

4-1983

## Correspondence: April 1983

Lewis Steel '63

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Richard F. Bellman  
Lewis M. Steel

April 27, 1983

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

Re: Avagliano v. Sumitomo

Dear Lance:

You have indicated to me that you intend to file supplementary answers to interrogatories, and are still perplexed concerning what information I am seeking by way of interrogatory number 13.

I have reread my letter of February 7, 1983 concerning your failure to answer interrogatory 13 and believe that my letter is perfectly clear. I understand that you have prepared a supplementary answer and suggest that you submit it. If I believe that the supplementary answer does not provide me with the information which I am seeking, or indicate unequivocally that there is no oral or written criteria which are used to select personnel or to aid in the selection of personnel for particular positions, no matter whether Sumitomo America or Sumitomo Japan makes the final selection decision, I will so indicate to you. Naturally, I seek such criteria for particular jobs. To date, you have only given me generalities. I would also appreciate a response to the last paragraph of page 3 of my letter relating to the criteria of Sumitomo America's parent. In any event, my February 7 letter to you is quite detailed and I believe I am entitled to a response which deals with all of the issues raised by that letter.

In your correspondence to me concerning discovery, you have asked me to provide you with a list of Sumitomo documents which I may have in my possession. I have informally asked you in the past for lists of documents and you have responded by indicating that I should file an appropriate notice. I suggest that you follow the same procedure.

Sincerely yours,

Lewis M. Steel

LMS:PC



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GREYSON BRYAN  
DON T. CARMODY  
JONATHAN H. CHURCHILL  
PETER A. DANKIN  
DOUGLAS J. DANZIG  
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April 28, 1983

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

Re: Avagliano v. Sumitomo Shoji America, Inc.  
Incherchera v. Sumitomo Corporation of America

Dear Lew:

In accordance with our discussion of yesterday, transmitted herewith is our proposed form of stipulation and order of confidentiality for use in the above-captioned actions. As I indicated when we spoke, I would have preferred in the first instance working from a form you have used in other Title VII cases, but since you asked that we submit the first draft, I will go along with that proposal.

As we also discussed, it would be preferable if we can agree upon a form or order and have Judge Tenney enter it prior to Sumitomo's first production of documents, scheduled for May 10, 1983 at our offices. This would avoid the necessity of having to go through two separate productions, one for non-confidential documents on May 10, the other after the order is signed for documents that are confidential. As such, please provide any proposed counter order at your earliest convenience so we can resolve our differences, if possible, before May 10.

As I explained, due to varying commitments it appears that Ed Martin, Bob Piliero and I will all be out of the office and/or out of town on May 10. Thus, we will have to have another attorney here designated as liaison since you prefer going ahead



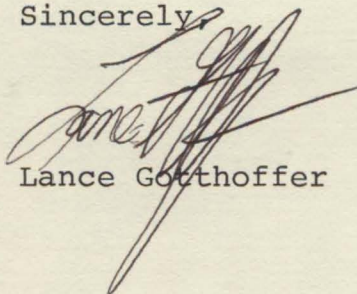
Lewis M. Steel, Esq.  
April 28, 1983  
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on that date instead of a later time when one of us will be back in the office.

I will be in touch with you next week to let you know approximately how many documents will be produced and to advise you of who will act as liaison on May 10.

Best regards.

Sincerely,

A handwritten signature in dark ink, appearing to read "Lance Gotthoffer", is written over the typed name. The signature is stylized with a large, sweeping initial "L" and a long, horizontal stroke extending to the right.

Lance Gotthoffer

LG/rm  
Enclosure

BY HAND



BURTON Z. ALTER  
GREYSON BRYAN  
DON T. CARMODY  
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April 28, 1983

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Re: Avagliano v. Sumitomo Shoji America, Inc.  
Incherchera v. Sumitomo Corporation of America

Dear Lew:

This is further to my letters of March 2, 1983 and March 24, 1983 concerning the documents your clients have apparently removed from Sumitomo's offices and furnished to you.

I am surprised, Lew, that you have not at least responded to these letters. There is nothing I want to do less than even have to suggest to the Court that you or your clients have engaged in some kind of serious misconduct, but since I have no way of knowing what documents have been taken, and you appear unwilling to shed any light on the subject, I cannot see any alternative but to proceed by formal means to elicit this information.

Rather than requiring this, Lew, please reconsider your position. If you will provide me with a list of the documents you have obtained, tell me who furnished them to you, and when, then unless I am very much mistaken about what is involved, the matter can end at that point.

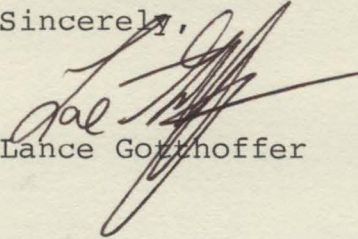
Because so much time has transpired, please let me know, in writing, no later than Monday noon, whether you will



Lewis M. Steel, Esq.  
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provide this information, so that we can avoid the need to resort to compulsory process to protect Sumitomo's interests. Again, it is my great wish to avoid such proceedings, and I certainly hope you will cooperate toward this end.

Sincerely,

A handwritten signature in dark ink, appearing to read "Lance Gottthoffer", written over the typed name.

Lance Gottthoffer

Lg/mr

BY HAND