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Pleadings

Sumitomo Shoji America, Inc. v. Avagliano, 457  
US 176 - Supreme Court 1982

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2-23-1987

## Joint Stipulation of Undisputed Facts

Lewis M. Steel '63

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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LISA M. AVAGLIANO, et al.,

Plaintiffs,

-against-

77 Civ. 5641 (CHT)

SUMITOMO SHOJI AMERICA, INC.,  
Defendant.

PALMA INCHERCHERA,

Plaintiff,

-against-

82 Civ. 4930 (CHT)

SUMITOMO CORP. OF AMERICA,  
Defendant.

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JOINT STIPULATION OF  
UNDISPUTED FACTS

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Attorneys For Defendant

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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LISA M. AVAGLIANO, et al., :  
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 Plaintiffs, :  
 : 77 Civ. 5641 (CHT)  
 v. :  
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 SUMITOMO SHOJI AMERICA, INC., :  
 :  
 :  
 Defendant. :  
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PALMA INCHERCHERA, :  
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 Plaintiff, :  
 : 82 Civ. 4930 (CHT)  
 v. :  
 :  
 SUMITOMO CORP. OF AMERICA, :  
 :  
 :  
 Defendant. :  
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JOINT STIPULATION OF UNDISPUTED FACTS

In approving this settlement, the Court has taken notice of certain facts which were obtained during discovery and which, for purposes of settlement, are not in dispute. In taking notice of these facts, the Court recognizes that no findings of any kind have been issued by the Court concerning the merit or lack of merit of any of the material allegations or defenses asserted by the parties other than those findings made by the Supreme Court in 457 U.S. 176 (1982). Nor have the

parties had the opportunity to litigate their claims or defenses as the same may be impacted by the facts stipulated to herein. Accordingly, none of these findings shall be admissible in any other action or proceeding, except in defense of this Decree, or be deemed to have collateral estoppel effect.

1. Plaintiffs Lisa M. Avagliano, Dianne Chenicek, Rosemary Cristofari (Bellini), Catherine Cummins, Raelen Mandelbaum, Maria Mannina, Sharon Meisels, Frances Pacheco, Joanne Schneider, Janice Silberstein, Reiko Turner and Elizabeth Wong filed a class action in federal court in the Southern District of New York against Sumitomo Shoji America, Inc.<sup>1</sup> on November 21, 1977. On July 21, 1982, plaintiff Palma Incherchera filed a class action complaint in the same court against Sumitomo Corporation of America ("SCOA").

2. The Avagliano v. Sumitomo Shoji America, Inc. and Incherchera v. Sumitomo Corporation of America nationwide class actions, which have been consolidated, were brought under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e et seq., ("Title VII") and under 42 U.S.C. § 1981 ("§ 1981") against SCOA.

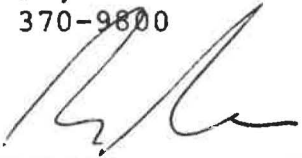
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<sup>1</sup>From 1969 to 1978, SCOA did business under the name of Sumitomo Shoji America, Inc. For the purposes of this stipulation, the name "SCOA" will be used to refer to defendant during all time periods relevant to these actions. SCOA is a New York corporation wholly owned by Sumitomo Shoji Kabushiki Kaisha ("SC"), a company of Japan. These lawsuits, the class definition and the Decree relate only to individuals employed by SCOA. Neither SC nor its other subsidiaries, affiliates, or other divisions, nor SCOA's subsidiaries or affiliates (e.g., Sumitomo Chemical America, Inc.) are parties to this lawsuit or to the Decree, except as expressly provided in Section VI D, of the Decree.


3. Currently, SCOA has approximately 525 employees nationwide. Approximately 215 of these employees are rotating staff personnel and 310 are local staff personnel. Approximately 240 of the 525 employees are females.

Dated: New York, New York  
February 23, 1987

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