Rubin on behalf of Appellee Bd Ed Piscataway, filed. (LLD)
- 03/22/1994  FOLLOW UP LETTER to Stephen E. Klausner requesting the following documents: \*\*Appearance Form  
\*\*Disclosure Statement \*\*Information Statement (LLD)
- 03/28/1994  APPEARANCE from Attorney Stephen E. Klausner on behalf of Appellant, filed. (LLD)
- 03/28/1994  DISCLOSURE STATEMENT on behalf of Appellant, filed. (LLD)
- 03/28/1994  INFORMATION STATEMENT on behalf of Appellant, RECEIVED. (LLD)
- 04/19/1994  ACTING CLERK ORDER (LAR 11.1 and LAR Misc 107.1(b)): Procedurally Terminated Without Judicial Action;  
Default. (MGD)
- 04/19/1994  Certified copy of Order sent to Clerk of District Court. (MGD)
- 05/02/1994  MOTION filed by appellant, Sharon Taxman, to reinstate appeal. Certificate of Service dated 4/26/94. (TE)
- 05/09/1994  TRANSCRIPT PURCHASE ORDER (Part I), already on file in the District Court Clerk's Office, filed. (MGD)
- 05/27/1994  ORDER (Becker, Authoring Judge, and Nygaard, Circuit Judges) granting motion to reopen appeal by Appellant,  
filed. Reopening Case: on 5/27/94. (LLD)
- 05/27/1994  Certified copy of Order sent to Clerk of District Court. (LLD)
- 05/27/1994  Clerk's letter to counsel advising briefing established in No. 94-5090 will govern briefing in this appeal. Brief for  
appellant/cross-appellee is due to be filed and served on or before 6/1/94. (LLD)
- 05/27/1994  1st STEP BRIEF on behalf of Bd Ed Piscataway in 94-5090 and 94-5112, Pages: 47, Copies: 10, Delivered by  
mail, filed. Certificate of service date 5/27/94. (TE)
- 05/27/1994  APPENDIX on behalf of Bd Ed Piscataway in 94-5090 and 94-5112, Copies: 4, Volumes: 2, Delivered by mail, filed.  
Certificate of service date 5/27/94. (TE)
- 06/06/1994  MOTION filed by appellant/cross-appellee, Bd Ed Piscataway, to amend the caption. Certificate of Service dated  
6/3/94. (TE)
- 06/09/1994  ORDER (Clerk) granting motion by appellant/cross-appellee, Bd Ed Piscataway, to amend the caption. A copy of  
the amended caption will be forwarded to the parties with a copy of this order, filed. (TE)
- 06/22/1994  MOTION by Appellee, USA, for extension of time to file brief until 6/29/94, filed. Certificate of Service dated 6/21/94.  
(Cvs. 94-5090 & 94-5112) (MGD)
- 06/27/1994  ORDER (Clerk) granting motion by appellee USA for an extension of time to file brief. Appellee's brief shall be filed  
on or before 7/29/94, filed. (TE)
- 06/29/1994  2ND STEP BRIEF on behalf of Sharon Taxman in 94-5090, Sharon Taxman in 94-5112 . Pages: 50, Copies: 10,  
Delivered by mail, filed. Certificate of service date 6/29/94. (TE)
- 07/18/1994  CERTIFIED LIST filed. (LLD)
- 07/29/1994  MOTION filed by appellee, USA, for a new briefing schedule and an extension of time to file a brief in support of  
appellant/cross-appellee, Bd Ed Piscataway, for 45 days until 9/12/94. Certificate of Service dated 7/29/94. SEND  
TO MERITS PANEL (TE)
- 08/03/1994  ORDER (Clerk) deferring for ten (10) days the motion by appellee, USA, for a new briefing schedule and for and  
extension of time to file brief in support of appellant/cross-appellee. Counsel for Sharon Taxman is directed to file a  
response within seven (7) days from the date of this order indicating counsel's position as to striking the brief  
already filed by the Board of Education and the United States or filing a supplemental brief in response to the brief  
to be filed by the United States. In either event counsel for the United States will not be granted an extension until  
9/12/94 to file its brief. The United States will be expected to file its brief within fourteen (14) days from the  
resolution of this issue, filed. SEND TO MERITS PANEL (TE)
- 08/09/1994  Certification filed by appellee/cross-appellant, Sharon Taxman, in opposition to the motion for a new briefing  
