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Avagliano v. Sumitomo: On Remand to the  
District Court

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

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Fall 10-21-1980

## **Motion of EEOC for Extension of Time to Reply to Appellant's Memorandum of Law Filed on Eve of Oral Argument**

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

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IN THE UNITED STATES COURT OF APPEALS  
FOR THE SECOND CIRCUIT

The Equal Employment Opportunity Commission, amicus curiae, moves this Court, under Rule 26(b), F.R.App.P., for a one-week extension of time, to October 30, 1980, in which to file its reply to appellant's memorandum of law filed on the eve of oral argument.

1. Appellant Sumitomo filed both a reply brief and a memorandum of law on October 15, 1980, in this case which was scheduled for oral argument on October 17, 1980; copies of these documents were not made available to counsel for the EEOC until after working hours on October 15, 1980.

2. At noon on October 16, 1980, the appellate attorney with chief responsibility for this case left Washington, D.C. to travel to New York City to participate in oral argument on October 17, 1980. The morning of October 16, was spent preparing a response to points raised in Sumitomo's reply brief.

3. During the week following oral argument, the attorney in this case was also preparing a Petition for Rehearing in EEOC v. Greyhound Lines, Inc., Nos. 79-2824 and 80-1154, due in the Third Circuit on October 29, 1980.

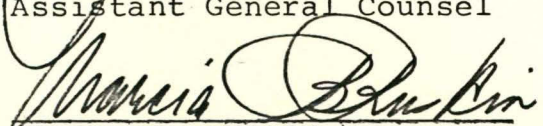
4. Because the panel expressed concern at oral argument about some of the points raised in Sumitomo's memorandum of law, the Commission requests this short extension for leave to file its responsive memorandum.

Respectfully submitted,

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Attorney

October 29, 1980

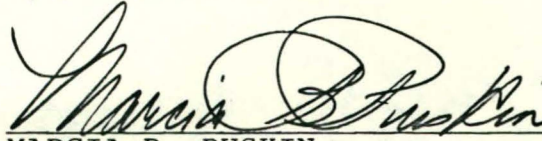
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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing motion and responsive memorandum were mailed today to the following counsel of record:

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October 29, 1980