

UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

United States Court of Appeals  
Fifth Circuit

**F I L E D**

January 19, 2011

No. 09-60651

Lyle W. Cayce  
Clerk

D.C. Docket No. 4:06-CV-128

LISA LEARMONTTH,

Plaintiff - Appellee Cross-Appellant

v.

SEARS, ROEBUCK AND CO.,

Defendant - Appellant Cross-Appellee

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Appeal from the United States District Court  
for the Southern District of Mississippi, Meridian  
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I, Lyle W. Cayce, Clerk of the U.S. Court of Appeals for the Fifth Circuit, do hereby certify that the foregoing pages contain a full, true and complete copy of the following papers:

- (1) Designation of issues to present on appeal;
- (2) Brief of Appellant;
- (3) Brief of Appellee Cross-Appellant;
- (4) Brief of Appellant Cross-Appellee;
- (5) Reply Brief of Appellee Cross-Appellant;
- (6) Brief of Amicus Curiae American Council of Engineering Companies, et al;
- (7) Brief of Amicus Curiae Mississippi Association for Justice;

- (8) Brief of Intervenor State of Mississippi;
- (9) The five (5) volume record on appeal;
- (10) Opposed motion by Mississippians for Economic Progress et al to file amicus brief;
- (11) Response/opposition filed by Appellee Cross-Appellant to the motion to file amicus brief;
- (12) Court order granting motion to file amicus brief;
- (13) Motion filed by Appellant Cross-Appellee to extend time to file brief;
- (14) Response/opposition filed by Appellee Cross-Appellant to the motion to extend time to file appellant's brief filed by Appellant;
- (15) Unopposed motion filed by Appellee Cross-Appellant to extend time to file brief as cross appellant;
- (16) Clerk order granting motion to extend time to file cross appellant's brief;
- (17) Clerk order granting motion to extend time to file appellant's brief filed by Appellant Cross-Appellee;
- (18) FED. R. APP. P. 44 Notice of Challenge to Constitutionality of Statute filed by Appellee Cross-Appellant;
- (19) Opposed motion by Mississippi Association for Justice to file amicus brief;
- (20) FED. R. APP. P. 44 Notice of Intervention by the State of Mississippi;
- (21) Court order granting motion to file amicus brief;
- (22) Response/opposition filed by Appellant Cross-Appellee to the motion for reconsideration filed by Appellee Cross-Appellant;
- (23) Motion by Mississippians for Economic Progress et al for an extension of seven days from the filing of the appellant-cross-appellee's brief to

file amicus brief;

- (24) Court order denying motion of appellee cross-appellant for reconsideration of the clerk's order granting appellant cross-appellee's motion for extension of time to file their brief;
- (25) Opposed motion filed by Appellee Cross-Appellant for reconsideration of this court's order of 2/22/10 granting appellant's motion for an extension of time to file it's brief;
- (26) Motion filed by Attorney Mr. Shawn Stephen Shurden, for Intervenor State of Mississippi to withdraw as counsel;
- (27) Clerk order granting motion to withdraw as counsel filed by Attorney Mr. Shawn Stephen Shurden for Intervenor State of Mississippi;
- (28) Supplemental Authorities filed by Appellee Cross-Appellant;
- (29) Supplemental Authorities filed by Appellee Cross-Appellant (11/30/10);
- (30) Supplemental Authorities filed by Appellee Cross-Appellant (12/14/10).

in the above cause in this Court as full, true and complete as the originals of the same now remain in my office.

AS TESTIMONY, I subscribe my name and affix the seal of the United States Court of Appeals, for the Fifth Circuit, at the City of New Orleans, Louisiana, this 19<sup>th</sup> day of January, A.D., 2011.

LYLE W. CAYCE, CLERK  
UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

By: \_\_\_\_\_  
Jamei Cheramie, Deputy Clerk

DATE: 01/19/2011