

Checked
OK

OWEN

INSERT A, add to end of footnote 3.

1981-82 S. New York State Bar

The Court suggests that the city should have presented a cross-petition for certiorari in order to argue that Owen has no cause of action. Ante, at 10 n.13. It is well-settled that a respondent "may make any argument presented below that supports the judgment of the lower court." Hankerson v. North Carolina, 432 U.S. 233, 240 n.6 (1977). See Massachusetts Mutual Life Insurance Co. v. Ludwig, 426 U.S. 479, 480-481 (1976), citing United States v. American Ry. Exp. Co., 265 U.S. 425, 435 (1924). The judgment of the Court of Appeals in the instant case was to "deny[] Owen any relief. . . ." by finding that the defendants were immune to this suit. 589 F.2d, at 338. Since the same judgment would result from a finding that Owen has no cause of action under the statute, respondents' failure to present a cross-petition does not prevent them from pressing the issue before this Court.