

IN THE
UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 24468

JOHN W. GARDNER, Secretary of the United States
Department of Health, Education & Welfare,
Appellant,

versus

THE STATE OF ALABAMA, for and in behalf of and as
Trustee for the Department of Pensions and Security
of the State of Alabama,
Appellee.

No. 24561

THE STATE OF ALABAMA, for and in behalf of and as
Trustee for the Department of Pensions and Security
of the State of Alabama,
Petitioner,

versus

JOHN W. GARDNER, Secretary of Health, Education and
Welfare,
Respondent.

MOTION FOR STAY OF MANDATE

The appellee-petitioner above-named respectfully moves this Honorable Court to stay the Mandate in the above entitled actions and not permit the same to be issued out of said causes until the further order of the Court, on the ground and for the reason that appellee-petitioner expects and intends in good faith, within the time allowed, by law, to apply to the Supreme Court of the United States of America by petition for a review on writ of certiorari of the decision and judgment rendered in favor of appellant and against appellee-petitioner in the above entitled actions.

WHEREFORE, appellee-petitioner prays that the Court make and enter an appropriate order herein staying the issuance of the Mandate in the above mentioned actions until the further order of the Court.

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DEPARTMENT OF JUSTICE

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APPEALS & RESEARCH SECTION
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CERTIFICATE OF SERVICE

The undersigned, Mary Lee Stapp, one of the attorneys for appellee-petitioner in the above entitled actions hereby certifies that she has served the requisite number of copies of the foregoing Motion upon the appellant by mailing said copies in accordance with the rules of this Court as follows:

Five copies to:

John Dear,
Assistant Attorney General

David L. Norman
D. Robert Owen
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Washington, D.C. 20530

One copy to:

Macon L. Weaver
United States Attorney
Birmingham, Alabama

Dated: September 20, 1967

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