

4-5-1977

Equal Employment Opportunity Commission Complaint by Frances Pacheco

Lewis M. Steel '63

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300



SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.
• Complete items 1 and 2 on reverse side.
• Moisten gummed ends and attach to back of article.

**RETURN
TO**

Lewis M. Steel, Esq.
Eisner, Levy, Steel & Bellman, P.C.
351 Broadway
New York, New York 10013

RECEIVED APR 11 1977

Mr. Arthur W. Stern
District Director
Equal Employment Opportunity Commission
New York District Office
90 Church Street, Rm. 1301
New York, New York 10007

Re: Frances Pacheco v. Sumitomo Shoji, America, Inc.

Dear Mr. Stern:

This Title VII complaint is being sent to you for filing.

It is identical in virtually all respects to a series of complaints which have been filed by women against the above corporation, alleging sex discrimination. The first of these complaint is entitled Schneider v. Sumitomo Shoji America, Inc., EEOC Charge No. 021-77-0049, and this complaint should be consolidated with that case.

Very truly yours,

Eisner, Levy, Steel & Bellman, P.C.

By: _____
Lewis M. Steel

RECEIPT FOR CERTIFIED MAIL—30¢ (plus postage)

SENT TO	
Mr. Arthur Stern	
STREET AND NO.	
90 Church St.	
P.O., STATE AND ZIP CODE	
New York, New York 10007	
OPTIONAL SERVICES FOR ADDITIONAL FEES	
RETURN	1. Shows to whom and date delivered 15¢
RECEIPT	With delivery to addressee only 65¢
SERVICES	2. Shows to whom, date and where delivered .. 35¢
	With delivery to addressee only 85¢
DELIVER TO ADDRESSEE ONLY 50¢	
SPECIAL DELIVERY (extra fee required)	

POSTMARK
OR DATE

4/7/77

Re:
Pacheco

PS Form 3800
Apr. 1971

NO INSURANCE COVERAGE PROVIDED—
NOT FOR INTERNATIONAL MAIL

(See other side)
★ GPO : 1974 O - 551-454

CERTIFIED RETURN RECEIPT REQUESTED

April 7, 1977

Mr. Arthur W. Stern
District Director
Equal Employment Opportunity Commission
New York District Office
90 Church Street, Rm. 1301
New York, New York 10007

Re: Frances Pacheco v. Sumitomo Shoji America, Inc.

Dear Mr. Stern:

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Very truly yours,

Eisner, Levy, Steel & Bellman, P.C.

By: _____
Lewis M. Steel

LMS/pc
Enc.

