

HAB

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

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

June 22, 1981

MEMORANDUM TO THE CONFERENCE

Re: No. 80-396 - City of Newport v. Fact Concerts, Inc.

I am adding a new footnote to be appended to the third line from the bottom of the text on page 7 of the opinion. The footnote will read:

11The District Judge, after observing that the city had failed to object in timely fashion to the punitive damages instruction, stated: "Despite [petitioner's] tardiness, a careful resolution of this novel question is critical to a just verdict in this case." App. to Pet. for Cert. B-7. This statement makes clear that that court did not reach the merits merely as an alternative ground for decision or out of an abundance of caution. The dissent's suggestion to the contrary, post, at 2, 6, is simply mistaken.

Successive footnotes will be renumbered accordingly.

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