

Opposition Statement and Supporting Affidavit on Behalf of Defendant Mancusi on Petitioner's Request for Writ of Mandamus

United States Court of Appeals
FOR THE SECOND CIRCUIT

In the Matter of AKIL AL-JUNDI, et al.,
Petitioners.

Docket No. 95-3048

OPPOSITION STATEMENT
AND SUPPORTING AFFIDAVIT
ON BEHALF OF DEFENDANT
MANCUSI ON PETITIONERS'
REQUEST FOR WRIT OF
MANDAMUS

Defendant, Vincent R. Mancusi, in response to Petitioner's motion for a writ of mandamus, submits the following opposition statement:

Previous Requests For Similar Relief And Disposition

The Petitioners' statement is incomplete. This Court's denial of the petition for writ of mandamus was without prejudice to reconsideration after thirty (30) days upon two conditions: (1) the district court fails to set the plaintiffs' Section 1202(a) motion; or (2) fails to issue an order setting a date for immediate scheduling of the damages trial. Both conditions have been met. On August 1, 1995, the district court set the damages trial for October 23, 1995, and thereafter in a written order (Exhibit G, petitioners' motion), denied the plaintiffs' motion for a Section 1202(a) order permitting an immediate appeal "of a question concerning the class-wide effect of the present regional liability verdict against defendant P&H."

Statement Of The Issues Presented By The Motion

The question of whether the February 4, 1992, jury liability verdict against defendant Karl P&H has established class-wide liability is not presented on this motion. The district court, in its August 23, 1995 order, refused to certify that question.

Opposition statement and supporting affidavit submitted to the United States Court of Appeals for Second Circuit in response to petitioners Akil Al-Jundi et al. request for Writ of Mandamus, urging the court to deny this request and proceed with the Pfeil damages trials.

Identifier

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Alternate Identifier

Case Files: 95-3048

Source

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