

---

Incherchera v. Sumitomo

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

---

7-7-1982

## Right to Sue Letter (Palma Incherchera)

Lewis M. Steel '63



EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
NEW YORK DISTRICT OFFICE  
90 CHURCH STREET, ROOM 1301  
NEW YORK, NEW YORK 10007

*Sept 19*

RECEIVED JUN 21 1982

CERTIFIED MAIL NO. P309 792 571

June 7, 1982

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

Re: Charge No. 021-82-0685  
Incherchera v Sumitomo Corp. of  
America

Dear Mr. Steel:

Pursuant to your request the Commission has issued the enclosed Notice of Right to Sue in the above charge(s).

This action concludes the Commission's processing of this charge(s). Please note that you have 90 days from receipt of this Notice in which to file suit in Federal District Court, otherwise your Right to Sue is lost.

Sincerely,

  
Edward Mercado  
District Director

Enclosure:  
Notice of Right to Sue



## NOTICE OF RIGHT TO SUE

(issued on Request)

<b>TO:</b> Ms. Palma Incherchera 2859 Middletown Road Bronx, New York 10461		<b>FROM:</b> Equal Employment Opportunity Comm. New York District Office 90 Church Street - Room 1301 New York, New York 10007
<b>CHARGE NUMBER</b> 021-82-0685	<b>EEOC REPRESENTATIVE</b> William Lee, Regional Attorney	<b>TELEPHONE NUMBER</b> (212) 264-7188

(See Section 706(f) (1) and (f) (3) of the Civil Rights Act of 1964 on reverse of this form.)

This is your **NOTICE OF RIGHT TO SUE**. It is issued at your request. If you intend to sue the respondent(s) named in your charge **YOU MUST DO SO WITHIN NINETY (90) DAYS FROM THE RECEIPT OF THIS NOTICE; OTHERWISE YOUR RIGHT TO SUE IS LOST.**


- ☒ More than 180 days have expired since the filing of this charge.
- ☐ Less than 180 days have expired since the filing of this charge, but I have determined that the Commission will be unable to complete its administrative process within 180 days from the filing of the charge.
- ☐ With the issuance of this Notice of Right to Sue the Commission is terminating any further processing of this charge.
- ☐ It has been determined that the Commission will continue to process your charge.

If you cannot afford or have been unable to obtain a lawyer to represent you, you should be aware that the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e-5(f) (1) permits the U.S. District Court having jurisdiction in your case to appoint a lawyer to represent you. If you plan to request appointment of a lawyer to represent you, you must make this request of the U. S. District Court in the form and manner it requires. Your request to the U. S. District Court should be made well in advance of the end of the 90-day period mentioned above.

You may contact the EEOC representative named above if you have any questions about your legal rights including advice on which U.S. District Court has jurisdiction to hear your case or if you need to inspect and copy information contained in the Commission's case file.

An information copy of the Notice of Right to Sue has been sent to the respondent(s) shown below.

On Behalf of the Commission

  
Edward Mercado, District Director  
(Typed Name and Title of EEOC Official)

\_\_\_\_\_  
(Date)

cc: Sumitomo Corp. of America  
345 Park Avenue  
New York, New York 10022

Section 706(f) (1) and (f) (3) of the Civil Rights Act of 1964, as amended, states:

(f) (1) If within thirty days after a charge is filed with the Commission or within thirty days after expiration of any period of reference under subsection (c) or (d), the Commission has been unable to secure from the respondent a conciliation agreement acceptable to the Commission, the Commission may bring a civil action against any respondent not a government, governmental agency, or political subdivision named in the charge. In the case of a respondent which is a government, governmental agency, or political subdivision, if the Commission has been unable to secure from the respondent a conciliation agreement acceptable to the Commission, the Commission shall take no further action and shall refer the case to the Attorney General who may bring a civil action against such respondent in the appropriate United States district court. The person or persons aggrieved shall have the right to intervene in a civil action brought by the Commission or the Attorney General in a case involving a government, governmental agency, or political subdivision. If a charge filed with the Commission pursuant to subsection (b) is dismissed by the Commission, or if within one hundred and eighty days from the filing of such charge or the expiration of any period of reference under subsection (c) or (d), whichever is later, the Commission has not filed a civil action under this section or the Attorney General has not filed a civil action in a case involving a government, governmental agency, or political subdivision, or the Commission has not entered into a conciliation agreement to which the person aggrieved is a party, the Commission, or the Attorney General in a case involving a government, governmental agency, or political subdivision, shall so notify the person aggrieved and within ninety days after the giving of such notice a civil action may be brought against the respondent named in the charge (A) by the person claiming to be aggrieved, or (B) if such charge was filed by a member of the Commission, by any person whom the charge alleges was aggrieved by the alleged unlawful employment practice. Upon application by the complainant and in such circumstances as the court may deem just, the court may appoint an attorney for such complainant and may authorize the commencement of the action without the payment of fees, costs, or security. Upon timely application, the court may, in its discretion, permit the Commission, or the Attorney General in a case involving a government, governmental agency, or political subdivision, to intervene in such civil action upon certification that the case is of general public importance. Upon request, the court may, in its discretion, stay further proceedings for not more than sixty days pending the termination of State or local proceedings described in subsections (c) or (d) of this section or further efforts of the Commission to obtain voluntary compliance.

(f) (3) Each United States district court and each United States court of a place subject to the jurisdiction of the United States shall have jurisdiction of actions brought under this title. Such an action may be brought in any judicial district in the State in which the unlawful employment practice is alleged to have been committed, in the judicial district in which the employment records relevant to such practice are maintained and administered, or in the judicial district in which the aggrieved person would have worked but for the alleged unlawful employment practice, but if the respondent is not found within any such district, such an action may be brought within the judicial district in which the respondent has his principal office. For purposes of sections 1404 and 1406 of title 28 of the United States Code, the judicial district in which the respondent has his principal office shall in all cases be considered a district in which the action might have been brought.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
NEW YORK DISTRICT OFFICE  
90 CHURCH STREET, ROOM 1501  
NEW YORK, NEW YORK 10007

OFFICIAL BUSINESS  
PENALTY FOR PRIVATE USE, \$300

POSTAGE AND FEES PAID  
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
12857



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

**CERTIFIED**

**P 309 792 571**

**MAIL**

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

Attorneys at Law

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

Richard F. Bellman  
Lewis M. Steel

June 3, 1982

Equal Employment Opportunity Commission  
90 Church Street  
New York, New York 10007  
Attn.: Mr. John Stephenson

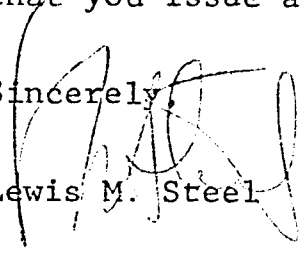
Re: Palma Incherchera v. Sumitomo Corporation  
of America, Inc.

Dear Mr. Stephenson:

This firm, which represents Ms. Incherchera in the above matter, filed a charge of discrimination on her behalf with EEOC on January 5, 1982. Thus, 180 days have elapsed since the charge was filed.

Accordingly, I am writing to request that you issue a right to sue letter in this matter.

Sincerely,

  
Lewis M. Steel

LMS:PC

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

Attorneys at Law

351 Broadway, New York, New York 10013

(212) 966-9620

Richard F. Bellman  
Lewis M. Steel

January 5, 1982

Equal Employment Opportunity Commission  
90 Church Street  
New York, New York

Re: Sumitomo Corporation of America, Inc.

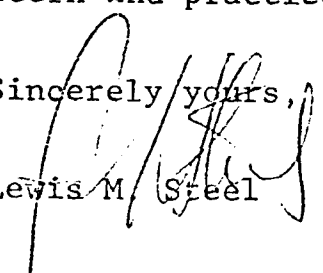
Dear Sir or Madam:

This law firm represents Palma Incherchera and we are filing the enclosed charge of discrimination on her behalf against Sumitomo Corporation of America, Inc.

This is to inform you that according to the information I have, Sumitomo Corporation of America, Inc. is the successor corporation to Sumitomo Shoji America, Inc. I also represent complainants who have filed EEOC charges against Sumitomo Shoji America, Inc. The EEOC has issued right to sue letters with regard to these charges and their case is presently being litigated in the Supreme Court. Avigliano v. Sumitomo Shoji America, Inc., No. 80-2070 and No. 81-24. Certiorari has been granted by the Supreme Court in both these matters and the case will be argued this year. In the decision below, the EEOC filed an amicus brief on behalf of the plaintiffs. See, 638 F.2d 552.

Given all of the above procedural history, I would appreciate being informed as to how you intend to handle this charge which essentially alleges the same pattern and practice of discrimination.

Sincerely yours,

  
Lewis M. Steel

LMS:PC  
Enclosure