

PENSICK & GORDON, INC., *v.* CALIFORNIA  
MOTOR EXPRESS ET AL.

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED  
STATES COURT OF APPEALS FOR THE NINTH CIRCUIT.

No. 222. Decided December 3, 1962.

Certiorari granted; judgment vacated; and case remanded.  
Reported below: 302 F. 2d 391.

*Carl M. Gould* for petitioner.

*Theodore W. Russell, George L. Catlin and Joseph P.  
Loeb* for respondents.

PER CURIAM.

The petition for writ of certiorari is granted. The judgment is vacated and the case is remanded to the Court of Appeals for further consideration in light of *Hewitt-Robins Inc. v. Eastern Freight-Ways, Inc.*, *ante*, p. 84.

MR. JUSTICE HARLAN, MR. JUSTICE STEWART, and MR. JUSTICE WHITE would affirm the judgment below for the reasons given in the dissenting opinion in *Hewitt-Robins*.

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LEE *v.* PEEK ET AL.

APPEAL FROM THE SUPREME COURT OF SOUTH CAROLINA.

No. 426. Decided December 3, 1962.

Appeal dismissed and certiorari denied.  
Reported below: 240 S. C. 203, 125 S. E. 2d 353.

PER CURIAM.

The appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied.