

QUESTIONSFor Petr:

1. Is there any authority that would direct the Court as to which of the two issues you present it should address first?
2. What constraint or guidelines are placed on an "authorizing authority's" employment decision under the city charter and civil service rules?

For Resp:

1. CA8 found that evidence was offered to support your argument that Nash and Killen, two high government officials, were responsible for the decision to lay off Mr. Praprotnik. Was there any evidence supporting a conclusion that these individuals (or one of them) had a retaliatory motive for this decision? Did CA8 ever rule on this issue?

2. What are you relying on as the constitutional violation? CA8 stated that your damages claim necessarily meant that you claimed the layoff to be the source of injury. If this is so, is the city's layoff decision "final" for purposes of our analysis, since there is a pending appeal before the Comm'n? Do we need to reach this issue?

3. If we were to find that the verdicts are inconsistent doesn't your failure to appeal the exoneration of the individual defts preclude us from sending the case back for retrial?

*Maybe find in appeal + exon v + under Ds
City no object to + merits*