

3-3-1986

## Correspondences: March 3-24, 1986

Lewis M. Steel '63

**STEEL & BELLMAN, P.C.**

Attorneys at Law

351 Broadway, New York, New York 10013

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Richard F. Bellman  
Lewis M. Steel  
Susan Ritz

BY HAND

March 3, 1986

Edward Mercado  
District Director  
Equal Employment Opportunity Commission  
90 Church Street, Room 1501  
New York, New York 10007

Re: Sumitomo Corp. of America, Charges Nos. 021-83-1382,  
and 021-83-1381

Dear Mr. Mercado:

I represent the plaintiffs in a suit which has been certified on behalf of all women employees of Sumitomo Corp. of America and its predecessor corporation, Sumitomo Shoji America, Inc., which is now pending in the United States District Court for the Southern District of New York, before the Hon. Charles H. Tenney. See 103 FRD 562, 38 FEP Cases 561 (S.D.N.Y. 1984).

I am aware that Sumitomo Corp. of America has posted a notice in its New York office to all of its employees pursuant to a settlement agreement it entered into with the Equal Employment Opportunity Commission, arising out of retaliation charges filed by two class members whom I represent, Rosemary Bellini and Palma Incherchera (Charge Numbers 021-83-1382 and 021-83-1381).

Among other things, the notice posted by Sumitomo Corp. of America states:

Should you have any complaints of discrimination, you can contact the Equal Employment Opportunity Commission at the address and phone number given above.

I am informed that this notice will remain posted for two years, during which time the class action case in chief against Sumitomo Corp. of America will be going forward in the United States District Court.

At this time, on behalf of all class members -- the present and former women employees of the corporation -- I am collecting and developing evidence so as to present the strongest possible case in their behalf in the United States District Court. I am therefore concerned that some female employee may come to your office in

response to the notice which has now been posted and give the EEOC information regarding discriminatory practices at Sumitomo and that I may not learn of the facts being presented to the Commission. Obviously, it is important to all women class members that this case not be fragmented in the sense that your agency may know of some facts relative to the issue of discrimination which may not be available to this law firm.

Therefore, I request that any EEOC personnel in your office who may have any contact with prospective or actual female charging parties having complaints with regard to Sumitomo Corp. of America inform any woman in that category that this firm does represent all female Sumitomo Corp. of America employees, and in their capacity as class counsel, would be available to talk to any such person concerning her complaints against the corporation. Such a procedure of notifying all such women is in the interest of the Commission as well as in the interest of all class members.

I would be most appreciative if you would let me know whether your office will act favorably on this request. I would, of course, be willing to talk to you or any of your representatives about this request. I look forward to your response.

Very truly yours,

STEEL & BELLMAN, P.C.  
Attorneys for the Plaintiff  
Classes

by

  
LEWIS M. STEEL

LMS:PC

RECEIVED MAR - 7 1986

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<sup>†</sup>P.C. NEW YORK, WASHINGTON, D.C.  
AND VIRGINIA ONLY

March 5, 1986

Lewis M. Steel, Esq.  
Steel & Bellman, P.C.  
351 Broadway  
New York, New York 10013

Re: Avagliano v. Sumitomo Shoji America, Inc.,  
77 Civ. 5641 (CHT);  
Incherchera v. Sumitomo Corp. of America,  
82 Civ. 4930 (CHT)

Dear Lew:

I very much enjoyed our lunch yesterday, which I think was productive of several promising ideas that might help expedite the resolution of what has been, all would agree, a too-long simmering dispute.

Before it is too late, therefore, I hasten to inquire as to a puzzling locution in your letter of February 24, 1986 to Magistrate Dolinger. You kindly confirm in that letter that plaintiffs "have argeed to withdraw their motion [to compel discovery of documents in the possession of SCOA subsidiaries] based upon the agreement set forth in Mr. Futterman's February 14 letter," but then add the pregnant clause: "which has been further developed in a follow-up letter which I [you] have written to Mr. Futterman, dated February 24, 1986."

Thus my question: if my letter to you accurately set forth our "agreement," as you state, how could that "agreement" be "further developed" in your subsequent letter?

