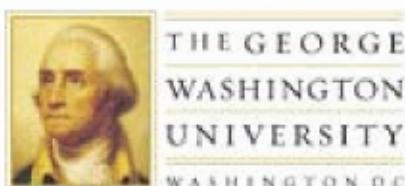


The Burger Court Opinion Writing Database

Piper v. Chris-Craft Industries, Inc.
430 U.S. 1 (1977)

Paul J. Wahlbeck, George Washington University
James F. Spriggs, II, Washington University in St. Louis
Forrest Maltzman, George Washington University



April 1, 1976

Re: Nos. 75-353/5 - Piper, et al. v. Chris-Craft Industries

Dear Bill:

I took the liberty of proposing your suggested questions to my clerk, Donna Murasky, who wrote the pool memorandum. The enclosed is her reaction. I send a copy of it to you for what it may be worth.

In view of the fact that my vote was to deny certiorari, I perhaps have no business meddling.

Sincerely,

HAB

Mr. Justice Rehnquist

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

File
I think these
are the major
questions.

March 25, 1976

(We ~~should~~
decided in a
straight grant)

MEMORANDUM TO THE CONFERENCE

Re: Nos. 75-353, 75-354, and 75-355 - Howard Piper,
et al. v. Chris-Craft Industries, Inc., et al.

Following is a proposed draft order granting certiorari
in these cases and specifying the questions to be argued:

"(1) Whether there is an implied cause
of action for damages under section 14(e)
of the Securities Exchange Act of 1934 in
favor of respondent against petitioners,
arising out of respondent's unsuccessful
corporate takeover bid.

"(2) Whether, as to petitioner in
No. 75-355, respondent has an implied
cause of action for damages based on
petitioner's violations of Rule 10b-6,
promulgated under section 10b of the
Securities Exchange Act of 1934.

"(3) Whether, assuming implied causes
of action under Rule 10(b) and § 14(e),
the Court of Appeals applied the proper
standard of liability with respect to
petitioners.