

Monell (Gurfein)

N.Y. Bd of Ed employees sued Bd + its members in official capacities for back-pay for sex discrimination (no pregnancy pay).

CA 2 held ~~in~~ 1983 not available. Neither the Board nor its members are "persons".

This issue seems squarely presented by Q 2 in Petition. Limit grant to Q 2 (Q 1 relates to retroactivity of 1972 Amend to Title VII)

Musquiz, CA 5 en banc held:

1. Members of Pension Fund Bd of San Antonio are not persons - Q 1 (Issue presented in Q 1)

CA 5 (unlike CA 2) held that ^{neither} injunctive relief ~~nor~~ ^{nor} ~~damages~~ ^{damages} relief ^{could} ~~cannot~~ be granted.

2. Although I don't think CA 5 addressed issue, the Pet. for Cert. does argue that juris exists for a suit directly under 14th Amend. (Q 2 in Pet).

(But this may not be good case to address this issue)