
Incherchera v. Sumitomo

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

7-28-1982

Court Summons to Defendant in Incherchera v. Sumitomo

Lewis M. Steel '63

NOTICE OF ENTRY

Sir-Please take notice that the within is a (certified) true copy of a duly entered in the office of the clerk of the within named court on 19

Dated,

Yours, etc.,
STEEL & BELLMAN, P.C.

Attorneys for

Office and Post Office Address
351 Broadway
NEW YORK, N. Y. 10013

To

Attorney(s) for

NOTICE OF SETTLEMENT

Sir:—Please take notice that an order

of which the within is a true copy will be presented for settlement to the Hon.

one of the judges of the within named Court, at

on 19

M.

Dated,

Yours, etc.,
STEEL & BELLMAN, P.C.

Attorneys for

Office and Post Office Address
351 Broadway
NEW YORK, N. Y. 10013

To

Attorney(s) for

Index No.

Year 19

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PALMA INCHERCHERA, on behalf of herself and all others similarly situated,

Plaintiff,

-against-

SUMITOMO CORP. OF AMERICA,

Defendant.

SUMMONS & VERIFIED COMPLAINT

STEEL & BELLMAN, P.C.

Attorneys for Plaintiff

Office and Post Office Address, Telephone

351 Broadway
NEW YORK, N. Y. 10013

(212) 966-9629 925-7400

To

Attorney(s) for

Service of a copy of the within

is hereby admitted.

Dated,

Attorney(s) for

United States District Court

FOR THE

SOUTHERN DISTRICT OF NEW YORK

CIVIL ACTION FILE NO. _____

PALMA INCHERCHERA, on behalf of
herself and all others similarly
situated,

82 CIV. 4930

Plaintiff

SUMMONS

v.

SUMITOMO CORP. OF AMERICA,

Defendant

To the above named Defendant :

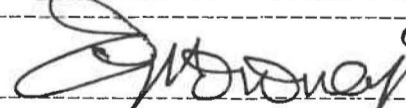
You are hereby summoned and required to serve upon STEEL & BELLMAN, P.C.,

plaintiff's attorneys, whose address is 351 Broadway, New York, New York 10013

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

RAYMOND F. BURGHART

Clerk of Court.



Deputy Clerk.

E. MORONEY

[Seal of Court]

JUL 28 1982

Date: New York, New York
July 28, 1982

NOTE:—This summons is issued pursuant to Rule 4 of the Federal Rules of Civil Procedure.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
PALMA INCHERCHERA, on behalf of
herself and all others similarly
situated,

Plaintiff,

-against-

SUMITOMO CORP. OF AMERICA,

Defendant.
-----x

Civ. No.

VERIFIED COMPLAINT

CLASS ACTION

JURISDICTION

1. This case involves sex, national origin and race discrimination in employment. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§1331 and 1343. This case arises under the Equal Employment Opportunity Act of 1964, 42 U.S.C. §2000e, et seq., and under 42 U.S.C. §1981.

THE PARTIES

2. Plaintiff Palma Incherchera is a female citizen of the United States. She resides in the State of New York.

3. Defendant Sumitomo Corp. of America is a corporate entity doing business in the State of New York, and upon information and belief, is incorporated under the laws of the State of New York. The defendant maintains a principal office at 345 Park Avenue, New York, New York 10022.

4. Plaintiff Incherchera is presently employed by the de-

fendant at its New York office. When plaintiff was originally hired by defendant, that corporation's name was Sumitomo Shoji America, Inc. During the period that plaintiff has been employed by the defendant, the defendant has changed its corporate name from Sumitomo Shoji America, Inc. to Sumitomo Corp. of America.

CLASS ACTION ALLEGATIONS

5. Plaintiff brings this as a class action pursuant to 23 (a) and (b)(2) of the Federal Rules of Civil Procedure, on her own behalf and on behalf of all women who have worked for the defendant, are working for the defendant, have left the employ of the defendant because of its discriminatory policies, or may seek employment with the defendant. The members of this class, or classes, are discriminated against in ways which deprive them, or have deprived them, of equal employment opportunities by reason of their sex and/or nationality, and/or race.