schedule and MOTION for remand. Certificate of Service dated 8/9/94. SEND TO MERITS PANEL. (TE)

- 08/09/1994  Brief in support of Opposition by appellee/cross-appellant, Sharon Taxman, to motion for new briefing schedule. SEND TO MERITS PANEL. (TE)
- 08/25/1994  ORDER (Clerk) referring panel the motion by appellee, USA, for a new briefing schedule to the merits panel for disposition. Pending disposition of the motions, a new brief on behalf of the United States will be received for the information of the Court provided that it is received in this office and hand-served within ten (10) days of the date of this order. No extensions of this deadline will be granted. Responding briefs may be submitted within twenty-one (21) days of service of the United States' new brief. The merits panel will determine what, if any consideration, will be given to the United States' new brief, filed. SEND TO MERITS PANEL (TE)
- 09/06/1994  MOTION filed by USA to participate in appeal as amicus curiae. Certificate of Service dated 9/6/94. SEND TO MERITS PANEL (TE)
- 09/14/1994  ORDER (Clerk) referring to the merits panel the motion by USA to file brief as amicus curiae, filed. SEND TO MERITS PANEL. (TE)
- 09/19/1994  RESPONSE by appellee/cross-appellant, Sharon Taxman, to motion to file an amicus curiae brief, received. Certificate of Service dated 9/9/94. SEND TO MERITS PANEL (TE)
- 09/22/1994  3RD STEP BRIEF on behalf of Bd Ed Piscataway in 94-5090, Bd Ed Piscataway in 94-5112. Pages: 19 Copies: 10 Delivered by mail. Certificate of service date 9/22/94. Requesting red covers with corrected captions. (TE)
- 09/26/1994  ORDER (Clerk) directing that the response of appellee/cross-appellant, Sharon Taxman, to motion by the United States to file an amicus curiae brief is received for the Court's information only as the response was not timely filed. The response shall be referred to the merits panel for their information. The merits panel shall determine whether the response shall be filed, filed. SEND TO MERITS PANEL. (TE)
- 09/27/1994  MOTION filed by International Personnel Management Association ("IPMA"), National School Boards Association ("NSBA"), and American Association of School Administrators ("AASA") for leave of Court to file an amici brief. Certificate of Service dated 9/26/94. SEND TO MERITS PANEL. (TE)
- 09/28/1994  REPLY by USA to response by appellee/cross-appellant, Sharon Taxman, to USA's motion to file amicus brief, received. Certificate of Service dated 9/27/94. SEND TO MERITS PANEL (TE)
- 09/29/1994  ORDER (Clerk) referring to the merits panel the motion by International Personnel Management Association, National School Boards Association and American Association of School Administrators, for leave to file and amici brief, filed. SEND TO MERITS PANEL. (TE)
- 09/29/1994  MOTION filed by Lawyers' Committee for Civil Rights Under Law and NAACP Legal Defense & Educational Fund, Inc. for leave to file brief amici curiae in support of appellant/cross-appellee. Certificate of Service dated 9/28/94. SEND TO MERITS PANEL (TE)
- 09/29/1994  MOTION filed by appellant/cross-appellee, Bd Ed Piscataway, for leave to file amended brief. Certificate of Service dated 9/27/94. (TE)
- 10/03/1994  RESPONSE filed by appellee/cross-appellee, Sharon Taxman, to the motion of the Lawyers' Committee for Civil Rights Under Law and NAACP Legal Defense & Education Fund to proceed as amici. Certificate of Service dated 9/29/94. SEND TO MERITS PANEL (TE)
- 10/03/1994  RESPONSE filed by appellee/cross-appellant, Sharon Taxman, to motion of the International Personnel Management Association, the National School Boards Association, and the American Association of School Administrators to proceed as amici. Certificate of Service dated 9/29/94. SEND TO MERITS PANEL (TE)