In any event, I find nothing unacceptable in your letter of February 24, 1986, with the possible exception of your

Lewis M. Steel, Esq.  
March 5, 1986  
Page Two

statement that "if we have further need of documents from the named subsidiary corporations, the same procedure will be utilized to enable us [you] to obtain them." Whether we are prepared to subpoena for your benefit yet other documents from the subsidiary corporations will depend, of course, on the appropriateness of your future requests. I trust that is understood.

I should raise one other point. Although, as you state in your letter, we have subpoenaed the subsidiary corporations' documents for production on March 20, 1986, I am not sure that the subpoenas were served sufficiently in advance of that date to ensure, under Federal Rules of Civil Procedure 34 and 45, that we would be able to insist on production of the required documents by that date. Should one or more of the subsidiary corporations object, therefore, to the time specified for production, we may have to stipulate to production at a later date. We will keep you advised.

Since you apparently did not provide Magistrate Dolinger with a copy of your letter to me of February 24, 1986, although your letter to him refers to it, I see no need to provide him at this time with a copy of the instant letter. Please let me know if I am mistaken.

Finally, you should have by now copies of the applicable deposition notices and subpoenas. I would, of course, be interested to learn of any deficiencies you may discern in the documents.

Very truly yours,



Stanley Futterman  
Attorney for Sumitomo  
Corporation of America

cc: Y. Nakayama

**STEEL & BELLMAN, P.C.**

Attorneys at Law

351 Broadway, New York, New York 10013

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Richard F. Bellman  
Lewis M. Steel  
Susan Ritz

BY HAND

March 10, 1986

Gregory Hiestand, Esq.  
Epstein Becker Borsody  
& Green, P.C.  
250 Park Avenue  
New York, New York 10170

Re: Avagliano, et al. v. Sumitomo Shoji America, Inc.  
Incherchera v. Sumitomo Corp. of America

Dear Greg:

I am writing this letter to list the various areas of documents which we have requested but have not received. We do understand the difficulties faced by your firm in collecting and reviewing documents before turning them over to us, but some of the material discussed below has been promised for quite some time now, and we are being delayed in our analysis as a result of not receiving these materials.

1. Translated Self-Evaluations of Rotating Staff. See List 1 and List 2 attached to January 30, 1986 letter to Mark Reinharz.
2. The Self-Evaluations of Rotating Staff As Well As Personal History Forms and Personal Basic Data Forms. We have asked for all of these documents in Japanese (as written), with identifications of the appropriate rotating staff employee and the department the employee worked in and dates of the evaluations and title of rotating staff person. See January 30, 1986 letter to Mark Reinharz, p. 1.
3. Staff Promotion and Reassignment Documents and Training Documents. See my letter to you dated February 4, 1986, and your letter to me of the same date.
4. The Documents Listed on Your February 4, 1986 Letter to Me. We have received some of these documents, such as the EEO-1 reports and incomplete payroll records. We have not, however, received copies of the other documents listed.
5. The Documents Listed in My February 19, 1986 Letter to Mark Reinharz and the Attached List. This letter deals with such items as Sumitomo Quarterly and other analogous documents as well as various handbooks, all of which are in English.

6. Out of New York City Personnel Records. These records should cover all local staff, exempt or non-exempt.

7. The Individual Applications for Approval for Increase or Decrease of Rotating or Exempt Staff Back to 1974. It is my understanding that when SCOA determines to increase its staff, applications for approval begin at the department or division level, and after approval go to the corporate planning division. Thereafter, it is my understanding these applications go to the administration division, the personnel division, and finally to the president for approval. While I believe that documents of this type fall within the parameters of prior discovery requests, I now make this formal request that you produce any documents in the possession of SCOA of this nature. (By this request, I obviously do not seek to limit what we seek to documents that fall within the precise pattern as described above, as the method of obtaining approvals may have changed from 1974 to date).

8. SCOA's Annual Reports re Staffing to SC. I understand that in January or February, SCOA sends approximately a 12 page report to SC which deals with, among other things, increases and decreases in the rotating staff. While I believe documents of this nature have been previously requested in discovery, I now formally request that SCOA produce any such documents in its possession from 1974 to date. Again, the description I have given is to help SCOA produce the documents. Over the years, the documents may have varied in length and may have been produced at a different time. Thus, I wish your client to focus on the nature of the documents in responding to this request.

