

CA 87-3085 ~~and especially~~ except for 12/3/87 10:35

Finals

- I. under Rule 4 FRAP, motion to clarify words notice of appeal, because of time, ~~less at~~ we are prepared to stipulate to withdraw classification request.
- J. Didn't see your papers until this morning, want to see Gov't's paper.
- D. called us this morning if tantamount to Rule 59 motion if classification request withdrawn, will file response to
- J. notice of appeal in state of suspended animation, no force and effect.  
We have two matters before court: stay and classification. Want gov't's response ASAP.
- H. Regardless of whether classification when gov't will file
- D. shortly, will alter to take into current status of its motions.
- H. gov't says motion for classif. is pending no auth of Ct. to rule on stay
- D. correct, affects notice of appeal and stay motion
- H. most important to go for stay. Prepared to stipulate ~~to~~ withdraw of classification. Ct. to rule
- J. notice of appeal most. Get gov't papers
- H. Can rule on stay w/o notice of appeal?
- J. believe so. Withdraw notice of appeal. Here gov't ~~sends~~ papers.  
w/draw notice of appeal

Rule 62(a) expressly excepts from its ambit  
final i

Rule 62(a) applies only to remedies at law. See Friends for All Children v. Lockheed Aircraft Corp., 746 F.2d 816, 830 (D.C. Cir. 1984)

status quo, returning property, monetary  
or a direction to continue doing the same  
if you haven't affirmatively agreed to get  
back, last of unaffirmable doing if one does  
what's agreed  
a. against well and truly sold  
b. but sold without approval

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P10 v. Shultz

12/3/87 3:20

- J. withdraw 3
- II: working w/ Clerk's office. Assume null & void, to file new notice of appeal. Is shultz still in? Not formally withdrawn, but null & void
- 5. if appeal null & void, can affect ability of court to rule
- II. status upstairs, nothing happening, awaiting Ct's decision to continue; facing deadline
- J. if you haven't withdrawn appeal, will have to get back, don't feel comfortable ruling if there is a notice of appeal
- a. appeal null & void and attack
- b. but wld withdraw appeal before court

Top class of whether clarification

shouldn't withdraw

strategically, will allow to take up current

status of the motions

can't say motion for clarify is pending

in auth of Ct. to rule or stay

correct, opposite nature of appeal and

opinion

most important to go for stay. Prepared

to stipulate no withdrawal of clarification

top to rule

order of appeal work. Get good papers

Can rule on stay w/o notice of appeal?

believe so. Withdraw notice of appeal. Then

get good papers

if there's notice of appeal