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Avagliano v. Sumitomo: District Court  
Proceedings

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

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3-16-1978

## **Stipulation Extending the Plaintiff's Time to Answer Defendant's Answer and Counterclaim to 3/31/78**

Lewis M. Steel '63

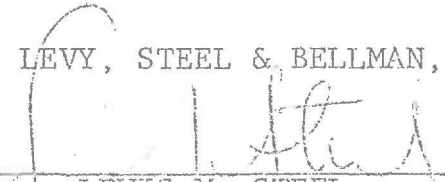
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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:
  
LISA M. AVIGLIANO, et al., :
  
:
  
On Behalf of Themselves and All :
  
Others Similarly Situated, : 77 Civ. 5641 (C.H.T.)
  
:
  
Plaintiffs, : STIPULATION
  
:
  
-against- :
  
:
  
SUMITOMO SHOJI AMERICA, INC., :
  
:
  
Defendant. :
  
-----X

IT IS HEREBY STIPULATED, consented to and agreed, by and between the undersigned attorneys for the parties hereto, that the date by which plaintiffs shall answers, move, or make any other response to the Answer and Counterclaim filed by defendant Sumitomo Shoji America, Inc., hereby is extended to and including March 31, 1978.

Dated: New York, New York  
March 16, 1978

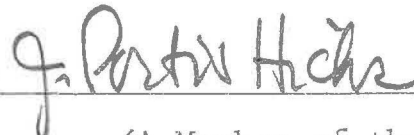
EISNER, LEVY, STEEL & BELLMAN, P.C.

by   
LEWIS M. STEEL  
(A Member of the Firm)  
Attorneys for Plaintiffs  
351 Broadway  
New York, New York 10013

SO ORDERED:

WENDER, MURASE & WHITE

\_\_\_\_\_  
U.S.D.J.

by   
(A Member of the Firm)  
Attorneys for Defendant  
400 Park Avenue  
New York, New York 10022

Notice that the within is a (certified)  
true copy of a  
duly entered in the office of the clerk of the within  
named court on 19

Dated,

Yours, etc.,

**EISNER, LEVY, STEEL & BELLMAN, P.C.**

Attorneys for

Office and Post Office Address

**351 Broadway**

Borough of Manhattan New York, N. Y. 10013

To

Attorney(s) for

NOTICE OF SETTLEMENT

Sir:—Please take notice that an order

of which the within is a true copy will be presented  
for settlement to the Hon.

one of the judges of the within named Court, at

19

M.

Dated,

Yours, etc.,

**EISNER, LEVY, STEEL & BELLMAN, P.C.**

Attorneys for

Office and Post Office Address

**351 Broadway**

Borough of Manhattan New York, N. Y. 10013

To

Attorney(s) for

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

LISA M. AVIGLIANO, et al.,

On Behalf of Themselves and All  
Others Similarly Situated,

Plaintiffs,

-against-

SUMITOMO SHOJI AMERICA, INC.,

Defendant.

STIPULATION

**EISNER, LEVY, STEEL & BELLMAN, P.C.**

Attorneys for Plaintiffs

Office and Post Office Address, Telephone

**351 Broadway**

Borough of Manhattan New York, N. Y. 10013

(212) WO 6-9620

To

Attorney(s) for

Service of a copy of the within

is hereby admitted.

Dated,

Attorney(s) for

March 15, 1978

John D. Schmelzer, Esq.  
Equal Employment Opportunity Commission  
2401 E Street, N.W.  
Washington, D.C. 20506

Re: Avigliano v. Sumitomo Shoji America, Inc.

Dear John:

I am enclosing a copy of our complaint and Sumitomo's answer in this case.

I am particularly interested in moving against the third affirmative defense relating to a treaty of friendship between the U.S. and Japan. I have asked counsel for defendant to provide me, on an informal basis, with the name of the treaty and the applicable statutes, rules, regulations, etc. referred to in the affirmative defense so that I can determine whether to make a motion to strike. If I do not receive this information voluntarily, I intend to file an interrogatory prior to moving on this.

With regard to the counterclaim, I intend to file a motion to dismiss. Your help with legal precedents and if possible amicus intervention would be appreciated.

At present, our reply is due on March 17, but I intend to get an extension of perhaps two weeks. Please let me know what you think.

Once again, thanks for your help and interest.

Best regards,

Lewis M. Steel

LMS/pc  
Enclosures

March 2, 1978

Clerk  
Civil Division  
U. S. District Court  
Foley Square  
New York, New York 10007

Re: Avigliano, et al., v. Sumitomo Shoji America, Inc.  
76 Civ. 5641 (C.H.T.)

Dear Sir or Madam:

I enclose a Stipulation with regard to the above matter, extending the date by which plaintiffs may answer and move in response to an answer and counter-claim of the defendant. I would be most appreciative if you would present this Stipulation to Judge Tenney for his approval.

Very truly yours,

EISNER, LEVY, STEEL & BELLMAN, P.C.

By: \_\_\_\_\_  
Lewis M. Steel

LMS/cpm

Enc. 1