9. Information Concerning the Utilization of Independent Contractors. I understand that SCOA has paper work which sets forth when it utilizes independent contractors who function as buying or selling personnel. In other words, under certain circumstances, SCOA may utilize people who are not actually on its payroll to help market or obtain products. I further understand that the documents which would discuss the use of individual personnel in this category would be called applications for approval. While I believe that these documents fall within the parameters of previous discovery requests, I now formally ask SCOA to produce these documents since 1974. I have orally indicated to you that I would consider accepting such documents from January 1, 1982 to date and hold in abeyance at this time the request for documents prior to January 1, 1982. In return, I ask you to provide me with the numbers of such personnel utilized by SCOA both in New York and nationally since 1974 to date, giving the numbers by year and by location. Please let me know if this is an acceptable resolution of this request at this time.

10. The Applications for Approval with Regard to the Spin-Off of Subsidiaries. I understand that there are applications for approval with regard to the spin-off of the subsidiaries which have been the subject of our previous motion to the Magistrate. While I believe these documents fall within the parameters of prior dis-

covery requests, I now formally request that SCOA make such documents available with regard to the subsidiaries in question.

11. Recommendations for Promotions of Local Staff. I understand that SCOA keeps a file which includes all recommendations with regard to promotions of local staff. While I believe these documents fall within the parameters of previous discovery requests, I now formally request SCOA to produce any such documents in its possession from 1974 to date.

12. Application for Approval of the Title System for Local Staff. Mr. Kamijima testified at his deposition that he had a recollection of seeing the company's documentation with regard to the introduction of titles for local staff (e.g., senior secretary, administrator, etc.). At the deposition, you indicated you would attempt to locate that document or documents for us. We also discussed and asked for documents of this nature with you at our meeting on January 17, 1986. I formally request production.

13. SCOA's New Evaluation Form Plus English Language Instructions. I understand that SCOA is utilizing new evaluation forms which were created in 1985. While I believe these documents fall within the parameters of previous discovery requests, I now formally request that SCOA produce any such new evaluation forms in its possession which have not previously been produced. I also formally request that you produce any instruction sheets in both Japanese and English, if available, that are in the possession of SCOA which explain to SCOA evaluating personnel how to utilize the new evaluations.

14. Update Material on Local Staff After They Become Exempt. We have pointed out to you that the company's personnel files contain no further entries in many cases with regard to local staff once they become exempt. In other words, the file jackets do not contain information concerning pay raises and other promotions after an employee reaches exempt status nor are there any evaluations of such employees after they receive that status. You indicated that you would attempt to determine whether documents existed which would update the materials we have in this regard. If evaluations of exempt staff have not been done, we would appreciate your acknowledging this in writing.

15. Denials of Requests for Hiring of Additional Exempt Employees. I understand that SCOA has documents in its possession which relate to occasions where some requests for additions of local exempt staff were denied. While I believe that these documents fall within the parameters of previous discovery requests, I now formally request that SCOA produce any such documents in its possession from 1974 to date.

16. Your Proposed Supplementary Stipulation Listing Newly Discovered Categories of Documents. In November of last year we were informed that after the October 24, 1985 stipulation was entered into, your office had discovered additional categories of documents



which should have been listed in the October 24, 1985 stipulation. At that time, we were told that your firm would be providing us with a supplemental draft stipulation. We have yet to see that draft, and we do not know what documents you are referring to. More than two months ago, we were told that the draft was being reviewed by SCOA. We believe should receive this document immediately.

17. SCOA's Monthly Staff Breakdowns. These were originally requested in my letter of November 5, 1985, and you indicated on December 30, 1985 that these documents would be produced. We have yet to receive them.

18. A Translation of the Blank Evaluation Forms. You stated we would be provided with such a translation at our January 17, 1986 meeting.

19. Payroll Record Deficiencies. We have requested that you provide us with the various codes which appear on SCOA's payroll records. See, for example, documents 109813. There are codes which run across the top of the document and down the left hand margin. I originally referred to these codes in my January 7, 1986 letter to Mark Reinharz on page 2.

