

HARBISON-WALKER REFRACTORIES, A DIVISION
OF DRESSER INDUSTRIES, INC. *v.* BRIECK

CERTIORARI 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.

*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*.