
Pleadings

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

5-13-1986

Defendant's First Request for the Production of Documents (Lisa Avagliano)

Lewis M. Steel '63

DEFINITIONS AND INSTRUCTIONS

A. "You" and "your" means separately and specifically plaintiff Lisa M. Avagliano.

B. All references to "plaintiff" or "plaintiffs" include plaintiff and members of the plaintiff classes.

C. All references to "members of the plaintiff classes" or "plaintiff class members" include all persons certified by the court as members of the classes in this proceeding.

D. In responding to this document request, plaintiff is to furnish all available information, including information in the possession of her attorneys, or her investigators, and all persons acting on her behalf. If plaintiff cannot respond to this document request in full after exercising due diligence to secure the information she is to so state and respond to the remainder and identify whatever documents they have concerning the unanswered portions.

E. In responding to this request, all requested documents in your "possession, custody or control" are to be produced. This includes documents in the possession, custody or control of your attorneys or their investigators or of any third party or parties to whom you have surrendered possession, custody or control, or who are acting on your behalf, or who have otherwise obtained possession, custody or control, or who,

upon your request, would surrender possession, custody or control to you.

F. As used herein, the term "document" includes, without limitation, the original or any copies, regardless of origin or location, of any correspondence, book, pamphlet, periodical, letter, calendar or diary entry, memorandum, message, telegram, cable, report, record, study, stenographic or handwritten note, working paper or draft, invoice, voucher, check, statement, chart, graph, map, diagram, blueprint, table, index, picture, voice recording, tape, microfilm, data sheet or data processing card or disk or any other written, typed, printed, recorded, transcribed, punched, taped, filmed, photographed or graphic matter, however produced or reproduced, to which you have or have had access, and copies or reproductions of any of the above that differ in any respect from the original, such as copies containing marginal notations or other variations, and all other records or writings, however produced or reproduced, to which you have or have had access. Designated documents are to be taken as including all attachments, exhibits, enclosures, appendices and other documents that relate to or refer to such designated documents. The enumeration of various specific items as included within the definition of the word "documents" shall not be taken to limit the generality of this word, and the requests herein are directed and intended to obtain all "documents" in the broadest and most comprehensive sense and meaning of this word.

G. Each request herein for documents to be produced, whether memoranda, reports, letters or other documents of any description, contemplates production of the document in its entirety, without abbreviation or expurgation.

H. If you cannot produce a document after exercising due diligence to secure it, so state in writing and produce whatever portion of said document possible, specifying your inability to answer the remainder and stating whatever information or knowledge you have concerning the document you are unable to produce including, but not limited to, the content of such document. If any such document was, but is no longer in your possession, custody or control, state what disposition was made of it and the reason for such disposition.

I. In the event that any document called for by this request has been destroyed, that document is to be identified in writing as follows: addressor, addressee, indicated or blind copies, date, subject matter, number of pages, attachments, exhibits or appendices, all persons to whom distributed, shown or explained, date of destruction, manner of destruction, reason for destruction, person who authorized destruction and person who destroyed the document.

J. If any documents falling within any description contained in any of the following requests is withheld under claim of privilege, plaintiff shall serve upon the undersigned attorneys for defendant a written list of the withheld documents, including the following information as to each of such

items: (1) date; (2) the name(s) of the person(s) or other entity(ies) who or which drafted, authored or prepared it; (3) its title; (4) the name(s) of the person(s) or other entity(ies) to whom it was addressed; (5) the name(s) of each person or entity to whom the item or any copy or reproduction thereof was ever directed, addressed, sent delivered, mailed, given or in any other manner disclosed; and (6) a statement of the ground or grounds in which each of such document is considered to be privileged from production.

K. All requests herein shall be deemed continuing in nature so as to require further and supplemental production if you receive or generate additional documents between the time of original production and the time of trial.

DOCUMENT REQUESTS

1. Produce all resumes, recommendations, degrees, diplomas, certificates, transcripts, awards, evaluations and other documents which relate to your profession, experience, education, achievements, ability or qualifications to perform the position which you have held, sought or claimed you were denied while employed at SCOA.