Additionally, the payroll records do not appear to be up to date. For example, I have not found any records for the New York City office containing information with regard to individuals after June 1984. We believe that these records should be given to us through December 1985.

We also need an explanation with regard to what is salary and what is commission for certain local exempt staff and where these different forms of payments may be located on the payroll documents.

20. The Translation of the Codes SCOA Uses for Departments and Divisions. Many of the documents we have received have a three letter code which SCOA apparently uses to designate various departments and divisions. We have repeatedly asked for an explanation as to what the code letters mean. See, e.g., my letter of February 19, 1986 to Mark Reinharz.

21. Job Postings. On February 4, 1986, you indicated to us that SCOA had found certain job postings which would be given to us.

22. Documents Relating to New Employees in the Plastics Department. On February 4, 1986, you also told us that SCOA had found documents relating to new employees in the plastics department which would be given to us.

23. The Draft Job Descriptions Worked on by Mr. Hirota. On February 4, you stated you would send us a letter setting forth your position with regard to these job descriptions.

24. SCOA's Interrogatory Answers With Regard to Business Necessity and BFOQ. I believe these are overdue at this time.

25. Documents Relating to the Functions of the Local Personnel Manager. (a) I understand that the local personnel manager has from time to time sent various reports to rotating staff personnel managers concerning inquiries which the local personnel office has received from employees concerning new job titles which have been instituted for local staff from 1977 to date. (b) I also understand that from time the local personnel manager has received authorizations in writing from department heads asking him to recruit new employees and that as a result the local personnel manager would from time to time write up a description of the position which he was requested to fill, said description to be utilized to recruit such new employees. (c) I also understand that the local personnel manager has from time to time utilized blind advertisements to recruit employees for SCOA. (d) I also understand that the local personnel manager has from time to time made written reports to rotating staff personnel with regard to employee grievances. (e) Finally, I understand that there may be some documents in the possession of SCOA which discuss the company's high turnover rate over the years from 1974 to date. While I believe that any such documents in any of the above described categories fall within the parameters of previous discovery requests, I now formally request that SCOA produce any such documents in its possession from 1974 to date.

26. Mr. Nitta's Response to Cora Manzo. At Mr. Nitta's deposition, he was asked whether he had responded to Ms. Manzo's letter to him in December 1985. Document 106076. I believe you indicated at the deposition that you would check this out and provide us with a copy. I formally request production.

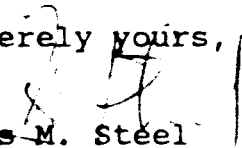
#### Other Discovery

We believe that it is essential that we move forward in the scheduling of additional deposition sessions with Mr. Nitta and Mr. Kamijima. We also wish to schedule a deposition session with Mr. Roberts. Please let me know if you will agree to this without our having to file formal requests.

We must also begin examining the business department personnel of SCOA. In this regard, we would be most appreciative if we would be provided descriptions of the departments and the work of the departments as we discussed. Additionally, we should schedule interviews with both rotating and local staff. Please let me know if this procedure is acceptable, or if we must formally schedule depositions.

We would be glad to meet with you at your earliest convenience to work out the scheduling of meetings and depositions, as well as the turn over of discovery requests discussed above.

Sincerely yours,

  
Lewis M. Steel

LMS:PC

cc: Mark Reinharz, Esq.

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March 11, 1986

Edward Mercado  
District Director  
Equal Employment Opportunity  
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90 Church Street, Room 1501  
New York, New York 10007

Re: Sumitomo Corp. of America, Charges Nos. 021-83-1382  
and 021-83-1381

Dear Mr. Mercado:

This letter follows up on our telephone call of today. Pursuant to this conversation, I am enclosing a copy of the class action notice which has been posted at the Sumitomo Corp. of America's New York City office for the past week.

As that notice makes clear, all female Sumitomo employees are now on notice that this law firm represents them in a broad-ranging class action which is presently pending and lets all such employees know that they may contact this firm concerning any questions they may have concerning the lawsuit or problems relating to discrimination.

