1-20-1983

Raby Order re: Objections by Defendant to Interrogatories

Lewis M. Steel '63

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
- -x

LISA M. AVIGLIANO, et al.,

Plaintiffs,

-v-

SUMITOMO SHOJI AMERICA, INC.,

Defendant.

- -x

77 Civ. 5641 (CHT)

MEMORANDUM
AND ORDER

RABY, UNITED STATES MAGISTRATE:

A special pretrial conference was held before me (pursuant to prior reference by Judge Tenney) on March 29, 1978 for the stated purpose of dealing with objections by the defendant to certain interrogatories propounded on behalf of plaintiffs relating to possible qualification of this action as a class action under F.R.C.P. Rule 23.

It appearing, however, at the conference, that counsel for the plaintiffs intend, within 30 days from the date of said conference, to move to strike certain defenses of the defendants, and it further appearing that defendant in turn intends, within said period, to move for dismissal of the complaint on substantive grounds, I directed that, contingent upon the making of such motions, there shall be a hiatus of all discovery herein pending the hearing and determination of said motions, with the understanding, of course, that if the aforementioned motions are not in fact filed within the period above mentioned my order shall be deemed null and void. I further directed at said conference, with the consent of counsel, that under the circumstances just described, plaintiffs be relieved from compliance with the provisions of Rule 11A of the Civil Rules of this Court requiring the filing of a motion for class action status within 60 days after the filing of the complaint.

IT IS SO ORDERED.

Dated: New York, N.Y.
March 31, 1978.

HAROLD J. RABY
UNITED STATES MAGISTRATE

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THE HON. CHARLES H. TENNEY
United States District Judge
United States District Court
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