

# The Burger Court Opinion Writing Database

## *Gillette Co. v. Miner*

459 U.S. 86 (1982)

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



HA

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

CHAMBERS OF  
THE CHIEF JUSTICE

November 30, 1982

RE: 81-1493 - The Gillette Company v. Miner

MEMORANDUM TO THE CONFERENCE:

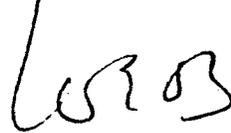
This case did not get on the November 29 Order List.

Absent dissent, I will instruct the Clerk to include an order on next Monday's Order List (December 6, 1982) as follows:

PER CURIAM

The writ of certiorari is dismissed as improvidently granted.

Regards,



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

CHAMBERS OF  
THE CHIEF JUSTICE

December 1, 1982

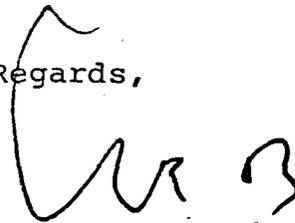
Re: No. 81-1493 - The Gillette Company v. Miner

MEMORANDUM TO THE CONFERENCE:

Yesterday's note was in error. The PER CURIAM  
should read:

The writ of certiorari is dismissed for want of  
jurisdiction.

Regards,

A handwritten signature in black ink, appearing to be 'W B', written below the typed word 'Regards,'.

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

CHAMBERS OF  
THE CHIEF JUSTICE

December 2, 1982

RE: No. 81-1493 - The Gillette Company v. Miner

MEMORANDUM TO THE CONFERENCE:

To clarify the above, my record was six votes  
to dismiss on jurisdiction for want of a final  
judgment.

Regards,

LSRB

To: Justice Brennan  
Justice White  
Justice Marshall  
Justice Blackmun  
Justice Powell  
Justice Rehnquist  
Justice Stevens  
Justice O'Connor

From: **The Chief Justice**

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**SUPREME COURT OF THE UNITED STATES**

81-1493

**THE GILLETTE COMPANY, PETITIONER v.  
STEVEN MINER**

**ON PETITION FOR WRIT OF CERTIORARI TO THE SUPREME  
COURT OF ILLINOIS**

[December —, 1982]

**PER CURIAM.**

There being no final judgment, the writ of certiorari is dis-  
missed for want of jurisdiction.

85 12-3 80-33

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

CHAMBERS OF  
THE CHIEF JUSTICE

December 10, 1982

RE: Cases Held for No. 81-1493, Gillette v. Miner  
No. 82-461 - Phillips Petroleum Co. v. Duckworth  
No. 82-485 - Keeton v. Hustler Magazine

MEMORANDUM TO THE CONFERENCE:

Gillette v. Miner was dismissed for want of jurisdiction because of the absence of a final judgment on December 6. The following cases have been held for Gillette and will appear on the Conference list for January 7, 1983.

No. 82-461. I WILL VOTE TO DENY CERT. Like Gillette, this case involves the constitutionality of asserting jurisdiction over a nationwide class of plaintiffs. Although this case has proceeded further than Gillette in that the Kansas trial court has certified this class, there has been no final judgment on the merits of the plaintiff-class' case. Thus, this case is probably also premature. There were several votes to DIG Gillette because the due process claim was not ripe for review. The same problem exists here. Finally, the case is here on mandamus, and thus carries with it standard-of-review problems.

No. 82-485. I WILL VOTE TO DENY CERT. In this case, CA1 affirmed dismissal of a libel suit brought in New Hampshire by a non-resident plaintiff against a non-resident defendant. The court held that defendant's contacts with the forum were not sufficient in view of the fact that plaintiff was not herself a resident. Although a decision of Gillette might have had bearing on the appropriate disposition here, I do not think this case in itself merits review.

Regards,

Deny. Mike

W. J. Brennan

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

CHAMBERS OF  
JUSTICE WILLIAM H. REHNQUIST

December 1, 1982

Re: No. 81-1493 The Gillette Company v. Miner

Dear Chief:

My recollection of the Conference discussion with respect to the order in this case was that the dismissal should be for "lack of jurisdiction" or "for want of a final judgment," rather than as "improvidently granted."

Sincerely,



The Chief Justice

cc: The Conference

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

CHAMBERS OF  
JUSTICE JOHN PAUL STEVENS

December 3, 1982

Re: 81-1493 - The Gillette Co. v. Miner

Dear Chief:

Please join me.

Respectfully,



The Chief Justice

Copies to the Conference

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

CHAMBERS OF  
JUSTICE SANDRA DAY O'CONNOR

December 1, 1982

No. 81-1493 The Gillette Company v. Miner

Dear Chief,

My conference notes reflect that on the first vote, Bill Rehnquist, John Stevens, Harry Blackmun, Bill Brennan and I voted to dismiss for want of final judgment. Byron, Thurgood and Lewis indicated they would prefer to dismiss as improvidently granted. Bill Brennan, Harry and I agreed we could dismiss as improvidently granted.

I am not sure where that leaves us, but I would prefer to be recorded as dismissing for want of final judgment.

Sincerely,

*Sandra*

The Chief Justice

Copies to the Conference

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

CHAMBERS OF  
JUSTICE SANDRA DAY O'CONNOR

December 3, 1982

No. 81-1493 The Gillette Co. v. Miner

Dear Chief,

The proposed per curiam appears to cover all bases.  
I agree.

Sincerely,

*Sandra*

The Chief Justice

Copies to the Conference

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