6. As to the class or classes described in paragraph 5 of the Complaint:

(1) The number of members in said class or classes is in the thousands and is, therefore, so numerous that joinder of all members is impracticable;

(2) There are questions of law and fact common to the class or classes, said common questions being whether the customs, practices and policies of defendant violate their federal civil rights;

(3) The claims of the plaintiff are typical of the class or classes;

(4) The plaintiff will fairly and adequately protect the interest of the class or classes as she is a woman and a citizen of the United States desirous of obtaining equality for women and equality for persons who are not of Japanese national origin or Japanese racial background;

(5) The defendant has acted or failed to act on grounds applicable generally to the class or classes, thus making final relief appropriate with respect to the class or classes as a whole.

JURISDICTIONAL PREREQUISITES

7. Plaintiff Incherchera has filed a timely and proper complaint with the Equal Employment Opportunity Commission, alleging denial by defendant of her rights under Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e, et seq.

8. On or about June 7, 1982, plaintiff was advised that she was entitled to institute a civil action in the appropriate United States District Court within 90 days of receipt of her notice of right to sue.

FIRST CAUSE OF ACTION

9. Defendant has engaged in unlawful employment discrimination practices against plaintiff and the class and/or classes she represents by:

(a) Discriminating against her and against women as a class by restricting them to clerical jobs;

(b) Discriminating against her and against women as a class by refusing to train her and women or promote them to executive, managerial and/or sales positions.

SECOND CAUSE OF ACTION

10. Defendant has engaged in unlawful employment discrimination practices against plaintiff and the class or classes she represents by:

(a) Discriminating against her and against the class or classes she represents on the basis of her national origin and race by restricting her and the class or classes she represents to clerical jobs;

(b) Discriminating against plaintiff on the basis of her national origin and race by refusing to train her and the members of the class or classes she represents or promote them to executive, managerial and/or sales positions.

EQUITY

11. The plaintiff and those she represents have no adequate or complete remedy at law to redress the wrongs alleged, and this suit for a permanent injunction is the only means of securing adequate relief. Plaintiff and those she represents are now suffering and will continue to suffer irreparable injury from defendant's policies, practices and customs of discrimination in its employment practices unless this Court enjoins such policies, practices and customs.

WHEREFORE, plaintiff respectfully requests this Court:

(a) To assign this case for a hearing at the earliest possible date and cause the case to be expedited in every possible way;

(b) Issue a permanent injunction:

(1) Enjoining defendant from engaging in the aforesaid unlawful employment practices;

(2) Directing defendant to promote plaintiff and the class or classes she represents to executive, managerial and/or sales positions;

(3) Directing defendant to institute a training program to upgrade plaintiff and the class or classes she represents and to take such affirmative steps as may be necessary to remedy the effects of defendant's discriminatory practices;

(4) Enjoining defendant from discriminating on the basis of sex, nationality and race in hiring, promoting, training and upgrading employees.

(c) Award plaintiff and her class or classes:

(1) Compensatory and punitive damages for injuries suffered by plaintiff and the class or classes she represents by reason of defendant's unlawful employment practices;

(2) The costs of this action, together with reasonable attorneys' fees.

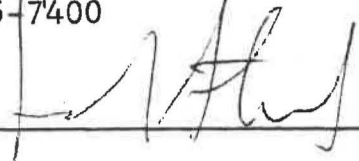
(d) Grant plaintiff and the class or classes she represents

such other and further relief as may be necessary and proper.

Dated: New York, New York
July 1982

STEEL & BELLMAN, P.C.
Attorneys for Plaintiff
351 Broadway
New York, New York 10013
(212) 925-7400

by _____

A handwritten signature in dark ink, appearing to be 'J. A. Bellman', written over a horizontal line.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
PALMA INCHERCHERA, on behalf of
herself and all others similarly
situated,

Plaintiff,

-against-

SUMITOMO CORP. OF AMERICA,

Defendant.
-----X

:
:
:
: Civ. No.

: VERIFICATION
:
:
:

STATE OF NEW YORK)

ss:

COUNTY OF NEW YORK)

PALMA INCHERCHERA, being duly sworn, deposes and says: deponent is the plaintiff in the within action; deponent has read the foregoing complaint and knows the contents thereof; the same is true to deponent's own knowledge, except as to the matters therein stated to be alleged on information and belief, and as to those matters deponent believes it to be true.


PALMA INCHERCHERA

Sworn to before me this 21st
day of July, 1982.


NOTARY PUBLIC

LEWIS M. STEIN
Notary Public
No. 31-916162590
Qualified in New York County
Commission Expires March 30, 1984