- 10/04/1994  ORDER (Clerk) directing that the reply by USA to the response of appellee/cross-appellant, Sharon Taxman, to motion to proceed as amicus is received for the Court's information only. The Federal Rules of Civil and Appellate Procedure do not provide for replies to responses. The reply shall only be filed if the Court so directs, filed. SEND TO MERITS PANEL (TE)
- 10/06/1994  ORDER (Clerk) referring to the merits panel the motion at (1) by the Lawyers' Committee for Civil Rights Under Law and the NAACP Legal Defense & Education Fund, Inc., to file amici curiae brief in support of appellant/cross-appellee. The motion at (2) by appellant/cross-appellee, Bd Ed Piscataway, is granted with filing as of the date of this order, filed. SEND TO MERITS PANEL. (TE)
- 10/06/1994  AMENDED 3RD STEP BRIEF on behalf of Bd Ed Piscataway in 94-5090 and 94-5112, Pages: 19, Copies: 10, Delivered by mail, filed. Certificate of service date 9/27/94. See 10/6/94 Order. (TE)
- 10/06/1994  4TH STEP BRIEF on behalf of Sharon Taxman in 94-5090, Sharon Taxman in 94-5112 . Copies: 10 Delivered by mail. Certificate of service date 10/6/94. (TE)
- 10/07/1994  ORDER (Clerk) referring to the merits panel the responses by appellee/cross-appellant, Sharon Taxman, to the motion of the Lawyers Committee for Civil Rights Under Law and NAACP Legal Defense & Education Fund and to the motion of the International Personnel Management Association, the National School Boards Association, and

- the American Association of School Administrators to proceed as amici, filed. SEND TO MERITS PANEL. (TE)
- 10/07/1994  MOTION filed by appellee/cross-appellant, Sharon Taxman, to file a separate reply brief to appellant/cross-appellee's 3rd step brief and to the justice department's amicus brief and request for oral argument. Certificate of Service dated 10/6/94. SEND TO MERITS PANEL. (TE)
- 10/17/1994  ORDER (Clerk) referring to the merits panel the motion by appellee/cross-appellant, Sharon Taxman, to file a separate reply brief to appellant/cross-appellee's brief and to the justice department's amicus brief and request for oral argument, filed. SEND TO MERITS PANEL. (TE)
- 10/17/1994  APPEARANCE from Attorney J. Robert Kirk on behalf of Proposed Amicus-Appellees, Intl Personnel Mgt, Natl Sch Bd Assn, and Amer Assn Sch Admn, filed. (LLD)
- 10/17/1994  DISCLOSURE STATEMENT on behalf of Proposed Amicus-Appellee Intl Personnel Mgt, filed. (LLD)
- 10/17/1994  DISCLOSURE STATEMENT on behalf of Proposed Amicus-Appellee Natl Sch Bd Assn, filed. (LLD)
- 10/17/1994  DISCLOSURE STATEMENT on behalf of Proposed Amicus-Appellee Amer Assn Sch Admn, filed. (LLD)
- 10/31/1994  CALENDARED for Tuesday, January 24, 1995. (WAB)
- 11/01/1994  APPEARANCE from Attorney Norman J. Chachkin on behalf of Proposed Amicus-Appellees, Lawyers Comm, and NAACP Legal Def Ed, filed. (LLD)
- 11/01/1994  DISCLOSURE STATEMENT on behalf of Proposed Amicus-Appellees, Lawyers Comm, and NAACP Legal Def Ed, filed. (LLD)
- 12/21/1994  ORDER (Mansmann, Authoring Judge, Hutchinson and McKee, Circuit Judges) denying motion by Lawyers' Committee for Civil Rights Under Law and the NAACP Legal Defence and Education Fund, Inc. to file amici curiae brief, filed. (TE)
- 12/21/1994  ORDER (Mansmann, Authoring Judge, Hutchinson and McKee, Circuit Judges) denying motion by International Personnel Management Association ("IPMA"), National School Boards Association ("NSBA"), and American Association of School Administrators for leave of court to file an amici brief, filed. (TE)
- 12/21/1994  ORDER (Mansmann, Authoring Judge, Hutchinson and McKee, Circuit Judges) listing the motion of appellee, USA, to file brief as amicus curiae for oral argument. Oral argument is limited to the United States' motion and will not be heard on the United States' merits brief, filed. (TE)
