

May 26, 1969.

395 U.S.

BROTHERHOOD OF RAILROAD TRAINMEN ET AL.
v. O'CONNELL ET AL.

CERTIORARI TO THE UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT.

No. 158. Argued January 14, 1969.—Decided May 26, 1969.*

No. 158, 391 F. 2d 156; No. 172, 391 F. 2d 289, vacated and remanded.

Arnold B. Elkind argued the cause and filed a brief for petitioners in No. 158. *David Leo Uelmen* argued the cause for petitioners in No. 172. With him on the briefs were *David Previant*, *John J. Naughton*, *James P. Reedy*, and *Gerry M. Miller*.

Lee Leibik argued the cause for respondents in each case. With him on the briefs was *Ruth Weyand*.

Harold A. Ross filed briefs for the Brotherhood of Locomotive Engineers as *amicus curiae* urging reversal in both cases.

Harold C. Heiss filed a brief for the Brotherhood of Locomotive Firemen & Enginemen as *amicus curiae* urging affirmance in both cases.

PER CURIAM.

The judgments are vacated and the cases are remanded to the respective district courts with instructions to dismiss the cases as moot.

*Together with No. 172, *Dirks et al. v. Birkholz et al.*, on certiorari to the United States Court of Appeals for the Seventh Circuit.