



April 15, 2010

To our friends and neighbors:

The Asian Pacific American Legal Center of Southern California ("APALC") is the nation's largest legal and civil rights organization serving the Asian and Pacific Islander (API) communities. Because we advocate against race-based discrimination, we are concerned that a number of racially insensitive statements have been made in a publicly filed legal document initiating a lawsuit against JM Eagle (hereinafter referred to as Second Amended Complaint or "SAC").^[1] APALC, along with the undersigned community leaders, denounce this use of race.

JM Eagle is the world's leading manufacturer of PVC and plastic pipes. According to the SAC, one of JM Eagle's former employees alleges that JM Eagle sold nonconforming plastic pipes to various governmental entities. We understand that JM Eagle vigorously denies such claims. APALC and the undersigned take no position with respect to the merits of the litigation.

Regretfully, however, it appears that the plaintiff in the case and his attorneys believe they stand to gain by repeatedly interjecting Asian ethnicity and nationality to describe various entities and individuals, even though ethnicity and nationality have no relevance whatsoever.

For example, the SAC alleges that JM Eagle hired "Taiwanese nationals" with "significantly less experience and fewer credentials" to replace the previous managers at certain JM Eagle plants. (SAC, ¶ 27-28). The ethnicity and nationality of the new managers have absolutely no relevance to the issue of experience or credentials. As if in implicit acknowledgement of this, no ethnicity or nationality identifiers are used to describe the former managers.

Similarly, the SAC alleges the allegation that Formosa Plastics Corporation, U.S.A. ("Formosa") – another defendant in the case – "is largely controlled by the Wang family of Taiwan." (SAC, ¶ 18). Again, the ethnicity and nationality of the family that owns Formosa Plastics Corporation, U.S.A., or where they happen to live or come from, has nothing to do with the merits of the complaint. As in the case above, the ethnicity and nationality of the owners of other companies mentioned in the SAC are never specified.

The SAC also states that JM Eagle's Director of Production is from Taiwan (SAC, ¶ 27), although in this case as well, the ethnicity and nationality of the Director of Production is simply irrelevant to the allegations in the complaint.

Perhaps most egregiously, the SAC includes the following line: "Until approximately 2003, Formosa Plastics Corporation, U.S.A. owned and operated a boarding house near its Livingston, New Jersey headquarters to accommodate the large number of Taiwanese employees . . . who could not otherwise afford to live in the greater New York Metropolitan area." (SAC, ¶ 28). This allegation is immaterial to the lawsuit, has no bearing whatsoever on the causes of action alleged, and seems designed only to stir anti-immigrant resentment towards a particular ethnic group.

We are greatly disappointed by these apparent attempts to use the ethnicity and nationality of JM Eagle's owners and employees as a weapon not only against JM Eagle, but against the greater Asian American community. The plaintiffs of this lawsuit are represented by the law firm, Phillips & Cohen LLP. Given the irrelevance of ethnicity and nationality to this case, we are concerned that such information has been included solely to stir racial intolerance and to play into the notion of the "otherness" of Asian Americans. We hope that you will join us in denouncing this completely inappropriate use of racial and ethnic innuendo in a federal lawsuit.

Very truly yours,

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President & Executive Director
Asian Pacific American Legal Center

Supporting Community Leaders and Organizations:

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[1] *U.S. ex rel. Hendrix v. J-M Manufacturing Company, Inc. d/b/a JM Eagle*, USDC C.D.Cal. Case No. ED CV06-0055-GW.