- 12/21/1994  ORDER (Mansmann, Authoring Judge, Hutchinson and McKee, Circuit Judges) holding in abeyance the United States of America's motion for a new briefing schedule pending disposition of the United States of America's motion to file its brief as amicus curiae which is presently listed for oral argument. We also hold in abeyance appellee/cross-appellant's motion for a remand pending disposition of the United States' motions, filed. (TE)
- 12/21/1994  ORDER (Mansmann, Authoring Judge, Hutchinson and McKee, Circuit Judges) denying request for oral argument on appellee/cross-appellant's [Sharon Taxman's] motion to file a separate reply brief to appellant/cross-appellee's brief and to the justice department's amicus brief. We defer ruling on the motion to file a separate reply brief to appellant/cross-appellee's brie and to the justice department's amicus brief until after oral argument on the United States of America's motion to file its brief as amicus curiae, filed. (TE)
- 01/05/1995  LETTER dated 1/3/95 received pursuant to Rule 28(j) from counsel for appellee/cross-appellant, Sharon Taxman. (TE)
- 01/17/1995  MOTION filed by USA for leave to file supplemental response to appellee/cross-appellant's [Sharon Taxman's] brief in opposition to the United States' motion for leve to file an amicus curiae brief. Certificate of Service dated 1/13/95. (TE)
- 01/17/1995  SUPPLEMENTAL RESPONSE by USA to appellee/cross-appellant's [Sharon Taxman's] brief in opposition to the United States' motion for leave to file an amicus curiae brief, received, not filed unless the Court directs. Certificate of Service dated 1/13/95. (TE)
- 01/20/1995  RESPONSE filed by appellee/cross-appellant, Sharon Taxman, to motion by USA to file supplemental response. Certificate of Service dated 1/20/95. (TE)
- 01/24/1995  APPEARANCE from Attorney David K. Flynn on behalf of Appellee USA, filed. (TE)
- 01/24/1995  ARGUED 1/24/95 Panel: Mansmann, Hutchinson and McKee, Circuit Judges. (AGB)
- 02/21/1995  Copy of transcript of tape of oral argument on 1/24/95 prepared at the direction of the Court. (MGD)
- 03/03/1995  LETTER MOTION by USA for the Court to provide counsel for the United States with a fax transmission of its decision in the above-entitled appeals immediately after a decision is entered, filed. Certificate of Service dated

3/1/95 (TE)

- 03/15/1995  ORDER (Mansmann, Authoring Judge, Hutchinson and McKee, Circuit Judges) granting motion by USA for the Court to provide counsel for the United States with a fax transmission of its decision in the above-entitled appeals immediately after a decision is entered, filed. (TE)
- 03/16/1995  DEFICIENT LETTER MOTION by appellee/cross-appellant, Sharon Taxman, for the Clerk's office to notify counsel and fax the decision to counsel for Sharon Taxman immediately upon the Court's decision, filed. Certificate of Service dated 3/10/95. (TE)
- 03/28/1995  ORDER (Mansmann, Authoring Judge, Hutchinson and McKee, Circuit Judges) granting motion by appellee/cross-appellant, Sharon Taxman, for the Clerk's office to notify counsel and fax the decision to counsel for Sharon Taxman immediately upon the Court's decision, filed. (TE)
- 06/19/1995  Letter dated 6/15/95 from appellee/cross-appellant, Sharon Taxman, enclosing copy of the Supreme Court's decision in Adarand Constructors, Inc. v. Federico Pena, received for the Court's information. (TE)
- 07/03/1995  LETTER dated 6/30/95 received pursuant to Rule 28(j) from counsel for appellee/cross-appellant, Sharon Taxman. (TE)
- 10/26/1995  CALENDARED for Wednesday, November 29, 1995. (WAB)