CHARGE OF DISCRIMINATION		EEOC CHARGE NO.	FORM APPROVED OMB NO. 124-R0001
INSTRUCTIONS		CAUSE OF DISCRIMINATION	
If you have a complaint, fill in this form and mail it to the Equal Employment Opportunity Commission's District Office in your area. In most cases, a charge must be filed with the EEOC within a specified time after the discriminatory act took place. IT IS THEREFORE IMPORTANT TO FILE YOUR CHARGE AS SOON AS POSSIBLE. (Attach extra sheets of paper if necessary.)		<input type="checkbox"/> RACE OR COLOR <input checked="" type="checkbox"/> SEX <input type="checkbox"/> RELIGIOUS CREED <input type="checkbox"/> NATIONAL ORIGIN	
NAME (Indicate Mr. or Ms.) Ms. Frances Pacheco		DATE OF BIRTH 4/28/50	
STREET ADDRESS 105 Baruch Drive	COUNTY Manhattan	SOCIAL SECURITY NO. 101-38-0141	
CITY, STATE, AND ZIP CODE New York, N.Y. 10002		TELEPHONE NO. (Include area code) (212) 677-1406	
THE FOLLOWING PERSON ALWAYS KNOWS WHERE TO CONTACT ME			
NAME (Indicate Mr. or Ms.) Eisner, Levy, Steel & Bellman, P.C.		TELEPHONE NO. (Include area code) (212) 966-9620	
STREET ADDRESS 351 Broadway		CITY, STATE, AND ZIP CODE New York, New York 10013	
LIST THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT WHO DISCRIMINATED AGAINST YOU (If more than one, list all)			
NAME Sumitomo Shoji America, Inc.		TELEPHONE NO. (Include area code) (212) 935-7000	
STREET ADDRESS 345 Park Avenue		CITY, STATE, AND ZIP CODE New York, N.Y. 10022	
OTHERS WHO DISCRIMINATED AGAINST YOU (If any)			
CHARGE FILED WITH STATE/LOCAL GOV'T. AGENCY <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	DATE FILED	AGENCY CHARGE FILED WITH (Name and address)	
APPROXIMATE NO. OF EMPLOYEES/MEMBERS OF COMPANY OR UNION THIS CHARGE IS FILED AGAINST Approximately 400	DATE MOST RECENT OR CONTINUING DISCRIMINATION TOOK PLACE (Month, day, and year) Continuing discrimination to date of filing.		
<p>Explain what unfair thing was done to you and how other persons were treated differently. Understanding that this statement is for the use of the United States Equal Employment Opportunity Commission, I hereby certify:</p> <p>Sumitomo Shoji America, Inc. is incorporated in the State of New York and is a trading company with offices in major cities in the United States and its headquarters in the City of New York. The corporation engages in a pattern and practice of discrimination against women in that all or virtually all of its executives, managerial employees and sales personnel are men. The corporation further engages in a pattern and practice of discrimination in salaries and promotions on the basis of national origin against United States citizens and residents and in favor of individuals of Japanese origin or hired in Japan.</p>			
I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.		NOTARY PUBLIC SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE 5-1-77 (Day, month, and year) MARIA A. VENTURA Notary Public, State of New York No. 319458800 Qualified in New York County Commission Expires March 30, 1978 SIGNATURE (If it is difficult for you to get a Notary Public to sign this, sign your own name and mail to the District Office. The Commission will notarize the charge for you at a later date.) Frances Pacheco	
DATE	CHARGING PARTY (Signature)		
Subscribed and sworn to before this EEOC representative.			
DATE	SIGNATURE AND TITLE		



EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NEW YORK DISTRICT OFFICE
90 CHURCH STREET, ROOM 1301
NEW YORK, NEW YORK 10007

264-7161

REC'D APR 6 1977

Lewis M. Steel, Esq.
Eisner, Levy, Steel & Bellman, P.C.
351 Broadway
New York, New York 10013

Re: Reiko Turner v. Sumitomo Shoji America, Inc.

Dear Mr. Steel:

This is in response to your letter of April 1, 1977; wherein you enclosed the Turner complaint and comment on a "Lack of investigative activity on these cases."

The crux of your comments is that "the Schneider complaint is now extremely old." This statement is not reflective of the situation, in view of the workload of this office. We have every intention of proceeding with these cases, in fact they have been assigned for investigation. I, therefore, trust this will satisfy your concerns over this matter.

As you must be aware, a Right to Sue Notice is a prerequisite to suit. This document is issued together with our determination, when such determination is for no reasonable cause. When the determination is for cause, after failure of conciliation. However if you are not willing to await the results of our investigation, our regulations provide for the issuance of the same upon request, after the expiration of 180 days from the formal filing of the charge. The Schneider charge is the only one where this has occurred.

Sincerely,

A handwritten signature in cursive script that reads "Ralph Munoz".

Ralph Munoz
District Counsel

PHONE-O-GRAM

for:

LMS

M. Quiles of EEOC

☐ Telephoned ☒ Please return the call ☐ Will call again ☐ Came in ☐ See me

Message:

re: Sumitomo

~~Re: Travel Costs~~

Phone:

264-7184

Date

4/1/4

Time

1030

By

LPR

PHONE-GRAM

for:

Art on 2-21

M Sperandio of _____

☐ Telephoned ☒ Please return the call ☐ Will call again ☐ Came in ☐ See me

Message: u: Samitomo

Returned call.
told him we
would not
represent him

Phone: 724-6924 Date 4/1/1 Time 10⁴⁵ By L.R.

REC'D APR 6 1977

EISNER, LEVY, STEEL & BELLMAN, P.C.

