
On Remand to the District Court

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

3-31-1978

Memorandum and Order

Harold J. Raby

MAR 31 1978

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
LISA M. AVIGLIANO, et al.,

Plaintiffs,

77 Civ. 5641 (CHT)

-v-

MEMORANDUM
AND ORDER

SUMITOMO SHOJI AMERICA, INC.,

Defendant.
-----x

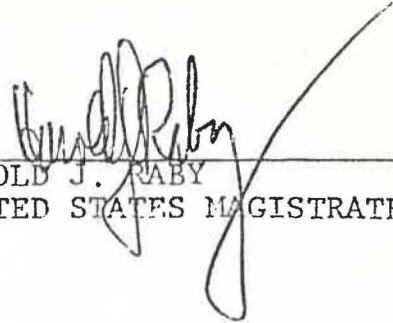
RABY, UNITED STATES MAGISTRATE:

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

cc: EISNER, LEVY, STEEL & BELLMAN, P.C.
351 Broadway
New York, New York, 10013
Att: Lewis M. Steel, Esq.

WENDER, MURASE & WHITE, ESQS.
400 Park Avenue
New York, New York, 10022
Att: J. Portis Hicks, Esq.

THE HON. CHARLES H. TENNEY
United States District Judge
United States District Court
Foley Square
New York, New York, 10007