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No. 04-20667

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**In The United States Court of Appeals  
For The Fifth Circuit**

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KAY STALEY

*Plaintiff-Appellee*

v.

HARRIS COUNTY, TEXAS

*Defendant-Appellant*

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**On Appeal From The United States District  
Court For The Southern District of Texas, Houston Division**

ON PETITION FOR REHEARING EN BANC

**BRIEF OF AMICUS CURIAE EAGLE FORUM EDUCATION & LEGAL  
DEFENSE FUND IN SUPPORT OF DEFENDANT-APPELLANT**

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December 21, 2006

## CERTIFICATE OF INTERESTED PERSONS

The undersigned counsel of record certifies that the following listed persons and entities have an interest in the outcome of this case. These representations are made in order that the Judges of this Court may evaluate possible disqualification or recusal.

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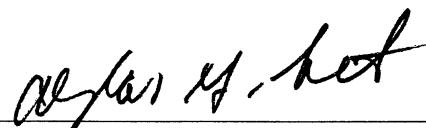
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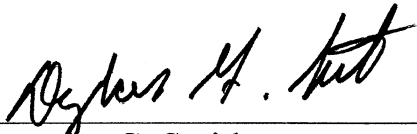


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Douglas G. Smith

**CONSENT OF THE PARTIES**

Pursuant to FRAP 29(a), this brief is filed with the consent of all parties.

  
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Douglas G. Smith

