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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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6-28-1979

## Defendant's Notice of Motion for Interlocutory Appeal under 28 USC 1292(b)

Wender, Murase, & White

RECEIVED JUN 19 1979

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

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LISA M. AVIGLIANO, et al., :  
 :  
 Plaintiffs, :  
 :  
 -against- : 77 Civ. 5641  
 :  
 SUMITOMO SHOJI AMERICA, INC., : NOTICE OF MOTION  
 :  
 Defendant. :  
-----x

S I R S:

PLEASE TAKE NOTICE that upon the annexed opinion and order of this Court dated June 5, 1979, the Memorandum of Law in Support of Motion to Amend Order submitted herewith, and all prior proceedings heretofore had herein, defendant Sumitomo Shoji America, Inc. will move this Court before the Hon. Charles H. Tenney in Room 906, United States Courthouse, Foley Square, New York, New York, at 10:00 A.M. on June 29, 1979 or as soon thereafter as counsel can be heard, for an order pursuant to 28 U.S.C. §1292(b) for an order amending this Court's aforesaid opinion and order so as to include a finding that it involves controlling questions of law as to which there is substantial ground for difference of opinion and that an immediate appeal therefrom may materially advance the ultimate determination of this litigation, and for such other relief as may be appropriate.

Dated: New York, New York  
June 18, 1979

Yours, etc.

WENDER, MURASE & WHITE

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