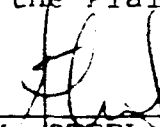
Certainly, therefore, my March 3, 1986 letter request to you is consistent with the class action notice and merely serves to inform any female employee who may have overlooked the notice or may come into your office after the notice is no longer posted that they may turn to this law firm for advice and help. Moreover, we would not expect EEOC employees or agents to tell prospective or actual female charging parties that they should contact this law firm. Rather, we are asking that EEOC employees or agents tell such persons that they may contact this law firm if they wish and that this law firm already is representing all female employees of the company in a class action. Moreover, I want to emphasize that we are limiting our request to women employees, as they are the only ones who are included in the class action.

I hope that this letter and the enclosed notice help you reach a decision on my March 3, 1986 request. I look forward to your response.

Very truly yours,

STEEL & BELLMAN, P.C.  
Attorneys for the Plaintiff Classes

by

  
LEWIS M. STEEL

LMS:PC  
Enclosure

EPSTEIN BECKER BORSODY & GREEN, P.C.

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<sup>†</sup>P.C. NEW YORK, WASHINGTON, D.C.  
AND VIRGINIA ONLY

BY HAND

March 12, 1986

Lewis M. Steel, Esq.  
Steel & Bellman, P.C.  
351 Broadway  
New York, New York 10013

Re: Avagliano v. Sumitomo Shoji America  
77 Civ. 5641 (CHT)  
Incherchera v. Sumitomo Corp. of America  
82 Civ. 4930 (CHT)

Dear Mr. Steel:

Enclosed please find copies of the personnel related documents for the past and present non-rotating staff of Sumitomo Corporation of America's Houston office. These are documents numbers 110511 - 113501. As per our previous understanding, these documents are designated confidential pursuant to subparagraphs 1(1), 1(2) and 1(3) of the Confidentiality Order, dated November 7, 1984 and have been so stamped.

Yours truly,

  
Mark N. Reinharz

MNR/lb  
Enclosure

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BY HAND

March 13, 1986

<sup>†</sup>P.C. NEW YORK, WASHINGTON, D.C.  
AND VIRGINIA ONLY

Lewis M. Steel, Esq.  
Steel & Bellman, P.C.  
351 Broadway  
New York, New York 10013

Re: Avagliano v. Sumitomo Shoji America  
77 Civ. 5641 (CHT)  
Incherchera v. Sumitomo Corp. of America  
82 Civ. 4930 (CHT)

Dear Mr. Steel:

Enclosed please find copies of the payroll sheets for the rotating staff of the Chicago office of Sumitomo Corporation of America ("SCOA"). These are document numbers 113502 - 113851. Also enclosed are the 1984-1985 non-rotating staff evaluations from SCOA's New York office. These are document numbers 113852-114095. Finally, we are providing you with the 1985-1986 non-rotating staff salary appraisal evaluations for SCOA's New York office. These are document numbers 114096-114254. All of these documents are considered confidential pursuant to subparagraphs 1(1), 1(2) and 1(3) of the Confidentiality Order dated November 7, 1984 and have been so stamped.

The documents enclosed total an amount of 753 copies. In addition, yesterday's production of personnel related documents of the Houston office totaled 2991 copies. Thus, we would appreciate, as soon as possible, a check in the amount of \$561.60 [(2991 + 753) x .15].

Yours truly,



Mark N. Reinharz

MNR/ljh  
Enclosures

RECEIVED MAR 14 1986

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BY HAND

March 14, 1986

\*P.C. NEW YORK, WASHINGTON, D.C.  
AND VIRGINIA ONLY

Lewis M. Steel, Esq.  
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351 Broadway  
New York, New York 10013

Re: Avagliano v. Sumitomo Shoji America  
77 Civ. 5641 (CHT)  
Incherchera v. Sumitomo Corp. of America  
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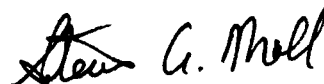
Dear Mr. Steel:

This is to confirm your approval of the procedure to be used in producing non-rotating staff home telephone numbers for class members in the above-captioned matters as put forth in our telephone conversation of March 7, 1986.