- 11/07/1995  CLERK'S LETTER to counsel written at the direction of the Court advising counsel that the court has reconstituted the panel in the above case because of the death of Judge Hutchinson. Chief Judge Sloviter's name was drawn from a hat containing the names of the available judges. She has noticed that this case had not been through our Mediation Program, undoubtedly because the appeal was filed before that Program was in full swing. Chief Judge Sloviter, with the support of the remainder of the panel, has asked me to inquire whether counsel believe that there would be any realistic possibility of mediation. Because this case has already been briefed and argued once, the Court is not suggesting that counsel proceed through the usual mediation process for appeals newly filed, but the Court would be happy to arrange for a senior circuit or district judge to meet with the parties on an expedited basis, if all the interested parties are agreeable to such a meeting. Because the status of the United States is pending this letter is also addressed to it. Please be assured that the Court will not be advised of the identity of any party that decides that mediation is not realistic. Please telephone the undersigned with your response as promptly as possible. As of now, the argument scheduled for November 29, 1995, will proceed. (TE)
- 11/13/1995  ANSWER received in accordance with the Court's request from Appellee USA, filed. (AGB)
- 11/13/1995  ANSWER received in accordance with the Court's request from Appellant Sharon Taxman in 94-5112, filed. (AGB)
- 11/13/1995  ANSWER received in accordance with the Court's request from Appellant Bd Ed Piscataway in 94-5090, filed. (AGB)
- 11/17/1995  ORDER (Sloviter, Authoring Judge, Mansmann, McKee, Circuit Judges) The Board of Education of the Township of Piscataway, defendant in a Title VII action filed by the United States in which Sharon Taxman intervened as a plaintiff, has appealed to this Court from an adverse judgment by the district court. The United States, which has not formally withdrawn from the lawsuit or filed a motion to do so, has filed a Motion to file a brief as amicus curiae, representing that it can no longer support the judgment of the district court for which it had argued. Intervenor Taxman opposes the United States' motion. After consideration of the positions of the parties in papers filed with this Court, and in the original oral argument on the motion, It is hereby ordered that the motion of the United States to file a brief amicus curiae is denied; that the position of the United States at the original oral argument shall be treated as a motion to withdraw as a party, which motion is granted; and that the caption in No. 94-5090 shall reflect the status of Sharon Taxman as plaintiff-intervenor. (AWI)
- 11/17/1995  Certified copy of Order in 94-5090 and 94-5112 sent to Clerk of District Court. (AWI)
- 11/17/1995  ORDER (Sloviter, Chief Judge & Authoring Judge, Mansmann, McKee, Circuit Judges) denying as moot the motion by USA in 94-5090 and 94-5112 to file supplemental response. (AWI)
- 11/17/1995  ORDER (Sloviter, Chief Judge & Authoring Judge, Mansmann, McKee, Circuit Judges) denying as moot the motion by Intervenor Taxman (referred in motion as appellee/cross- appellant) to file separate reply brief. (AWI)
- 11/17/1995  ORDER (Sloviter, Chief Judge & Authoring Judge, Mansmann, McKee, Circuit Judges) denying as moot the motion by USA for a new briefing schedule. The motions by Intervenor Taxman for imposition of sanctions and for remand are denied. (AWI)
- 11/29/1995  ARGUED 11/29/95 Panel: Sloviter, Chief Judge, Mansmann and McKee, Circuit Judges. (AGB)
- 12/14/1995  Copy of transcript of tape of oral argument on 11/29/95 prepared at the direction of the Court. (LLD)
- 12/15/1995  CLERK'S LETTER to counsel written at the direction of the Court, advising counsel to provide the Clerk's Office with one complete set of the exhibits that accompanied the cross motions for summary judgment as the record copy.

