



June 8, 2010

JM Eagle  
Officers and Executive Staff  
5200 W Century Boulevard  
Los Angeles, CA 90045

Dear Sirs/Madams:

The National Association for the Advancement of Colored People (NAACP) recognize the investment and ongoing contributions that progressive businesses and organizations provide to communities across our nation whose residents are quite aware that struggles do lead to triumph.

We further recognize that it is not unique for reputable businesses, such as JM Eagle, and comparable organizations to be challenged by unethical and self-serving individuals whose motive is to undermine the integrity and ravage the very existence of the object of their hatred.

African-Americans know all too well the insidious effects of discrimination and defamation. So we vigorously step forward to ensure all is being done to uphold what is right and fair for all.

For these reasons the NAACP stands in support of the Asian Pacific American Legal Center of Southern California (APALC) and denounce the inappropriate use of racially insensitive statements and ethnic innuendo by the law firm of Phillips & Cohen, LLP, in the lawsuit against JM Eagle.

Founded in 1909, the NAACP is the nation's oldest and largest civil rights organization. Its members throughout the United States and the world are premier advocates for civil rights in their communities and monitoring equal opportunity in the public and private sectors.

Greg Akili  
Region 1 Director  
National Office

cc: NAACP Office of the General Counsel – Baltimore, MD  
S. Garrett, President – San Fernando Valley Branch NAACP, Unit 1064 (Original doc)

Attachments – APALC Press Release dated April 29, 2010  
APALC Letter dated April 15, 2010



**ASIAN PACIFIC  
AMERICAN  
LEGAL CENTER**  
OF  
SOUTHERN CALIFORNIA

**PRESS RELEASE**

April 29, 2010

1145 Wilshire Blvd., Second Floor  
Los Angeles, CA 90017  
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**CONTACTS:**

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***CIVIL RIGHTS GROUPS DENOUNCE INAPPROPRIATE USE OF  
RACE & ETHNICITY IN LAWSUIT AGAINST  
JM EAGLE***

Los Angeles, CA – Today, nine civil rights and community leaders from the Asian Pacific American, Latino, African American and Jewish communities issued an open letter, deploring the inappropriate use of race and ethnicity in a lawsuit filed against JM Eagle, the world's leading manufacturer of PVC and plastic pipes. JM Eagle is owned by Walter Wang (Wang Wen Hsiang).

In the open letter, the community leaders, who all advocate against race-based discrimination, expressed concern that a number of racially insensitive statements have been made in a publicly filed legal document initiating a lawsuit against JM Eagle, alleging that the company sold nonconforming pipes to government entities. The civil rights leaders are not taking a position with respect to the merits of the litigation.

“Although race and ethnicity have absolutely nothing to do with the case, the plaintiff and his attorneys repeatedly interject gratuitous references to Asian ethnicity. For example, they allege that JM Eagle hired ‘Taiwanese nationals’ with ‘significantly less experience and fewer credentials’ than prior managers – yet ethnicity has no relevance to the issue of experience or credentials and in fact, no such identifiers are used to describe the former managers, only the new managers to whom the plaintiff objects,” said Stewart Kwoh, Executive Director of APALC and one of the signatories to the letter. “We are greatly disappointed in these 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. Given the irrelevance of ethnicity and nationality to this case, we are concerned that such information has been included solely to stir racial intolerance.”

The signatories to the letter are: **John Chen**, Chairman, Committee of 100; **Craig Ishii**, Regional Director, Pacific Southwest District, Japanese American Citizens League; **Stewart Kwoh**, President and Executive Director, Asian Pacific American Legal Center; **Munson A. Kwok**, Immediate Past National President, Chinese American Citizens Alliance; **Don Nakanishi**, Professor Emeritus and Former Director of UCLA Asian American Studies Center; **Connie Rice**, Co-Director, Advancement Project; **Thomas Saenz**, President and General Counsel, Mexican American Legal Defense and Educational Fund; **Amanda Susskind**, Pacific Southwest Regional Director, Anti-Defamation League; and **Arturo Vargas**, Executive Director, National Association of Latino Elected and Appointed Officials.

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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").<sup>1</sup> 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.

Regrettably, 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.

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<sup>1</sup> *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.

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,



Stewart Kwoh  
President & Executive Director  
Asian Pacific American Legal Center

**Supporting Community Leaders and Organizations:**

John Chen  
*Chairman*  
Committee of 100

Craig Ishii  
*Regional Director, Pacific Southwest District*  
Japanese American Citizens League

Stewart Kwoh  
*President and Executive Director*  
Asian Pacific American Legal Center

Munson Kwok  
*Immediate Past National President*  
Chinese American Citizens Alliance

Don Nakanishi  
*Professor Emeritus and Former Director of UCLA Asian American Studies Center*

Connie Rice  
*Co-Director*  
Advancement Project

Thomas Saenz  
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