Given the large volume of material that we recently received from Sumitomo Corporation of America's ("SCOA") branch offices, and the time element that would be involved in searching through each of the eighteen boxes in order to generate a reasonably accurate separate list of all class member home telephone numbers, you have agreed with our assessment that the most orderly manner in which to proceed is to continue to produce the telephone numbers by means of production of original copies of personnel files for each office in the manner stipulated. In return for your approval of this procedure, we have agreed to determine whether any of SCOA's branch offices maintain a reliable internal directory of home telephone numbers of its non-rotating staff employees. In that regard, I have already spoken to Mr. Nitta who is currently investigating this possibility.

Should you have any questions concerning the above, please do not hesitate to contact me.

Sincerely,



Steven A. Moll

SAM/mds

EPSTEIN BECKER BORSODY & GREEN, P.C.

ATTORNEYS AT LAW

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BY HAND

†P.C. IN NEW YORK AND  
WASHINGTON, D.C. ONLY

March 14, 1986

Lewis M. Steel, Esq.  
Steel & Bellman, P.C.  
351 Broadway  
New York, New York 10013

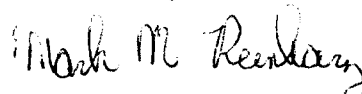
Re: Avagliano v. Sumitomo Shoji America  
77 Civ. 5641 (CHT)  
Incherchera v. Sumitomo Corp. of America  
82 Civ. 4930 (CHT)

Dear Mr. Steel:

Enclosed please find various documents relating to training which we have agreed to produce. Specifically, these documents include information on rotating staff trainees, application for approval forms enabling employees to go to various seminars, orientation materials for new rotating staff and materials on training for employees in various business divisions. As you will recall, these are the documents you requested that we copy after you examined them at our offices on January 17, 1986.

The documents enclosed are numbered 114255 - 114526 and are designated confidential pursuant to subparagraphs 1(2) and 1(3) of the Confidentiality Order, dated November 7, 1984. Accordingly, at your earliest convenience, please send us a check for \$40.80, (272 x .15).

Sincerely,

  
Mark N. Reinharz

MNR/ljh



EPSTEIN BECKER BORSODY & GREEN, P.C.

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108 NORTH ST. ASAPH STREET  
ALEXANDRIA, VIRGINIA 22314<sup>+</sup>  
(703) 684-1204

201 MAIN STREET  
FORT WORTH, TEXAS 76102-3105  
(817) 334-0701

BY HAND

<sup>+</sup>P.C. NEW YORK, WASHINGTON, D.C.  
AND VIRGINIA ONLY

March 18, 1986

Lewis M. Steel, Esq.  
Steel & Bellman, P.C.  
351 Broadway  
New York, New York 10013

Re: Avagliano v. Sumitomo Shoji America  
77 Civ. 5641 (CHT)  
Incherchera v. Sumitomo Corp. of America  
82 Civ. 4930 (CHT)

Dear Mr. Steel:

Please find enclosed a document from the Chicago office of Sumitomo Corporation of America ("SCOA") which includes the home telephone numbers of non-rotating staff employees.

The home telephone numbers of non-class members have been redacted. These are document numbers 114527 to 114576 and are considered confidential pursuant to subparagraphs 1(1) and 1(3) of the Confidentiality Order of November 7, 1984.

Should you have any questions regarding the above, please do not hesitate to contact me.

Sincerely,

  
Gregory X. Hiestand

SAM/vjd

EPSTEIN BECKER BORSODY & GREEN, P.C.

ATTORNEYS AT LAW

250 PARK AVENUE

NEW YORK, NEW YORK 10177

(212) 370-9800

1140 19TH STREET, N.W.  
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(202) 861-0900

MALLICK TOWER  
ONE SUMMIT AVENUE  
FORT WORTH, TEXAS 76102†  
(817) 334-0701

1875 CENTURY PARK EAST  
LOS ANGELES, CALIFORNIA 90067†  
(213) 556-8861

FOUR EMBARCADERO  
SAN FRANCISCO, CALIFORNIA 94111†  
(415) 398-5565

†P.C. IN NEW YORK AND  
WASHINGTON, D.C. ONLY

March 20, 1986

BY HAND

Lewis M. Steel, Esq.  
Steel & Bellman, P.C.  
351 Broadway  
New York, New York 10013

