# UNITED STATES COURT OF APPEALS FIFTH CIRCUIT

## Opinion Transmittal Form (Court Policy 12)

TO: Opinion Clerk

FROM: Judge Jolly

DATE: April 24, 2007

SUBJECT: No. 04-20667; Staley v. Harris Co., TX

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Attached is a new opinion by Judge Jolly. Also transmitted is a dissent in part by Judge DeMoss (joined Judge Smith); and a dissent by Judge Garza (joined by Judges Clement and Owen).

### INSTRUCTIONS FOR NEW OPINION:

#### PUBLICATION:

Publish.

## COSTS TO BE TAXED AS FOLLOWS (See Rule 39):

Each party to bear their own costs.

Attachment

cc: All judges