

12-1982

Correspondence: December 1982

Lewis Steel '63

REC DEC 30 1982

BURTON Z. ALTER
GREYSON BRYAN
DON T. CARMODY
JONATHAN H. CHURCHILL
PETER A. DANKIN
DOUGLAS J. DANZIG
SAMUEL M. FEDER*
PETER FIGDOR
ARTHUR J. GAJARSA*
PETER J. GARTLAND
LANCE GOTTHOFFER
CARL J. GREEN
RICHARD LINN*
MATTHEW J. MARKS
EDWARD H. MARTIN
GENE Y. MATSUO
FUMIAKI MIZUKI
JIRO MURASE
ALDEN MYERS
PETER J. NORTON
MICHAEL E. PARRY
WAYNE E. PARTRIDGE
ROBERT D. PILIERO
JOHN C. ROSENGREN
ROGER L. SELFE
JOHN B. WADE III
PHILIP WERNER
JOHN TOWER WHITE
IRA T. WENDER
COUNSEL
*(NOT ADMITTED IN NEW YORK)

WENDER MURASE & WHITE
ATTORNEYS AT LAW
400 PARK AVENUE
NEW YORK, NEW YORK 10022

(212) 832-3333
CABLE WEMULAW
DOMESTIC TELEX 125476
INTERNATIONAL TELEX 220478 or 236562
TELECOPIER (212) 752-5378

PARTNERS RESIDENT IN
LOS ANGELES
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TOKYO
TORONTO

December 28, 1982

Lewis M. Steel, Esq.
STEEL & BELLMAN, P.C.
351 Broadway
New York, New York 10013

RE: Your correspondence of
December 3, 1982

Dear Lew:

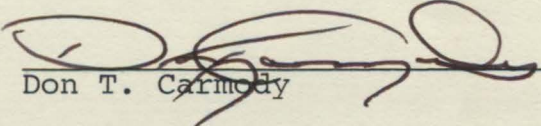
We are in receipt of your correspondence of December 3, 1982, to Lance Gotthoffer, Esq., concerning Ms. Olga Flecha, an employee in the New York office of Sumitomo Corporation of America, which has been referred to me for reply.

We are informed that Sumitomo and Ms. Flecha have totally resolved the incident which, apparently, provoked your correspondence - without, we might add, having to resort to anything other than the normal personal discussions by which Sumitomo and its employees have always effectively resolved routine problems experienced in day to day business management, such as that which, in point of fact, actually occurred here.

We do not intend to reply further to your correspondence, except to refute, as you readily anticipated, your characterization of management's conduct as "a form of sexual harassment".

Very truly yours,

WENDER MURASE & WHITE


Don T. Carmody

DTC:amr

STEEL & BELLMAN, P.C.

Attorneys at Law

351 Broadway, New York, New York 10013

(212) 925-7400

Richard F. Bellman
Lewis M. Steel

December 28, 1982

Lance Gotthoffer, Esq.
Wender Murase & White
400 Park Avenue
New York, New York

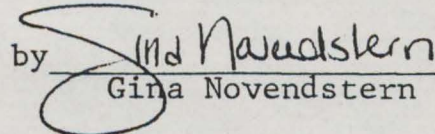
Re: Avigliano v. Sumitomo Shoji America, Inc.

Dear Mr. Gotthoffer:

Enclosed please find a signed copy of plaintiff Raellen Mandelbaum's answers to interrogatories in the above.

Sincerely,

STEEL & BELLMAN, P.C.

by 
Gina Novendstern

GN:PC
Enclosure

RECEIVED DEC 27 1982

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December 22, 1982

Lewis M. Steel, Esq.
Steel & Bellman
351 Broadway
New York, New York 10013

Re: Avigliano v. Sumitomo Shoji America, Inc.

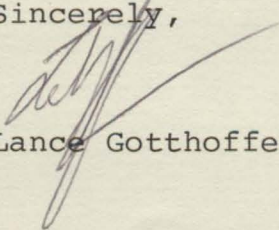
Dear Lew:

This will acknowledge receipt of your letters of December 13 and 16, 1982 in connection with the above-captioned matter.

First, we are entitled to a satisfaction piece because we have satisfied our obligations under the relevant mandates of the Supreme Court and the Court of Appeals. But rather than debate the legal niceties of our respective positions, can you explain to me why it troubles you to provide such a satisfaction piece. If there is a legitimate ground for concern on your part, I am always willing to be reasonable. Absent that, I will stand on my prior demand.

With respect to your letter of December 16, 1982, we also agreed that both sides' answers and/or objections to the other's interrogatories are likewise subject to no time constraints, pending instructions from the judge ultimately assigned to the case. We will, of course, be working on our responses while we are awaiting designation of a judge.

Sincerely,


Lance Gotthoffer

LG/mr

STEEL & BELLMAN, P.C.

Attorneys at Law

351 Broadway, New York, New York 10013

(212) 925-7400

Richard F. Bellman
Lewis M. Steel

December 16, 1982

Lance Gotthoffer, Esq.
Wender Murase & White
400 Park Avenue
New York, New York

Re: Avigliano v. Sumitomo Shoji America, Inc.

Dear Lance:

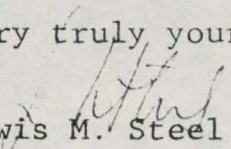
This is to confirm our conversation in which we discussed the implications of consolidation on class action motions.

