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Atlantic Coast Line Railroad Co. v. Erie Lackawanna Railroad Co.

406 U.S. 340 (1972)

Paul J. Wahlbeck, George Washington University

James F. Spriggs, II, Washington University

Forrest Maltzman, George Washington University



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Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
THE CHIEF JUSTICE

May 12, 1972

No. 71-107 -- Atlantic Coast Line R. R. v.
Erie Lackawanna R. R.

Dear Bill:

Please join me.

Regards,

WJB

Mr. Justice Brennan

Copies to the Conference

6

Please give me
Journal f/2

1st DRAFT

The Chief Justice
Sir Justice Douglas
Sir Justice Stewart
Sir Justice White
Sir Justice Marshall
Sir Justice Blackmun
Sir Justice Powell
Sir Justice O'Connor

6/25/72

SUPREME COURT OF THE UNITED STATES

No. 71-107

Atlantic Coast Line Railroad
Company, Petitioner,
v.
Erie Lackawanna Railroad
Company et al. } On Writ of Certiorari to
the United States Court
of Appeals for the Sec-
ond Circuit.

[May —, 1972]

PER CURIAM.

We granted certiorari to review the judgment of the Court of Appeals for the Second Circuit, 442 F. 2d 694 (1971), affirming the judgment of the District Court for the Southern District of New York, 315 F. Supp. 357 (1970). 404 U. S. 909 (1971). We agree that in this noncollision case the District Court properly dismissed petitioner's third-party complaint for contribution against respondent Erie on the authority of *Halcyon Lines v. Haenn Ship, etc., Corp.*, 342 U. S. 282 (1952). The judgment of the Court of Appeals is therefore

Affirmed.

To: The Chief Justice
Mr. Justice Douglas
Mr. Justice Stewart
Mr. Justice White
✓ Mr. Justice Marshall
Mr. Justice Blackmun
Mr. Justice Powell
Mr. Justice Rehnquist

From: Eric

2nd DRAFT

Circulated:

SUPREME COURT OF THE UNITED STATES.

Recirculated: 4-25-72

No. 71-107

Atlantic Coast Line Railroad
Company, Petitioner,
v.
Erie Lackawanna Railroad
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[May —, 1972]

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Affirmed.

THE INDEPENDENCE OF CONCERN

To: The Chief Justice
Mr. Justice Douglas
Mr. Justice Stewart
Mr. Justice White
✓ Mr. Justice Marshall
Mr. Justice Blackmun
Mr. Justice Powell
Mr. Justice Rehnquist

nan, J.

3rd DRAFT

Circulated:

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Recirculated: 4/86/72

No. 71-107

Atlantic Coast Line Railroad} 2. White of Gant, 1/4

Atlantic Coast Line Railroad
Company, Petitioner,
v.
Erie Lackawanna Railroad
Company et al.

On Writ of Certiorari to
the United States Court
of Appeals for the Sec-
ond Circuit.

[May —, 1972]

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Affirmed.

MR. JUSTICE POWELL took no part in the consideration or decision of this case.

NOTICE : This opinion is subject to formal revision before publication in the preliminary print of the United States Reports. Readers are requested to notify the Reporter of Decisions, Supreme Court of the United States, Washington, D.C. 20543, of any typographical or other formal errors, in order that corrections may be made before the preliminary print goes to press.

SUPREME COURT OF THE UNITED STATES

No. 71-107

Atlantic Coast Line Railroad Company, Petitioner,
v.
Erie Lackawanna Railroad Company et al. } On Writ of Certiorari to the United States Court of Appeals for the Second Circuit.

[May 15, 1972]

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Affirmed.

MR. JUSTICE POWELL took no part in the consideration or decision of this case.

B
Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE POTTER STEWART

April 25, 1972

71-107, Atlantic Coast Line R. Co.
v. Erie Lackawanna R. Co.

Dear Bill,

I am glad to join your Per Curiam in
this case.

Sincerely yours,

P.S.

Mr. Justice Brennan

Copies to the Conference

B
Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE BYRON R. WHITE

April 25, 1972

Re: No. 71-107 - Atlantic Coast
Line Rd v. Erie Lackawanna
Rd.

Dear Bill:

Please join me.

Sincerely,



Mr. Justice Brennan

Copies to Conference

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

April 27, 1972

Re: No. 71-107 - Atlantic Coast Line RR v.
Erie Lackawanna RR

Dear Bill:

Please join me in your per curiam.

Sincerely,


T.M.

Mr. Justice Brennan

cc: The Conference

Supreme Court of the United States

Memorandum

4/26/72

, 19

Re: No. 71-107

Dear Bill:

Should Lewis be noted
as not participating?

h.

Wm. Brennan Jr.

Supreme Court of the United States
Washington, D. C. 20543

h
CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

April 26, 1972

Re: No. 71-107 - Atlantic Coast Line Railroad Co.
v. Erie Lackawanna Railroad Co.

Dear Bill:

Please join me in your proposed Per Curiam.

Sincerely,

HAB.

Mr. Justice Brennan

cc: The Conference



April 19, 1972

*Noted
Culver
D. P. R.*
Re: 71-107 Atlantic Coast Line Railway
Co. v. Erie Lackawanna

Dear Chief:

I write this memorandum for the record, to confirm that I did not sit - and will not participate - in the above case.

This is the second case involving the Atlantic Coast Line (or the Seaboard Coast Line Railroad Company) since I have been on the bench. Although I never did any legal work personally for either of these railroads, my firm represented the Seaboard for many years. The Seaboard and Coast Line merged a few years ago, and so I have considered it proper to recuse myself even though at the time this case originated the Coast Line and Seaboard were separate entities.

Sincerely,

Z. F. P.

The Chief Justice

cc: Mr. Justice Rehnquist

K
Supreme Court of the United States
Washington, D. C. 20543CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

April 27, 1972

No. 71-107 - Atlantic Coast Line v. Erie Lackawanna

Dear Bill:

Please join me in your Per Curiam opinion in this
case.

Sincerely,



Mr. Justice Brennan

Copies to the Conference