

The Burger Court Opinion Writing Database

Lugar v. Edmondson Oil Co.

457 U.S. 922 (1982)

Paul J. Wahlbeck, George Washington University
James F. Spriggs, II, Washington University in St. Louis
Forrest Maltzman, George Washington University



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

CHAMBERS OF
JUSTICE Wm. J. BRENNAN, JR.

June 11, 1981

RE: No. 80-1730 Lugar v. Edmonson Oil, et al.

Dear Byron:

Please join me.

Sincerely,

A handwritten signature in cursive script, appearing to read "White".

Justice White

cc: The Conference

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

CHAMBERS OF
JUSTICE POTTER STEWART

June 10, 1981

Re: No. 80-1730, Lugar v. Edmonson Oil Co.

Dear Byron,

Despite John's urging, I am not disposed to move from my present "join-3" posture, and, therefore, shall not join your dissent.

Sincerely yours,

P.S.
/

Justice White

Copies to the Conference

To: The Chief Justice
 Mr. Justice Brennan
 Mr. Justice Stewart
 Mr. Justice Marshall
 Mr. Justice Blackmun
 Mr. Justice Powell
 Mr. Justice Rehnquist
 Mr. Justice Stevens

From: Mr. Justice White

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No. 80-1730 - Lugar v. Edmonson Oil Co., Inc., et. al.

Justice White dissenting from the denial of certiorari:

In 1977, petitioner, a lessee-operator of a truck stop in Virginia, was indebted to respondents. Respondents commenced a civil action to recover the debt in Virginia state court. Ancillary to that action and pursuant to state law, they petitioned for prejudgment attachment of certain of petitioner's property to prevent its dissipation prior to satisfaction of the debt. Va. Code §§ 8.01-533.¹ The prejudgment attachment procedure required only that respondents allege, in an ex parte petition, a belief that petitioner was disposing of or might dispose of his property in order to defeat his creditors. No pre-attachment bond was required by state law. Acting upon that petition, a clerk of the state court issued a writ of attachment,

¹ At the time of the attachment in question, this section was codified as Va. Code §8-519.

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

CHAMBERS OF
JUSTICE JOHN PAUL STEVENS

June 10, 1981

Re: 80-1730 - Lugar v. Edmonson Oil Co.

Dear Byron:

If Bill Brennan and Potter Stewart will convert their "join-3's" to grants, I will make a fourth.

Respectfully,



Justice White

Copies to the Conference