
Retaliation Charges

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

2-11-1983

Rosemary Bellini's Affidavit in Support of Charge of Retaliation

Lewis M. Steel '63

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

ROSEMARY BELLINI,

Charging Party,

-against-

SUMITOMO CORP. OF AMERICA,

Respondent.

AFFIDAVIT IN SUPPORT
OF CHARGE OF RE-
TALIATION

STATE OF NEW YORK)

ss.:

COUNTY OF NEW YORK)

ROSEMARY BELLINI, being duly sworn, deposes and says:

1. I am the charging party in the above matter and submit this affidavit in support of my charge of retaliation and to request that the Equal Employment Opportunity Commission (EEOC) seek preliminary relief on my behalf.

2. A civil case charging Sumitomo with discrimination in employment, in which I am one of twelve named plaintiffs, is pending in the United States District Court for the Southern District of New York. That case is entitled Lisa M. Avigliano, et al. v. Sumitomo Shoji America, Inc., 77 Civ. 5641.

3. I have been employed by Sumitomo since August 1972. I am the only named plaintiff in the above civil case who is still an employee of Sumitomo.

4. I presently work in the Fertilizer Department and have worked in that department for approximately four years. Mr. K.

Watanabe was the manager of the Fertilizer Department, and my supervisor, for approximately two years until December 29, 1982.

5. On December 29, 1982, Mr. Watanabe called me into an office to say goodbye as he was leaving his position as manager of the Fertilizer Department and returning to the Japan office of Sumitomo. At this time, Mr. Watanabe made several attempts to engage me in conversation about the lawsuit against Sumitomo America and my involvement in the case. He tried to find out how the plaintiffs are paying our attorneys and whether it was very expensive. He also asked me whether I would consider settling out of court and whether I would drop the case if I were to receive a promotion.

6. I believe it is inappropriate for an official of Sumitomo to pressure me concerning this case. Even though I knew during the conversation with Mr. Watanabe that he was leaving Sumitomo America to work for the parent corporation in Japan, I assumed he would not have initiated this conversation without prior discussions with Sumitomo America officials and would report to them about our conversation.

7. The conversation I had with Mr. Watanabe was intimidating and harassing. I am concerned that as I am the only named plaintiff who remains an employee of respondent, I will be subject to conversations with other officials seeking information about the lawsuit or trying to pressure me into dropping out of the case.

8. I am also concerned that I have been and will continue to be denied promotions to which I am entitled because I will not drop the suit, as Sumitomo America wants.

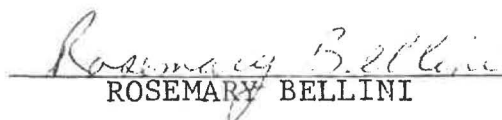
9. From the filing of the lawsuit against Sumitomo in 1977 until June of 1982, the case did not move forward in the Court due to a motion to dismiss which was filed by the defendant. Throughout that period, Sumitomo instituted clerical grade levels such as secretary, senior secretary and administrator. Although I performed my work competently and was qualified for a job title change, many women far junior to me in the company received changes in their job titles and pay raises reflecting the change. I did not receive a change in job title to senior secretary until January, 1982. I believe that I received a new title long after other women clericals because I had filed an employment discrimination action against Sumitomo.

10. In December, 1982, after the lawsuit was reactivated in the District Court, an official of Sumitomo attempted to see whether if I would settle out of court if I received a promotion. I have described this conversation above. On January 4, 1983, I was not promoted to administrator, although employees far junior to me received such promotion. I believe that I did not receive this promotion as I had not agreed to cooperate with Sumitomo officials' attempt to obtain information about the lawsuit or suggestion that I drop out of the case in exchange for a promotion. I believe that Sumitomo's failure to promote me is

in retaliation for my continuing to prosecute this action and my resisting settlement pressure.

11. I request that the EEOC seek preliminary relief at this time, as it has become clear to me that Sumitomo is retaliating against me for my continued involvement in the Avigliano case. As I am the only named plaintiff remaining at the company, I believe Sumitomo is attempting to pressure me to drop out of the case or possibly even to leave the company. I believe this because I was subjected to the harassing discussion with a company official in December, 1982, which I described above, and because after refusing to cooperate in that discussion, I was not given a promotion in January, 1983.

12. For all these reasons, I request that the EEOC seek preliminary relief at this time.


ROSEMARY BELLINI

Sworn to before me this
11th day of February, 1983.


NOTARY PUBLIC

Lewis M. Steel, Notary Public
State of New York
No. 31-9162590
Qualified in New York County
Commission expires March 30, 1984