The submission by those parties should include any exhibits that were filed on behalf of the government as well, since it was a party and it was its motion that was granted. (TE)

- 12/18/1995  ANSWER received in accordance with the Court's request from Appellant Bd Ed Piscataway in 94-5090, Appellee Bd Ed Piscataway in 94-5112, filed. (AGB)
- 12/21/1995  ANSWER received in accordance with the Court's request from Appellant Bd Ed Piscataway in 94-5090, Appellee Bd Ed Piscataway in 94-5112, REC'D ONLY. (AGB)
- 02/28/1996  ORDER (Sloviter, Chief Judge, Authoring Judge, Becker, Stapleton, Mansmann, Greenberg, Scirica, Cowen, Nygaard, Alito, Roth, Lewis, McKee and Sarokin, Circuit Judges), A majority of the active judges having voted for rehearing in banc, it is ordered that the Clerk of this Court list this appeal for rehearing on May 14, 1996, filed. (TE)
- 03/05/1996  REHEARING IN BANC for Tuesday, May 14, 1996. (WAB)
- 04/25/1996  MOTION by Floyd Abrams, Esq. on behalf of Courtroom Television Network ("Court TV"), for permission to televise the oral argument, filed. Answer due 5/6/96. Certificate of Service dated 4/24/96. (Cvs. 94-5090 & 94-5112) (MGD)
- 04/25/1996  Clerk's letter to counsel confirming his telephone conversation with Mr. Klausner and the message left with Mr. Rubin directing that counsel file a response to the letter of Court TV, treated as a motion requesting leave to televise the in banc proceedings scheduled for 5/14/96, to be received in this office not later than 12:00 noon, 4/29/96 or by fax. (Cvs. 94-5090 & 94-5112) (MGD)
- 04/26/1996  RESPONSE filed by Bd Ed Piscataway in 94-5090 and 94-5112 to the motion filed on behalf of Courtroom Television Network ("Court TV") to televise the oral argument scheduled for May 14, 1996. Certificate of service dated 4/26/96. (TE)
- 04/26/1996  RESPONSE filed by Sharon Taxman in 94-5090 and 94-5112 to Certificate of service dated 4/26/96. (TE)
- 04/26/1996  RESPONSE filed by Sharon Taxman in 94-5090 and 94-5112 to the motion filed by Floyd Abrams, Esq. on behalf of Courtroom Television Network ("Court TV") to televise oral arguments scheduled for May 14, 1996. Certificate of service dated 4/26/96. (TE)
- 04/30/1996  ORDER (Sloviter, Chief Judge, Authoring Judge, Becker, Stapleton, Mansmann, Greenberg, Scirica, Cowen, Nygaard, Alito, Roth, Lewis, McKee and Sarokin, Circuit Judges) denying letter motion by Floyd Abrams, Esq. on behalf of Courtroom Television Network ("Court TV") for permission to televise the oral argument in 94-5090 and 94-5112, filed. (TE)
- 05/07/1996  MOTION filed by Sharon Taxman for leave to file a response with exhibit to issues posed by the Court during oral argument. Certificate of Service dated 5/6/96. (TE)
- 05/08/1996  RESPONSE filed by Bd Ed Piscataway to Appellee's motion to file a response with exhibit to issues posed by the Court during oral argument. Certificate of service dated 5/8/96. (TE)
- 05/10/1996  ORDER (Sloviter, Chief Judge, Authoring Judge, Becker, Stapleton, Mansmann, Greenberg, Scirica, Cowen, Nygaard, Roth, Lewis, McKee and Sarokin, Circuit Judges), the declaration of Steven H. Schlesinger, which was supplied to the panel along with other exhibits in December 1995, has been circulated to the en banc court. The letter of Mr. Klausner contains a testamentary explanation inappropriate for submission at this time. Accordingly, the foregoing motion is denied, filed. (TE)
