

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

January 19, 2011

No. 09-60651

Lyle W. Cayce
Clerk

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

LISA LEARMONTH,

Plaintiff - Appellee Cross-Appellant

v.

SEARS, ROEBUCK AND CO.,

Defendant - Appellant Cross-Appellee

Appeal from the United States District Court
for the Southern District of Mississippi, Meridian

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
19th 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