

5 Rapp no. 9 (1957)

UNITED STATES OVERSEAS AIRLINES, INC.  
V. COMPANIA AEREA VIAJES EXPRESOS DE  
VENEZUELA, S.A.

HEADNOTE

by Ira Brad Matetsky

Source: Papers of Felix Frankfurter, Box 220, Manuscript Division, Library of Congress, Washington, D.C.

Opinion by: Felix Frankfurter (stated in source).

Opinion date: September 9, 1957 (stated in source).

Citation: United States Overseas Airlines, Inc. v. Compania Aerea Viajes Expresos de Venezuela, S.A., 5 Rapp no. 9 (1957) (Frankfurter, J., in chambers), 1 J. In-Chambers Practice 309 (2016).

Additional information: This opinion was typed on a sheet of plain paper. The copy in the file bears a typewritten signature.

OPINION

SUPREME COURT OF THE UNITED STATES

No. \_\_\_\_\_, Oct. Term 1957

UNITED STATES OVERSEAS AIRLINES, INC., ET AL.,

Petitioners,

vs.

COMPANIA AEREA VIAJES EXPRESOS DE VENEZUELA, S.A.,

ET AL.

If this Court grants review by way of writ of certiorari of a lower court, it may become appropriate, by means of auxiliary relief, to maintain things in status quo in order to avoid frustration of a potential reversal of such a judgment. In view of this, the moving papers before me would justify a stay of the mandate from issuing from the Court of Appeals if I

had a warranted belief in the likelihood of the contemplated petition for certiorari being granted when it can come before the Court. I am duly mindful that varying views not infrequently guide individual members of the Court in passing upon such petitions. Being so mindful, I think the widest toleration for the possible views of others should be indulged. But I cannot ultimately escape responsibility for determining whether any of the issues involved in this litigation lay bare any of the considerations which would warrant the granting of a petition for certiorari under our Rule 19. Since I cannot remotely believe that any such consideration is presented by this litigation, I do not feel justified in overriding denial of application for a stay of mandate by the Court of Appeals for the Second Circuit.

Although I must act on my convictions, I do so without prejudice to an application to another of the Justices.

/S/ Felix Frankfurter

Associate Justice of the Supreme Court of the United States

Dated this ninth day of September, 1957