- 05/14/1996  REARGUED in banc on May 14, 1996 Before: Sloviter, Chief Judge, Becker, Stapleton, Mansmann, Greenberg, Scirica, Cowen, Nygaard, Alito, Roth, Lewis, McKee and Sarokin, Circuit Judges (AGB)
- 05/20/1996  CLERK'S LETTER to counsel written at the direction of the Court requesting that counsel prepare a transcript of oral argument before the Court in banc. The transcript must be prepared and submitted to the Court within (14) fourteen days from today. Counsel should secure a certified court reporter to do the transcript as soon as possible. The cost of the transcript should be divided between counsel. Once a court reporter has been secured, he or she may choose to either transcribe in the Clerk's office or obtain a copy of the audio cassette tape from this office free of charge. An original plus (2) two copies of the transcript is necessary. (TE)
- 05/28/1996  Copy of transcript of tape of oral argument in banc on 5/14/96 prepared at the direction of the Court. (MGD)
- 05/29/1996  CLERK'S LETTER to counsel written at the direction of the Court, advising counsel to have the transcript prepared of oral argument. Response due by 6/3/96 (TE)
- 08/08/1996  PUBLISHED OPINION (Sloviter, Chief Judge, Becker, Stapleton, Mansmann, Authoring Judge, Greenberg, Scirica, Cowen, Nygaard, Alito, Roth, Lewis and McKee,), filed. Judge Stapleton filed a concurring opinion. Chief Judge Sloviter file a dissenting opinion with whom Judges Lewis and McKee joined. Judge Scirica filed a dissenting opinion with whom Chief Judge Sloviter joined. Judge Lewis filed a dissenting opinion with whom Judge McKee joined. Judge McKee filed a dissenting opinion with whom Chief Judge Sloviter and Judge Lewis joined. (TE)
- 08/08/1996  JUDGMENT, the judgment of the district court entered February 15, 1994 is AFFIRMED. Costs taxed against the

appellant in each appeal, filed. (TE)

- 08/14/1996  Letter dated August 12, 1996 submitted by attorney Stephen E. Klausner concerning a correction to the slip opinion. Mr. Klausner advised that the name of his law firm has changed. (TE)
- 08/14/1996  Letter dated August 12, 1996 submitted by attorney Srephen E. Klausner concerning corrections to the slip opinion. (TE)
- 08/20/1996  ORDER (Mansmann, Circuit Judge), The letter dated August 12, 1996 from Stephen E. Klausner, Esq. is considered. The request that the judgment be amended to reflect the January 24, 1995 oral argument is denied. The Court's opinion, which refers to this argument in the footnote on page 2, is made part of the Court's mandate. Accordingly, it is unnecessary for this to be noted in the judgment. The request that the caption of the opinion and judgment be amended is granted. The Clerk is directed to amend the caption of appeal No. 94-5090 to remove the United States as a party and to issue an amendment to the Opinion and an amended judgment reflecting this change. The request that the judges joining in the opinion of Court be listed is denied as contrary to the Court's practice. By its nature, the opinion of the Court must have commanded a majority vote, filed. (TE)
- 08/21/1996  ORDER (Mansmann, Circuit Judge), the letter dated August 12, 1996 from Stephen E. Klausner, Esq. is considered. The request that the judgment be amended to reflect the January 24, 1995 oral argumnet is denied. The Court's opinion, which refers to this argument in the footnote on page 2, is made part of the Court's mandate. Accordingly, it is unnecessary for this to be noted in the judgment. The request that the caption of the opinion and judgment be amended is granted. The Clerk is directed to amend the caption of appeal No. 94-5090 to remove the United States as a party and to issue an amendment to the opinion and an amended judgment reflecting this change. The request that the judges joining in the opinion of Court be listed is denied as contrary to the Court's practice. By its nature, the opinion of the Court must have commanded a majority vote, filed. (TE)
