

Rights of Contribution

The Court held, in an 8-0 decision, that an employer found liable for back pay to female workers for engaging in illegal sex discrimination is not entitled to any right of contribution from a union which allegedly participated in negotiating the employment practice later found to be discriminatory.

Ruling in *Northwest Airlines, Inc. v. Transport Workers Union*, 79-1066, the justices held that an airline, found liable for more than \$37 million in back pay for historically paying female cabin attendants less than male purasers, could not expect any reimbursement from the employees' union which negotiated the job titles and pay scales.

Products Liability

The Court agreed to review the constitutionality of a New Jersey statute which halts the running of the statute of limitations on suits against out-of-state corporations which have no in-state agents for service of process in New Jersey.

The case before the High Court, *G.D. Searle & Co. v. Cohn*, 80-644, involves a products liability suit against the drug company which manufactured a birth control pill which allegedly caused the plaintiff's stroke, from which she was left permanently paralyzed on her left side.

The suit was brought ten years after the plaintiff's stroke and four years after the link between the Searle product, Enovid, and strokes was disclosed, and New Jersey has a two-year statute of limitations on products-liability cases.

However, New Jersey also has another statute which tolls the statute of limitations when the defendant involved is an out-of-state corporation not amenable to service of process within the state. Searle appealed imposition of the tolling statute against it on the grounds that the statute violated the Due Process and Equal Protection Clauses of the Constitution, as well as the Commerce Clause.

Protecting Witnesses

The justices refused to review a decision of the U.S. Court of Appeals for the Second Circuit involving the rights of a father to know where his children were located after his ex-wife was relocated as part of the Federal witness protection program.

The case, *Leonhard v. U.S.*, 80-1260, on which the recent James Caan film, "Hide in Plain Sight," was based; involved an upstate New York man, Thomas Leonhard, who was divorced from his wife, Rochelle, in 1966. His ex-wife received custody of their three children and subsequently married Pascal Calabrese. Mr. Calabrese, convicted of armed robbery, later testified against several organized crime suspects and was moved in 1968, with his wife and her children, to a new location and given new identities under the Federal relocation program.

Mr. Leonhard tried to locate his former wife and children and sued unsuccessfully to learn their whereabouts. In 1971, he was awarded custody of the children, but since he could not locate them, he never gained actual custody.

In 1975, after he was reunited with his children by a voluntary contact from their mother, he filed suit again seeking damages from the Federal government under the theory that the government's separation of him from his children violated his constitutional rights.