
Avagliano v. Sumitomo: On Remand to the
District Court

Sumitomo Shoji America, Inc. v. Avagliano, 457
US 176 - Supreme Court 1982

2-2-1986

Judge Tenney's Order Affirming Magistrate's Order Re: Phone Numbers

Charles Tenney, United States District Judge, SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
LISA M. AVAGLIANO, et al., :

Plaintiffs, : 77 Civ. 5641 (CHT)

-against-

SUMITOMO SHOJI AMERICA, INC. :

Defendant. :

-----x
PALMA INCHERCHERA,

Plaintiff, : 82 Civ. 4930 (CHT)

-against-

SUMITOMO CORP. OF AMERICA, :

Defendant. :

O R D E R

The defendant Sumitomo Corp. of America ("Sumitomo") has submitted objections to an order entered by Magistrate Michael H. Dolinger, dated December 23, 1985, directing the defendant to disclose the telephone numbers of all members of the plaintiff class. The Court concludes that the Magistrate's order was not clearly erroneous or contrary to law. See Fed. R. Civ. P. 72(a). See also Domingo v. New England Fish Co., 727 F.2d 1429, 1438-41 (9th Cir. 1984) (Relying on Gulf Oil Co. v. Bernard, 452 U.S. 89 (1981), the court held that the lower court had erred in imposing restrictions on communications between potential class members

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and counsel for the class.)).

Accordingly, the Court hereby affirms the Magistrate's order. The defendant should proceed with mailing and posting notices to the plaintiff class. The Magistrate's order must be complied with--i.e., the pertinent telephone numbers must be disclosed--by February 14, 1986.

So ordered.

Dated: New York, New York

February 2, 1986


U.S.D.J.