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Incherchera v. Sumitomo

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

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8-3-1982

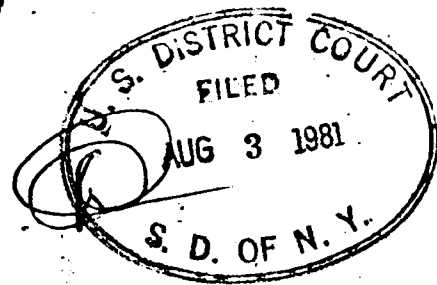
## Notice of Reassignment to Judge Robert W. Sweet

Lewis M. Steel '63

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RECEIVED AUG 6 1982

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



Palma Incherchera

v

Sumitomo Corp. of America

82CIV 4930RWS

Docket number

NOTICE OF  
REASSIGNMENT

Pursuant to the memorandum of the Case Processing Asst.  
the above entitled action is reassigned to the calendar of

JUDGE \_ \_ \_ \_ \_ ROBERT W. SWEET \_ \_ \_ \_ \_

All future documents submitted in this action are to be  
presented in the Clerk's Office for filing and shall bear the  
assigned judge's initials after the docket number.

Dated: 8-3-82

Raymond F. Burghardt, Clerk

By: UNIT (5)  
Deputy Clerk

cc: Attorneys of Record

Steel & Bellman  
351 Broadway  
New York, New York 10013

Wender Murase & White  
400 Park Avenue  
New York, NY 10022

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

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Richard F. Bellman  
Lewis M. Steel

July 30, 1982

Clerk  
United States District Court  
Southern District of New York  
Foley Square  
New York, New York 10007

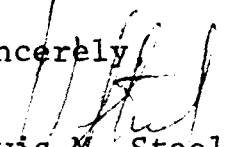
Re: Incherchera v. Sumitomo Corp. of America  
82 Civ. 4930

Dear Sir or Madam:

Enclosed herewith for filing in the above captioned matter is the original Summons, with attached affidavit of personal service.

When this case was filed on July 28, 1982, plaintiff asserted that it was related to Avigliano, et al. v. Sumitomo Shoji America, Inc., 77 Civ. 5641 (CHT). Pursuant to Court rules, therefore, this case has been transmitted to Judge Tenney's chambers in order to determine whether he will accept it as related. As a result, therefore, I have not placed any initials after the civil action number.

Sincerely,

  
Lewis M. Steel

LMS:PC  
Enclosure

Lance Gotthoffer, Esq.  
July 29, 1982  
Page Two

Incherchera will be treated properly by representatives of your client during the pendency of this action.

It is my intention to have this action consolidated with the Avagliano case after the latter suit is returned to the district court. Shortly after the Supreme Court decision in Avagliano, you called me to determine whether I felt settlement discussions were appropriate in that matter at this time. I indicated to you that I did believe settlement negotiations were appropriate, but that I would need certain factual information concerning jobs and job descriptions and qualifications, numbers of past and present employees, salary and benefit levels, etc. in order to negotiate a proper settlement. After that discussion, you indicated you were going to consult with your client and get back to me if it indicated any interest in moving forward along these lines. To date, you have not followed up on this discussion. I bring this up at this time to emphasize that I am interested in conducting appropriate settlement discussions. I am concerned, however, that your client made its approach to Ms. Incherchera as a way of avoiding dealing with the issues raised by this action.

I am, of course, hopeful that we will be able to open meaningful settlement discussions, and look forward to further discussions with you as to how this can be accomplished.

Sincerely yours,

  
Lewis M. Steel

LMS:PC  
Enclosure

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

Attorneys at Law

351 Broadway, New York, New York 10013

(212) 925-7400

Richard F. Bellman  
Lewis M. Steel

BY HAND

July 29, 1982

Lance Gotthoffer, Esq.  
Wender Murase & White  
400 Park Avenue  
New York, New York 10022

Re: Incherchera v. Sumitomo Corp. of America

Dear Mr. Gotthoffer:

This letter is to inform you that this firm has today served a Summons and Verified Complaint upon your client, Sumitomo Corp. of America, in the above matter. I am enclosing a courtesy copy of that Complaint.

As you know, we talked on July 15 about the fact that representatives of your client were speaking to my client concerning settlement. I told you at that time that I believed that the contacts your client had made with my client were improper in light of the fact that she had filed a charge with the Equal Employment Opportunity Commission and was represented by counsel. As you may remember, I was particularly concerned because Sumitomo representatives had scheduled a meeting with my client on that day. You then apparently called your client and later called me back to indicate that the meeting was cancelled and that I should notify my client to this effect.

You also stated to me your view that there would be nothing improper if my client initiated discussions with representatives of your client. I suggested to you that, given the circumstances, such future meetings would be highly questionable.

Now that a Complaint has been filed in federal court, which is being brought as a class action, I believe that it is imperative that you see to it that your clients have no further discussions about this case outside the presence of an attorney from this firm. If further discussions do take place, I contemplate taking appropriate legal action. I am hopeful, of course, that Ms.

MEMORANDUM

TO : Incherchera v. Sumitomo File

FROM: LMS

DATE: 7/29/82

I received a call from PI late this afternoon in which she indicated to me that she has informed Sumitomo officials (I believe a Mr. Ono) that she will regard any further attempts to discuss settlement with her directly as harassment. Apparently, that conversation took place yesterday. I indicated to her that I had written a letter to Sumitomo's attorney asking him to insure that this does not occur.

LMS:PC

PALMA INCHERCHERA,  
Plaintiff,  
-against-  
SUMITOMO CORP. OF AMERICA,  
Defendant.

82 Civ. 4930  
AFFIDAVIT

NANCY MALOY, being duly sworn, deposes and says:

2. On July 29, 1982, I served a copy of the Summons and Verified Complaint on the defendant, Sumitomo Corp. of America, by handing a copy of same to a gentleman who identified himself as Arthur H. Kawano, counsel, at the offices of Sumitomo Corp. of America at 345 Park Avenue, New York, New York.

Sworn to before me this  
29th day of July, 1982.

**PATRICIA M. COOPER**  
Notary Public, State of New York  
No. 31-462-957  
Qualified in New York County  
Commission Expires March 30, 1984