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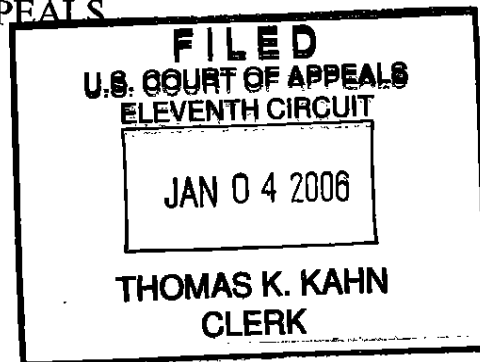
IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

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No. 05-10341-V

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D. C. Docket No. 02-02325-CV-CC-1

JEFFREY MICHAEL SELMAN,  
KATHLEEN CHAPMAN,  
JEFF SILVER,  
PAUL MASON,  
TERRY JACKSON,

Plaintiffs-Appellees,

versus

COBB COUNTY SCHOOL DISTRICT,  
COBB COUNTY BOARD OF EDUCATION,  
JOSEPH REIDEN, Superintendent,

Defendants-Appellants,

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No. 05-11725

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D. C. Docket No. 02-02325-CV-CC-1

KATHLEEN CHAPMAN,

JEFF SILVER,  
PAUL MASON,  
TERRY JACKSON,

Plaintiffs-Appellees,

DEBRA ANNE POWER,

Plaintiff,

versus

COBB COUNTY SCHOOL DISTRICT,  
COBB COUNTY BOARD OF EDUCATION,  
JOSEPH REDDEN, Superintendent,

Plaintiffs-Appellants,

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Appeal from the United States District Court  
for the Northern District of Georgia

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Before CARNES, HULL, and PRYOR, Circuit Judges.

ORDER:

At the conclusion of oral argument, the Court called to the attention of Jeffrey Bramlett, as counsel for the appellees, the discussion in the brief he filed

that indicates a petition urging the adoption of some type of disclaimer language was submitted to the Cobb County School Board before it adopted the sticker that is at issue in this case. See Appellee's Brief at 11-12, 24-25 and n.59. It appeared to the Court those parts of the brief might be misleading, because the only petition supporting the sticker that is included in the record (Exhibit No. 45), and the only one cited in those parts of the appellees' brief, clearly was filed six months after the Board adopted the sticker.

Mr. Bramlett was given an opportunity to submit a letter addressing whether those parts of his brief were misleading. Since Mr. Bramlett's letter necessarily touched on some disputed factual matters, counsel for the Cobb County School Board was given an opportunity to respond insofar as the underlying facts are concerned, and he did so. The parties have also submitted a supplemental record on appeal, albeit not one that definitively resolves the petition issue.

The Court is not ruling at this time on whether any findings by the district court about the timing of the petition were clearly erroneous, which is the governing standard of review; the time and place for announcing any decisions about that will be in the opinion this Court issues. However, the Court does want to resolve at this time the question of whether Mr. Bramlett misled the Court in the brief he filed on behalf of the appellees.

Parts of the trial record concerning the petition are puzzling. The attorneys on both sides might have been more careful in their advocacy relating to this issue, which would have assisted the Court. The Court, however, does not find that counsel misled it or attempted to do so. We issue this order to remove any implication that either counsel did.

Because the oral argument remarks about this matter occurred in open court and have been discussed in the news media, the Clerk's Office is directed to disseminate a copy of this order to the media.