
Retaliation Charges

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

6-28-1983

Affidavit of Robin Doiley in Support of Palma Incherchera's Retaliation Charge

Lewis M. Steel '63

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
PALMA INCHERCHERA,

Plaintiff,

-against-

AFFIDAVIT

SUMITOMO CORP. OF AMERICA,

Defendant.
-----x

STATE OF NEW YORK)

ss.:

COUNTY OF NEW YORK)

ROBIN DOOLEY, being duly sworn, deposes and says:

1. I am employed at Sumitomo Corp. of America as a secretary in the Rolled Steel Department and have worked there since June 1982.

2. I have been asked for my observations regarding Palma Incherchera and the treatment I have received since I have become friendly with Ms. Incherchera.

3. Since I became friendly with Ms. Incherchera, approximately one month ago, the behavior of the Sumitomo officials who I work for has changed towards me, and I have been subject to intimidating discussions with my supervisor.

4. I began to become friendly with Ms. Incherchera approximately one month ago. We began to take our breaks together at that time. Some time during the last week of May, I do not recall the exact date, I had just come back to my office from a break with Ms. Incherchera when Mr. Hojima, the assistant manager of my department, called me over to his desk. Mr. Hojima asked me in an accusatory manner, "what are you doing staying with Tisha now?" (Ms. Incherchera's nickname is Tisha). It was clear from the way that Mr.

Hojima made his comment that he disapproved of my spending time with Ms. Incherchera. Mr. Hojima had never before made a comment about anyone I had associated with in the company.

5. Since the day that Mr. Hojima made this comment, my work situation has changed. Up until that time, Mr. Hojima and I had a very cordial work relationship. After I began spending time with Ms. Incherchera he began acting very cold towards me, stopped engaging in any kind of social conversation like he used to, and basically for the two weeks following the comment described above talked to me only to give me work. He treated me as if I had done something wrong. This treatment makes my work environment at Sumitomo very uncomfortable.

6. During the last week or ten days, this situation has gotten a little better. However, since the incident described in paragraph 4, I have noticed that I am being watched whenever I interact with Ms. Incherchera. For example, when I go to the Credit Department to give Ms. Incherchera papers, I notice that all of the Japanese managers in that department look up from their desks and stare at me. When I talk to Ms. Incherchera I receive hostile looks from the Japanese managers in her department. This has never happened in any other department at Sumitomo when I have talked to other clerical employees.

7. Furthermore, since that time, Ms. Incherchera has had occasion to come to my desk several times and I have observed on these occasions that although Ms. Incherchera said hello to Mr. Hojima, he completely ignored her comment and did not respond to her at all.

8. On June 23, 1983, Mr. Hojima took me out to lunch to celebrate my one year anniversary with Sumitomo. The first part of lunch we spent engaged in small talk and shop talk concerning the business of the department. Towards the end of the lunch we were talking about the current space shuttle and I mentioned to Mr. Hojima that I read a newspaper article which reported that the woman astronaut is getting paid less than the men astronauts on the shuttle. Mr. Hojima then told me that I should be careful how I talk around the management of the company about "those kinds of things." He also told me that he liked me and that I "should be careful" how I talk at Sumitomo and who hears me. He told me that he wanted me to stay the way I have been at Sumitomo and keep on being a "good girl."

9. I felt that there was an implied threat in what Mr. Hojima was telling me and I asked him whether he was threatening my job in any way. He said no and I therefore asked him what point he was trying to make and if his statements had anything to do with my friendship with Ms. Incherchera. He responded by saying that I should "keep on being a good girl" and that I should be "careful." He repeated again that he did not want me to change and that he wants me to be a "good girl" and "stay the way you are." He also said that I should be careful what I say and not get into "trouble."

10. We then left the restaurant and were walking back to work. While we were on the street I asked him why he was concerned about my friendship with Tisha Incherchera. He told me at that point "I don't want you to file against the company." I felt very intimidated by this and felt that he was implying that if I was not

careful I might lose my job. When I asked him if this was true, he told me that he was happy with me as long as I stay the way I am, a good girl.

11. At the end of the conversation, he told me "I don't want you to report back to Tisha anything that was said." I then asked him what difference it would make, and he said that I could "make trouble." He repeated again that he did not want me to tell anything to Tisha and he repeated also that I could hurt him if I said anything to Tisha.

12. This last comment made me feel very intimidated. I felt as if he was backing me into a corner and that if I was not careful my job would be at stake. Certainly, at a minimum, he was trying to discourage me from having anything to do with Ms. Incherchera or the lawsuit against Sumitomo.


13. I would also like to mention some comments made to me by Mr. Hojima prior to the time described above. In approximately September or October 1982, after I had been at Sumitomo several months, I asked Mr. Hojima for permission to order a subscription for a general publication newsletter written for secretaries for my department. I asked that he order this as the newsletter is written especially for secretaries, and I felt that it would improve my job skills and give me and the other secretaries in my department information on new techniques in the secretarial field. I do not recall Mr. Hojima's exact words, but I do remember that he told me that he would not order the newsletter because Sumitomo did not want "the girls" to read the newsletter and become unhappy like "the girls" at the company who had cases against the company. He also said that he

did not want me to do anything different or move anywhere in the company and that I should be happy with what I was doing. I felt that I was being warned that I should not get involved with the employees involved in those cases.

14. I am worried that my association with Ms. Incherchera will be used against me and may hurt my job. It is clear that Mr. Hojima and other Sumitomo officials do not want me to spend any time with Ms. Incherchera. When I do spend any time with Ms. Incherchera, I am subjected to intimidating comments from my supervisor and hostile stares from the Japanese managers in her department.


ROBIN DOOLEY

Sworn to before me this 28th
day of June, 1983.


NOTARY PUBLIC
GINA NOVENDSTERN
Notary Public State of New York
No. 31-4784069
Qualified in New York County
Commission Expires March 30, 1985.