
Avagliano v. Sumitomo: District Court
Proceedings

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

8-3-1978

Response of the EEOC to Defendant's Motion Setting a Date for the Filing of Papers

Lewis M. Steel '63

RECEIVED AUG 24 1978

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

LISA M. AVIGLIANO, <u>et al.</u> ,)	
)	No. 77 Civ. 5461
Plaintiffs,)	(CHT)
)	
v.)	RESPONSE OF THE EQUAL
)	EMPLOYMENT OPPORTUNITY
SUMITOMO SHOJI AMERICA, INC.,)	COMMISSION TO SUMITOMO'S
)	MOTION SETTING A DATE FOR
Defendant.)	THE FILING OF PAPERS.
)	

Sumitomo has moved for an order requiring the Commission to file an amicus curiae brief on the relationship between Title VII, Civil Rights Act of 1964, and the Treaty of Friendship and Cooperation of 1953 between the United States and Japan within one week of the Commission's receipt of the Department of State's views. Sumitomo has also demanded release by the Commission of the State Department's views to the parties and Court immediately upon receipt. We oppose the first demand in its present form and have no objection to the second.

Until the Commission receives the State Department's views, we do not know whether we will file an amicus curiae brief. In any event, because of the importance and complexity of the issue; because the Commission has no knowledge of State's analysis and conclusions; and because the Commission's internal operating procedures require a fair amount of intra-agency

consultation, a one week deadline for the filing of an amicus curiae brief, if any, is unrealistic. The Commission, however, has no objection to a twenty-one day deadline from receipt of the State Department's views and will endeavor to file a brief within a shorter period.

We believe that this procedure would allow the Commission enough time to formulate a careful response to the specific issues raised in this case and at the same time provide parties with free access to information.


Respectfully submitted,

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Opportunity Commission

CERTIFICATE OF SERVICE

I hereby certify that copies of the Equal Employment Opportunity Commission's Response to Sumitomo's Motion Setting a Date For the Filing of Papers were today mailed to the following counsel of record:

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EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION
2401 E Street, N.W.
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August 23, 1978

August 23, 1978

Clerk
U. S. District Court
Foley Square
New York, N.Y. 10007

Re: Avigliano, et al. v. Sumitomo Shoji America, Inc.
77 Civ. 5641 (CHT)

Dear Sir or Madam:

Enclosed for filing is plaintiffs' affidavit in response to defendant's motion for an order fixing a briefing schedule, together with a copy of the minutes of hearing before Magistrate Raby.

Sincerely,

Lewis M. Steel

LMS/cpm

Enc.