- 08/21/1996  CLERK ORDER AMENDING OPINION filed August 8, 1996. (TE)
- 08/21/1996  AMENDED JUDGMENT, AFFIRMED. Costs taxed against the appellant in each appeal, filed. (TE)
- 08/22/1996  MOTION filed by Sharon Taxman in 94-5090 and 94-5112 for Attorney's fees against The Board of Education. Certificate of Service dated 8/22/96. (TE)
- 08/22/1996  MOTION filed by Sharon Taxman in 94-5090 and 94-5112 for Attorney's fees against the United States Justice Department. Certificate of Service dated 8/22/96. (TE)
- 09/03/1996  RESPONSE filed by Bd Ed Piscataway in 94-5090 and 94-5112, to motion for Attorney's fees. Certificate of service dated 8/29/96. (TE)
- 09/03/1996  RESPONSE filed by USA in 94-5090 and 94-5112 to motion for Attorney's fees. Certificate of service dated 8/30/96. (TE)
- 09/26/1996  REPORTER at 91 F.3d: 1547 (TE)
- 09/30/1996  MANDATE ISSUED, filed. (TE)
- 09/30/1996  RECORD released. (TE)
- 11/06/1996  Supreme Court of U.S. notice filed advising petition for writ of certiorari filed by Bd Ed Piscataway in 94-5090 and 94-5112. Filed in the Supreme Court on 10/31/96 at Supreme Ct. case number: 96-679. (TE)
- 07/07/1997  U.S. Supreme Court order dated 6/27/97 at S.C. number: 96-679, granting petition for writ of certiorari by Appellant/cross-Appellee Bd Ed Piscataway, in Nos. 94-5090 and 94-5112, filed. (TE)
- 11/13/1997  U.S. Supreme Court letter dated 11/13/97 requesting this office to certify and transmit immediately the entire record to that office, filed . (CH)
- 11/14/1997  Certified copy of briefs, appendices and partial proceedings in this Court sent to Clerk of Supreme Court of the United States. (CH)
- 12/04/1997  U.S. Supreme Court order dated 12/2/97 at S.C. number: 96-679, Granting the stipulation of dimissal of the petition for writ of certiorari by Bd Ed Piscataway pursuant to Rule 46 of the Supreme Court Rules, filed. (CH)
- 12/08/1997  Letter dated 12/3/97 from Stephen E. Klausner, Esquire, counsel for Sharon Taxman advising the Motion for attorney's fees against the Piscataway Board should be dismissed as moot and that the motion for attorney's fees against the U. S. Justice Department should still be adjudicated by the court since that aspect of the case is unresolved. (CH)
- 01/12/1998  Letter dated 1/6/98 from Stephen E. Klausner, Esquire, counel for Appellee, Sharon Taxman together with enclosure, received in conjunction with the pending attorneys' fees against the United States in this Court. (CH)
- 01/26/1998  ORDER (Sloviter, Chief Judge, Becker, Stapleton, Mansmann, Authoring Judge, Greenberg, Scirica, Cowen, Nygaard, Alito, Roth, Lewis, and McKee, Circuit Judges) dismissing motion by Sharon Taxman for attorney's fees



and costs against the Board of Education, filed. (CH)

01/26/1998

ORDER (Sloviter, Chief Judge, Becker, Stapleton, Mansmann, Authoring Judge, Greenberg, Scirica, Cowen, Nygaard, Alito, Lewis, and McKee, Circuit Judges) denying by Sharon Taxman for Attorney's fees and costs against the U. S. Dept. of Justice, filed. (CH)

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