2. Produce all documents concerning your job responsibilities, job assignments, training, status, remuneration and the terms and conditions of your employment with respect to each of the positions you have held while employed at SCOA.

3. Produce all documents relating to the manner in which you have performed your job responsibilities at SCOA including, but not limited to, those reflecting your work product and business communications.

4. Produce all documents relating to any intra-corporate complaint made by you to any representative of SCOA concerning any alleged discrimination on the basis of your sex, national origin or race during the course of your employment at SCOA.

5. Produce all documents obtained from other persons, or which you have given to other persons, which you believe support your claims against SCOA.

6. Produce all documents relating to any counseling or guidance given or any disciplinary action taken involving or concerning you by SCOA or any other employer.

7. Produce all documents relating to any requests for promotion or transfer made by you while employed at SCOA or while employed by any other employers.

8. Produce all documents concerning your work performance at SCOA and at other employers including, but not limited to, evaluations, self-evaluations, merit reviews, salary reviews, promotions, transfers, ratings, letters of commendation, praise or criticism.

9. Produce all complaints, charges, petitions, affidavits, supporting papers or other documents filed by you or

any of your agents or attorneys on your behalf in any judicial or administrative forum including, but not limited to, the New York State Division of Human Rights and the Equal Employment Opportunity Commission, relating to your employment with SCOA or any other employer.

10. Produce all communications between you or any of your agents or attorneys and representatives of any judicial or administrative forum as identified in Request Number 9.

11. Produce all findings of fact, decisions, hearing transcripts, or rulings made by any judicial or administrative officer in any such claims or actions filed by you or your agents or attorneys as referred to in Request Number 9.

12. Produce all pleadings, motions, supporting memoranda, correspondence and other documents arising out of or in connection with any complaints, charges, petitions or other litigation filed by you or your agents or attorneys in any judicial or administrative forum as identified in Request Number 9.

13. Produce all notes, memoranda, diaries, logs, records and other documents which contain your records, notes, descriptions or thoughts concerning your work assignments, work performance, promotions, transfers, demotions, discipline, relationship to your superior and peers, termination, and any other aspects of your employment by SCOA.

14. Produce copies of all federal, New York and other state or local income tax returns and documents filed by you for the years 1975 through the present date.

15. Produce all documents which reflect the substance of any exit interviews you had with representatives of SCOA.

16. Produce all affidavits of third parties pertaining to any conduct of SCOA regarding denials of promotions, benefits or any other terms or conditions of employment.

17. Produce all documents concerning your allegations that defendant has engaged in unlawful employment practices against you and the class or classes you represent in discriminating against women by restricting them to clerical jobs.

18. Produce all documents concerning your allegations that defendant has engaged in unlawful employment practices against you and the class or classes you represent by discriminating against women in refusing to train or promote them to executive, managerial, and/or sales positions.

19. Produce all documents concerning your allegations that defendant has engaged in unlawful employment practices against you and the class or classes you represent in discriminating on the basis of national origin by restricting you or class members to clerical jobs.

20. Produce all documents concerning your allegations that defendant has engaged in unlawful employment practices by discriminating against you and the class or classes you represent on the basis of national origin by refusing to train you or promote you to executive, managerial, and/or sales positions.

21. Produce all documents concerning plaintiffs' claims in Incherchera v. Sumitomo Corp. of America, 82 Civ. 4930, that they were discriminated against on the basis of race.

22. Produce all documents concerning your allegation that "you 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."

23. Produce all documents which substantiate your claims of monetary damages.

24. Produce all documents concerning your allegations that you suffered "injuries" "by reason of defendants' unlawful employment practices" for which you are entitled to receive compensatory and punitive damages.

25. Produce all other documents in your possession, custody or control which you believe concern the allegations of your complaint.

Dated: New York, New York
May 13, 1986

Respectfully submitted,

EPSTEIN BECKER BORSODY & GREEN, P.C.

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