

The Burger Court Opinion Writing Database

Allis-Chalmers Corp. v. Lueck

471 U.S. 202 (1985)

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
THE CHIEF JUSTICE

April 10, 1985

Re: No. 83-1748 - Allis-Chalmers v. Lueck

Dear Harry,

I join.

Regards,

Justice Blackmun

Copies to the Conference

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

CHAMBERS OF
JUSTICE Wm. J. BRENNAN, JR.

March 11, 1985

No. 83-1748

Allis-Chalmers Corporation v. Lueck

Dear Harry,

I agree.

Sincerely,



Justice Blackmun

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V

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

CHAMBERS OF
JUSTICE BYRON R. WHITE

April 2, 1985

83-1748 - Allis-Chalmers Corporation v. Lueck

Dear Harry,

I agree.

Sincerely yours,



Justice Blackmun

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5
Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

March 13, 1985

Re: No. 83-1748-Allis-Chalmers Corp. v. Lueck

Dear Harry:

Please join me.

Sincerely,

JM.

T.M.

Justice Blackmun

cc: The Conference

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

From: **Justice Blackmun**

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1st DRAFT

SUPREME COURT OF THE UNITED STATES

No. 83-1748

**ALLIS-CHALMERS CORPORATION, PETITIONER v.
RODERICK S. LUECK**

**ON WRIT OF CERTIORARI TO THE SUPREME COURT
OF WISCONSIN**

[March —, 1985]

JUSTICE BLACKMUN delivered the opinion of the Court.

The Wisconsin courts have made the bad-faith handling of an insurance claim a tort under state law. Those courts have gone further and have applied this tort to the handling of a claim under a disability plan included in a collective-bargaining agreement. The question before us is whether, in the latter case, the state-tort claim is pre-empted by the national labor laws.

I

A

Respondent Roderick S. Lueck began working for petitioner Allis-Chalmers Corporation in February 1975. He is a member of Local 248 of the United Automobile, Aerospace and Agricultural Implement Workers of America. Allis-Chalmers and Local 248 are parties to a collective-bargaining agreement. The agreement incorporates by reference a separately negotiated group health and disability plan fully funded by Allis-Chalmers but administered by Aetna Life & Casualty Company. The plan provides that disability benefits are available for non-occupational illness and injury to all employees, such as petitioner, who are represented by the union.

The collective-bargaining agreement also establishes a four-step grievance procedure for an employee's contract

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STYLLISTIC CHANCES

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

From: **Justice Blackmun**

Circulated: _____

Recirculated: **APR 12 1985**

2nd DRAFT

SUPREME COURT OF THE UNITED STATES

No. 83-1748

**ALLIS-CHALMERS CORPORATION, PETITIONER v.
RODERICK S. LUECK**

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

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

April 9, 1985

Re: No. 83-1748 Allis-Chalmers Corporation v. Lueck

Dear Harry,

You may consider this letter as both a "graveyard dissent" and a "join."

Sincerely,

wm

Justice Blackmun

cc: The Conference

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

CHAMBERS OF
JUSTICE JOHN PAUL STEVENS

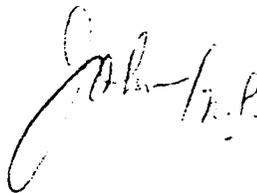
March 11, 1985

Re: 83-1748 - Allis-Chalmers v. Lueck

Dear Harry:

Please join me.

Respectfully,

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

Justice Blackmun

Copies to the Conference

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

CHAMBERS OF
JUSTICE SANDRA DAY O'CONNOR

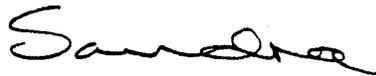
March 11, 1985

Re: 83-1748 Allis-Chalmers Corporation v. Lueck

Dear Harry,

Please join me.

Sincerely,



Justice Blackmun

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