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Chicago Bridge & Iron Co. v. Caterpillar Tractor Co.

463 U.S. 1220 (1983)

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

CHAMBERS OF
THE CHIEF JUSTICE

April 22, 1982

RE: No. 81-349 - Chicago Bridge & Iron Co. v.
Catepillar Tractor Co., Illinois
Dept. of Revenue, et. al.

MEMORANDUM TO THE CONFERENCE:

I have just received the following information:

Franklin C. Latcham, counsel for Container Corporation of America, was present Monday afternoon to hear the argument in Chicago Bridge. In view of the argument presented and the questions, Mr. Latcham has advised Frank Lorson that by Tuesday, April 27, 1982 (next Tuesday), he will file a motion with the Court asking it to take the following action:

- (1) expedite consideration of No. 81-523 - Container Corporation of America v. Franchise Tax Board; 2
- (2) note probable jurisdiction in Container Corp.;
- (3) set Container Corp. for oral argument early next Term; and
- (4) defer further consideration in Chicago Bridge until after Container Corp. is argued and decided.

In light of this development, we may wish to defer further consideration of Chicago Bridge until after Latcham files his motion Tuesday. If we grant the motion to expedite consideration of the pending Container Corp. jurisdictional statement, and note probable jurisdiction, an order can then be entered either restoring Chicago Bridge to the argument calendar or holding it until after Container Corp. has been argued and decided. In any case we must put Chicago Bridge over. 2

Regards,