The discussion took place within the context that we both understand that in all likelihood the Avigliano and Incherchera cases will be consolidated before one judge.

I, therefore, indicated that I did not see the necessity to do duplicative work and sought your views with regard to whether or not an additional class action motion has to be filed in Avigliano. While we did not resolve what we felt would be the correct procedure, we did agree that plaintiffs were under no time constraints to file a class action motion, pending instructions from whichever judge gets the case.

I trust this sets forth our understanding.

Very truly yours,


Lewis M. Steel

LMS:PC

STEEL & BELLMAN, P.C.

Attorneys at Law

351 Broadway, New York, New York 10013

(212) 925-7400

Richard F. Bellman
Lewis M. Steel

December 22, 1982

Maria Mannina
59-41 72nd Street
Maspeth, New York 11378

Elizabeth Wong
82-14 Penelope Avenue
Middle Village, New York 11379

Janice Silberstein
330 Third Avenue, 5K
New York, New York 10010

Dianne Chenicek
202-10 43rd Avenue, 3A
Bayside, New York 11361

Re: Avigliano v. Sumitomo Shoji America, Inc.

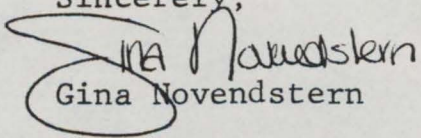
Dear Maria, Elizabeth, Janice and Dianne:

This letter is to bring you up to date on the progress of your case against Sumitomo. We are in the process of reorganizing and typing your answers to Sumitomo's interrogatories. The answers that you sent us were very helpful. We have written a series of legal objections to many of the questions Sumitomo asks.

In order for us to send your answers to Sumitomo, it is necessary for you to come into the office, review your answers and sign the document. Please call me as soon as you receive this letter to set up an appointment as we would like to send the answers out before the new year.

Have a happy holiday.

Sincerely,


Gina Novendstern

GN:PC

STEEL & BELLMAN, P.C.

Attorneys at Law

351 Broadway, New York, New York 10013

(212) 925-7400

Richard F. Bellman
Lewis M. Steel

December 15, 1982

Lance Gotthoffer, Esq.
Wender Murase & White
400 Park Avenue
New York, New York

Re: Avigliano v. Sumitomo Shoji America, Inc.

Dear Mr. Gotthoffer:

Pursuant to conversations which I have had with both you and Don Carmody, I am enclosing two documents, "Plaintiffs' General Objections to Defendant's Interrogatories" and "Plaintiffs' Objections to Defendant's Interrogatories." Please note that Plaintiffs' Objections to Defendant's Interrogatories refer to plaintiffs' answers and indicate that the answers are being submitted simultaneously with the objections. As I indicated to both Don and yourself, these answers will be submitted to you separately.

The plaintiffs are now, or will in the immediate future, be reviewing their answers for signature, but this process will take a little longer than I originally anticipated due to the holiday season. As this process is completed, I will make the answers of the individual plaintiffs available to you.

I trust that pursuant to our understanding, you are also working on answers to plaintiffs' deferred interrogatories.

Sincerely yours,

Lewis M. Steel

LMS:PC
Enclosures

STEEL & BELLMAN, P.C.

Attorneys at Law

351 Broadway, New York, New York 10013

(212) 925-7400

Richard F. Bellman
Lewis M. Steel

December 3, 1982

Lance Gotthoffer, Esq.
Wender Murase & White
400 Park Avenue
New York, New York 10022

Re: Sumitomo Corp. of America

Dear Mr. Gotthoffer:

I am writing you on behalf of Olga Flecha, an employee at the New York office of Sumitomo Corp. of America.

I wish to call to your attention an incident which occurred on December 1, 1982. According to my information, on that day, Ms. Flecha, consistent with her usual practice, entered a room in which a meeting was taking place in order to have Mr. Kansake, the general manager of Business Division 1, sign a document which was urgently needed. Ms. Flecha knocked on the door, opened it and put the document in front of Mr. Kansake to sign. As she did this, Mr. Hira, her supervisor in the Tubular Department, who was attending the meeting, got up and began verbally abusing Ms. Flecha. He reprimanded her in front of certain customers who were attending the meeting and physically shoved her out of the door.

Ms. Flecha was extremely upset about the fact that Mr. Hira laid his hands on her, and I am informed that she later complained to Mr. Kansake to inform him that she would not tolerate being physically abused. Ms. Flecha also informs me that Mr. Hira has been verbally abusing her for quite some time, and that she has talked to his supervisors regarding this abuse, without any result.

I am, therefore, writing you, as counsel for Sumitomo, to see if this matter can be corrected. I regard such conduct on the part of a male supervisor directed against a female employee as a form of sexual harassment. Whether or not you agree with this categorization, I am sure you will agree that if conduct of the nature I have described has taken place, it should be stopped forthwith.

I am, therefore, suggesting that you look into this matter. I ask

Lance Gotthoffer, Esq.
December 3, 1982
Page Two

that a responsible official of Sumitomo assure Ms. Flecha that she will not be subjected to either verbal or physical abuse in the future, and that she receive an appropriate apology from Mr. Hira. I also suggest that Sumitomo should have appropriate rules and regulations in effect to prevent the recurrence of such conduct in the future.

I would appreciate being advised by you as to how this matter is being handled.

Very truly yours,



Lewis M. Steel

LMS:PC
cc: Ms. Olga Flecha