Re: Avagliano v. Sumitomo Shoji America  
77 Civ. 5641 (CHT)  
Incherchera v. Sumitomo Corp. of America  
82 Civ. 4930 (CHT)

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Dear Mr. Steel:

Enclosed please find various publications which you and Jonathan Moore requested we copy at our meeting on February 13. These publications include Sumitomo Quarterly, Sumitomo Corporation News, various Annual Reports, Handbook for Cargo Transportation, Supplement to Handbook for Cargo Transportation, Guide to Sumitomo Corporation and Handbook for Foreign Exchange and Financing. The documents enclosed are numbered 114577-114946 and are considered confidential pursuant to subparagraphs 1(2) and 1(3) of the Confidentiality Order dated November 7, 1984.

At your earliest convenience please send us a check for the amount of \$55.50 (370 x .15).

Sincerely,

*Mark N. Reinharz*

Mark N. Reinharz

Enclosures  
MNR/ljh

EPSTEIN BECKER BORSODY & GREEN, P.C.

ATTORNEYS AT LAW

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BY HAND

1140 19<sup>TH</sup> STREET, N.W.  
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515 EAST PARK AVENUE  
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(904) 681-0596

<sup>†</sup>P.C. NEW YORK, WASHINGTON, D.C.  
AND VIRGINIA ONLY

March 20, 1986

Lewis M. Steel, Esq.  
Steel & Bellman, P.C.  
351 Broadway  
New York, New York 10013

Re: Avagliano v. Sumitomo Shoji America  
77 Civ. 5641 (CHT)  
Incherchera v. Sumitomo Corp. of America  
82 Civ. 4930 (CHT)

Dear Lew:

Enclosed please find various documents you and Dick Bellman requested we copy at our meeting on January 17, 1986 and which we stated we would provide to you in our letter to you dated February 4, 1986. The documents include:

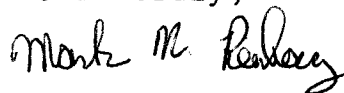
- 1) Notice of personnel change forms
- 2) Notice of personnel change forms for the New York Bulletin
- 3) Designated change of command and assignment charts
- 4) SCOA inter-office telephone directory for 1985
- 5) Rotating Staff Performance evaluation forms (blank)
- 6) Recommendation letters for visa application
- 7) Designated SCOA company policy handbooks

The documents enclosed are numbered 114964-116594 and are considered confidential pursuant to subparagraphs 1(1), 1(2) and 1(3) of the Confidentiality Order, dated November 7, 1984.

Lewis M. Steel, Esq.  
March 20, 1986  
Page 2

At your earliest convenience please send us a check for  
\$244.65 (1631 x .15).

Yours truly,

A handwritten signature in cursive script, appearing to read "Mark N. Reinharz".

Mark N. Reinharz

MNR/ljh

Enclosures

**STEEL & BELLMAN, P.C.**

Attorneys at Law  
351 Broadway, New York, New York 10013  
(212) 925-7400

Richard F. Bellman  
Lewis M. Steel  
Susan Ritz

March 24, 1986

Mark Reinharz, Esq.  
Epstein Becker Borsody  
& Green, P.C.  
250 Park Avenue  
New York, New York 10170

Re: Avagliano, et al. v. Sumitomo Shoji America, Inc.  
Incherchera v. Sumitomo Corp. of America


Dear Mark:

I would like to bring to your attention certain deficiencies with regard to your production of payroll records. The deficiencies which we have noted to date are as follows:

1. The 1981 New York records are incomplete in that they are missing individual yearly breakdowns.
2. The 1984 New York records are incomplete in that they go to June 1984 only and also are missing yearly breakdowns.
3. The 1975 Houston payroll has no individual breakdowns.
4. The 1977 Houston payroll has no individual breakdowns.
5. The 1981 Houston payroll has no individual breakdowns.
6. The 1983 Houston payroll has no individual breakdowns.
7. The 1984 Houston payroll has no individual breakdowns.
8. We have no payroll information for either New York or Houston in 1985.

By breakdowns, I am referring to the documents in the payroll records which state at the end of the year what each individual employee made including salary, commission and bonuses?

Sincerely,

  
Lewis M. Steel

LMS:PC