
Avagliano v. Sumitomo: District Court
Proceedings

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

7-27-1978

Ex Parte Order

Lewis M. Steel '63

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

-----X
LISA M. AVIGLIANO, et al., :
 :
 Plaintiffs, : 77 Civ. 5641 (CHT)
 :
 -against- :
 : EX PARTE ORDER
 SUMITOMO SHOJI AMERICA, INC., :
 :
 Defendant. :
-----X

Defendant Sumitomo Shoji America, Inc., having applied to the Court ex parte for an Order extending the date by which it shall file its reply memorandum of law in support of its motion for an order dismissing the complaint herein pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure, and the Court having read the affidavit of J. Portis Hicks, Esq., sworn to July 27, 1978 submitted in support of such application, and it appearing to the Court that due cause exists therefor and that the said application should be granted, it is

ORDERED, that the date by which defendant Sumitomo Shoji America, Inc. shall serve its reply memorandum of law herein be, and hereby is, extended to and including a date which shall be seven business days following the date on which counsel for Sumitomo Shoji America, Inc. receives notice from the United States Equal Employment Opportunity Commission of whether it intends to file a memorandum of law

herein as amicus curiae in respect of defendant Sumitomo Shoji America, Inc.'s aforesaid motion, or seven business days following receipt by Sumitomo Shoji America, Inc. of any such amicus curiae memorandum of law, whichever shall be later; and it is further

ORDERED, that if said Equal Employment Opportunity Commission has not given notice whether it intends to file a memorandum of law as amicus curiae, or has not served upon counsel for defendant Sumitomo Shoji America, Inc. an amicus curiae memorandum of law as aforesaid by August 14, 1978, any party to this action may forthwith, upon notice, apply to this Court for such Order or other relief as may be appropriate under the circumstances.

Dated: New York, New York
July 27, 1978

/s/ CHARLES H. TENNEY

United States District Judge

TO: EISNER, LEVY, STEEL & BELLMAN, P.C.
Attorneys for Plaintiffs
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