

# The Burger Court Opinion Writing Database

*Lake Coal Co. v. Roberts & Schaeffer Co.*  
474 U.S. 120 (1985)

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



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

CHAMBERS OF  
THE CHIEF JUSTICE

November 22, 1985

RE: No. 84-1240 - Lake Coal Company v. Roberts & Schaefer

MEMORANDUM TO THE CONFERENCE:

You will recall that at our last Conference I mentioned that the parties in this case, although they have settled, have filed with the clerk a "Report and Request for Appropriate Disposition" asking that "the Court decide this appeal in the interest of the principles of law to be resolved and the need for further clarification of the law in this area."

Absent dissent, I will treat your reaction to this suggestion that we decide a moot case as a vote to deny that application and will direct the Clerk to enter an order dismissing the case and denying the application.

Regards,

I agree with the Chief Justice

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

CHAMBERS OF  
THE CHIEF JUSTICE

November 27, 1985

Re: 84-1240 - Lake Coal Company, Inc. v. Roberts & Schaefer Co

MEMORANDUM TO THE CONFERENCE:

Attached is a draft Per Curiam vacating the CA 6 judgment in this case and remanding to the District Court to dismiss as moot.

Because this is an argued case, this Per Curiam should be announced from the Bench in accordance with our standard practice. I propose to announce it on Tuesday of next week.

Regards,



RECEIVED

Dear Chief  
I agree with your  
proposal per curiam  
O.K.

**SUPREME COURT OF THE UNITED STATES**

**LAKE COAL COMPANY, INC. v.  
ROBERTS & SCHAEFER CO.**

**ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF  
APPEALS FOR THE SIXTH CIRCUIT**

No. 84-1240. Decided ~~November~~ December, 1985

**PER CURIAM.**

The motion of the parties requesting the Court to decide the questions presented in the petition for writ of certiorari despite complete settlement of the underlying causes of action is denied. See *DeFunis v. Odegaard*, 416 U. S. 312 (1974).

The judgment of the United States Court of Appeals for the Sixth Circuit is vacated and the case is remanded to the United States District Court for the Eastern District of Kentucky with instructions to dismiss the cause as moot.

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

CHAMBERS OF  
JUSTICE Wm. J. BRENNAN, JR.

October 21, 1985

No. 84-1240

Lake Coal v. Roberts & Schaefer

Dear Harry,

You and I are in dissent in the  
above. I will be happy to take on the  
dissent.

Sincerely,

*Bill*

Justice Blackmun

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

CHAMBERS OF  
JUSTICE Wm. J. BRENNAN, JR.

December 2, 1985

No. 84-1240

Lake Coal Company, Inc.  
v. Roberts & Schaefer Co.

Dear Chief,

I agree with your proposed Per  
Curiam.

Sincerely,



The Chief Justice

Copies to the Conference

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

CHAMBERS OF  
JUSTICE BYRON R. WHITE

December 2, 1985

84-1240 -

Lake Coal Company, Inc. v.

Roberts & Schaefer Company

Dear Chief,

Please join me.

Sincerely yours,



The Chief Justice

Copies to the Conference

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

CHAMBERS OF  
JUSTICE THURGOOD MARSHALL

November 26, 1985

Re: No. 84-1240 - Lake Coal Company v. Roberts  
& Schaefer

MEMORANDUM TO THE CONFERENCE:

I agree with the Chief Justice.

*J.M.*

T.M.

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

CHAMBERS OF  
JUSTICE THURGOOD MARSHALL

December 2, 1985

Re: No. 84-1240-Lake Coal Company v. Roberts &  
Schaefer Co.

Dear Chief:

Please join me.

Sincerely,

*J.M.*

T.M.

The Chief Justice

cc: The Conference

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

CHAMBERS OF  
JUSTICE HARRY A. BLACKMUN

November 29, 1985

Re: No. 84-1240, Lake Coal Co. v. Roberts & Schaefer Co.

Dear Chief:

I go along with the proposed per curiam.

Sincerely,

Handwritten signature of H.A.B. (Justice Harry A. Blackmun) in cursive script.

The Chief Justice

cc: The Conference

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

November 27, 1985

CHAMBERS OF  
JUSTICE LEWIS F. POWELL, JR.

84-1240 Lake Coal Company, Inc. v. Roberts & Schaefer Co.

Dear Chief:

As stated at Conference, I agree with your disposition of this case.

Sincerely,



The Chief Justice

cc - The Conference

LFP/vde

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

CHAMBERS OF  
JUSTICE WILLIAM H. REHNQUIST

November 29, 1985

Re: No. 84-1240 Lake Coal Company v. Roberts & Schaefer

Dear Chief,

I agree with your Per Curiam.

Sincerely,



The Chief Justice

cc: The Conference

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

CHAMBERS OF  
JUSTICE JOHN PAUL STEVENS

November 26, 1985

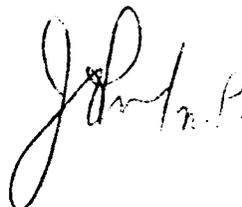
Re: 84-1240 - Lake Coal Co. v. Roberts & Schaefer

Dear Chief:

Your proposed disposition is certainly correct and I will, accordingly, file my partially completed draft in the circular file.

I must confess, however, that I am puzzled as to why the Clerk's Office slipped-up by failing to circulate the parties' unusual "Report and Request for Appropriate Disposition" to the entire Court.

Respectfully,



The Chief Justice

Copies to the Conference

cc: Mr. Joseph F. Spaniol, Jr.  
Clerk of the Court

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

CHAMBERS OF  
JUSTICE JOHN PAUL STEVENS

November 27, 1985

Re: 84-1240 - Lake Coal Co., Inc. v.  
Roberts & Schaefer Co.

Dear Chief:

Please join me in your proposed per curiam.

Respectfully,

A handwritten signature in cursive script, appearing to read "John P.", is written in dark ink.

The Chief Justice

Copies to the Conference

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

CHAMBERS OF  
JUSTICE SANDRA DAY O'CONNOR

November 25, 1985

No. 84-1240 Lake Coal Co. v. Roberts & Schaefer

Dear Chief,

I agree this case should be dismissed as moot and the application to decide it anyway should be denied.

Sincerely,



The Chief Justice

Copies to the Conference

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

CHAMBERS OF  
JUSTICE SANDRA DAY O'CONNOR

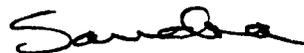
November 27, 1985

No. 84-1240 Lake Coal Company v. Roberts & Schaefer

Dear Chief,

I agree with your Per Curiam.

Sincerely,



The Chief Justice

Copies to the Conference