

12-1988

Correspondence: December 1988

Lewis Steel '63

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Miriam F. Clerk

December 19, 1988

By Hand

Magistrate Michael H. Dolinger
United States District Court
Southern District of New York
40 Centre Street
New York, New York 10007

Re: Avagliano v. Sumitomo Shoji America Corp.
77 Civ. 5641 (CHT)
Incherchera v. Sumitomo Corp. of America
82 Civ. 4930 (CHT)

Dear Magistrate Dolinger:

This firm represents the plaintiff class in the above-captioned matter, which was settled by a consent decree which went into effect in June 1987. Under that consent decree, certain former employee class members were eligible for retrospective wage adjustment awards. The trustee of the fund from which these monies are to be distributed has had difficulty locating many former employee class members, and therefore has been unable to verify eligibility and to calculate and distribute the awards. In order to locate missing class members, while making some distribution to those class members who have been located, counsel for both parties request that the court (1) authorize an immediate interim payment of \$1,500.00 (the minimum retrospective wage adjustment provided for in the consent decree) to all eligible former class members who have been located and (2) authorize the parties to retain the federal Social Security Administration to locate missing former employee class members.

Magistrate Michael H. Dolinger
December 19, 1988
Page 2

Enclosed please find an affidavit of class counsel in support of the parties' joint request, and a proposed consent order, signed by counsel for both parties.

Respectfully,

A handwritten signature in cursive script, appearing to read "Miriam F. Clark".

Miriam F. Clark

MFC:rt

cc: Ronald M. Green
Epstein Becker & Green

-----X

LISA M. AVAGLIANO, et al., :

Plaintiffs, : **MEMORANDUM AND**

-against- : **ORDER**

SUMITOMO SHOJI AMERICA, INC., : **77 Civ. 5641 (CHT)**

Defendant. :

-----X

PALMA INCHERCHERA, :

Plaintiff, :

-against- : **82 Civ. 4930 (CHT)**

SUMITOMO CORP. OF AMERICA, :

Defendant. :

-----X

MICHAEL H. DOLINGER
UNITED STATES MAGISTRATE:

Pursuant to Section 6 of the Trust Agreement, defendants have provided to the Court the calculations of the Trustee, the Bank of Tokyo Trust Company, concerning present employee class member eligibility. The Court having received no notice from any class

member of a dispute concerning the correctness of the calculations,
they are hereby approved.

DATED: New York, New York
December 2, 1988

SO ORDERED.



MICHAEL H. DOLINGER
UNITED STATES MAGISTRATE

Copies of the foregoing Memorandum and Order have been mailed this
date to:

Lewis M. Steel, Esq.
Steel, Bellman & Levine, P.C.
351 Broadway
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Miriam F. Clark

December 1, 1988

BY HAND

Honorable Michael H. Dolinger
United States Magistrate
United States Court House
Foley Square
New York, New York 10007

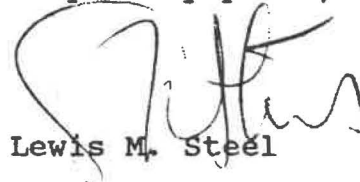
Re: Avagliano v. Sumitomo Shoji America, Inc.
77 Civ. 5641 (CHT)
Incherchera v. Sumitomo Corp. of America
82 Civ. 4930 (CHT)

Dear Magistrate Dolinger:

This firm has received the copy of the Bank of Tokyo Trust Company's calculations of present employee class member eligibility, which were submitted to the Court on November 29, 1988. There is no dispute between the parties concerning the formula used to calculate eligibility.

With regard to the accuracy of the actual figures, class counsel is not responsible for the calculations. Pursuant to an agreement among counsel and the Bank of Tokyo Trust Company, the mathematical calculations of eligibility regarding the class members were performed by the Bank of Tokyo Trust Company.

Very truly yours,



Lewis M. Steel

LMS:rt

cc: Ronald M. Green