

QUESTIONS

Petr:

1) The special interrogatory returned by the jury states that Longstreet discharged you in retaliation for your union activities. Isn't that inconsistent with your claim that you were fired for making public the charges that Longstreet had engaged in sexual misconduct?

2) In Alexander and Barrentine, the arbitration proceedings were governed by federal law. Here, we are dealing with a state arbitration proceeding between a city government and its employee. Don't traditional notions of comity and federalism suggest that we give more weight to the arbitration process in this context?

✓ 3) Would a different result be appropriate if you had appealed the arbitration award and the award had been enforced by a state court?

*No it's not appeal  
if so, we will make a def of 1983 covered*

Resps:

✓ 1) What precisely did the arbitrator decide in this case? Did he decide that the Dack incident was the actual motive for the firing, or only that it was a sufficient reason regardless of the actual motive? Did the arbitrator rule out the possibility that any other motives might have played a role in the firing? If not, why would McDonald's First Amendment claim be barred as a matter of collateral estoppel?

2) If we assume that the Michigan courts would not give preclusive effect to the arbitration award in this case, and I realize that you do not share that assumption, is there any reason why federal courts should give the award greater preclusive effect?