Attorneys at Law

351 Broadway, New York, New York 10013

(212) 966-9620

Eugene G. Eisner
Richard A. Levy

Lewis M. Steel
Richard F. Bellman

Mary M. Kaufman
Counsel

April 1, 1977

Ms. Frances Pacheco
105 Baruch Drive
New York, N.Y. 10002

Re: Frances Pacheco
v. Sumitomo Shoji America, Inc.

Dear Ms. Pacheco:

This is to confirm our retainer arrangement in your discrimination complaint against Sumitomo Shoji America, Inc. (Sumitomo).

We have agreed that this law firm will prepare and file a complaint in your behalf at the Equal Employment Opportunity Commission and the State Division of Human Rights, alleging that Sumitomo has discriminated against you on the basis of sex and/or national origin. You understand that we are presently representing other employees of Sumitomo who have asked us to file similar complaints in their behalf. As a result, this law firm and you, as well as the other employees we are representing, have agreed that these matters will be handled jointly as a class action in behalf of all individuals similarly situated. Therefore, you have agreed that you will consult with other members of the group in the event that decisions have to be made with regard to settlement or how to proceed in this matter. If this law firm, for example, recommends that these cases should be settled according to agreed upon terms, and the majority of the group having filed complaints agrees with that recommendation, you understand that our law firm will be authorized to settle and you will have the option of either joining in that settlement or seeking other counsel.

This firm has agreed to represent you in this matter on a contingency basis. This means that you will not have to pay legal fees directly to the firm. The firm will be compensated only in the event that there is a recovery in this case or in the event there is a settlement, with one exception which I shall

Ms. Frances Pacheco

April 1, 1977

explain later. In the event that a monetary award is obtained, either through settlement or as a result of an order being entered, we will receive one-third (1/3) of the entire recovery. We shall deduct from your two-thirds (2/3) recovery our court costs, disbursements, and other out-of-pocket expenses.

If Sumitomo is ordered to pay this law firm attorneys fees for its representation in this matter, or if that corporation agrees to pay attorneys fees as part of a settlement, your two-thirds share of the damages may be increased as a result of our receiving these fees. This would occur under the following circumstances: if our one-third share of any award compensates this law firm at the rate of \$75 per hour or more for the time we expend on the entire case, including the class action aspects, we will reduce our one-third share of the recovery by the amount we receive in attorneys fees down to the point where we receive \$75 an hour. Let me emphasize once again that this hourly rate is only applicable for purposes of computing our share of a monetary award achieved in the action. We will receive the compensation specified above only in the event that the employer agrees to or is compelled to compensate you.

You also understand that an objective of this litigation is to achieve job upgrading and promotions and training for the women employees of the corporation. If you settle your individual claim with the corporation, in order to receive job or salary advancement from the corporation, without receiving damages or attorneys fees out of which this law firm will be paid, the one exception I mentioned above with regard to payment of attorneys fees will come into play. In the event of such settlement, you will pay this law firm \$1,500 plus any expenses and disbursements we expended in your behalf. You understand that the purpose for this provision is to ensure that our law firm is compensated for its work in achieving a promotion or increased pay for you in the future.

This law firm has also informed you that we anticipate that it will be necessary to file a lawsuit in the United States District Court for the Southern District of New York in order to vindicate your rights. We are agreed that this retainer will also cover our representation of you in such federal lawsuit. Prior to our filing a lawsuit in federal court, however, we will discuss with you and the other members of the group what such a lawsuit entails.

If this sets forth our agreement, please sign the original where indicated and return it so us. We have provided a copy for your

EL & BELLMAN 3.
Ms. Frances Pacheco

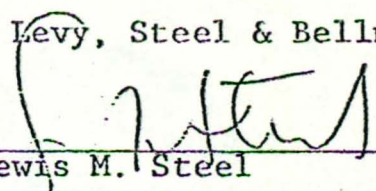
-3- ()
April 1977

convenience. If you have any questions about this agreement,
please call.

Very truly yours,

Eisner, Levy, Steel & Bellman, P.C.

By


Lewis M. Steel

LMS/cpm

Enc. 1

Agreed and Accepted

Frances Pacheco