

Per Curiam

488 U. S.

HARBISON-WALKER REFRactories, A DIVISION  
OF DRESSER INDUSTRIES, INC. v. BRIECKCERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR  
THE THIRD CIRCUIT

No. 87-271. Argued October 31, 1988—Decided December 12, 1988  
822 F. 2d 52, dismissed.

*Andrew M. Kramer* argued the cause for petitioner. With him on the briefs were *Erwin N. Griswold*, *David A. Copus*, *Patricia A. Dunn*, and *James P. Hollihan*.

*Brian J. Martin* argued the cause for the United States et al. as *amici curiae* urging affirmance. On the brief were *Solicitor General Fried*, *Assistant Attorney General Reynolds*, *Deputy Solicitor General Merrill*, *Charles A. Rothfeld*, and *Charles A. Shanor*.

*James H. Logan* argued the cause for respondent. With him on the brief were *Julius L. Chambers*, *Charles Stephen Ralston*, *Ronald L. Ellis*, and *Eric Schnapper*.\*

## PER CURIAM.

The writ of certiorari is dismissed as improvidently granted.

JUSTICE WHITE dissents.

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\*Briefs of *amici curiae* urging reversal were filed for the Chamber of Commerce of the United States of America by *John C. Unkovic* and *Stephen A. Bokat*; and for the Equal Employment Advisory Council by *Robert E. Williams*, *Douglas S. McDowell*, and *Ann Elizabeth Reesman*.

Briefs of *amici curiae* urging affirmance were filed for the American Association of Retired Persons by *Alfred Miller*, *Steven S. Honigman*, *Christopher G. Mackaronis*, and *Cathy Ventrell-Monsees*; and for the Plaintiff Employment Lawyers Association by *Paul H. Tobias*.