

# Wal-Mart Faces Class-Action Lawsuit in S.C.

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Wal-Mart Stores, Inc., the world's largest retailer, must face a class-action lawsuit by S.C. employees claiming the company forced them to work through breaks and off the clock, a judge ruled.

Current and former hourly workers from July 31, 1999, forward can sue in a single case, said Judge Perry Buckner III in Walterboro, S.C. The group of about 100,000 workers is large enough and their claims similar enough to allow a class action, Buckner said in an Aug. 1 decision.

"Plaintiffs' claims are typical, irrespective of varying fact patterns underlying individual claims, because they allege that they were not paid for work performed off-the-clock and were denied rest and meal breaks," Buckner wrote.

Wal-Mart, based in Bentonville, Ark., faces more than 70 U.S. wage-and-hour suits by employees claiming it failed to pay for all hours worked. The S.C. decision is the fourth since May 1 allowing similar group lawsuits.

"Even more courts around the country have found that cases like this are not properly suited for class treatment," said Wal-Mart spokesman John Simley. Wal-Mart doesn't have a scorecard on which cases have been denied class status because the suits are in different stages of litigation, he said.

Wal-Mart may appeal the S.C. ruling, he said. "We are disappointed with the court's decision and are reviewing our options," Simley said.

The class-action status allows all the workers' claims to be decided in one case, increasing pressure on the company to settle, and lets workers who couldn't afford to sue on their own share in any payment for damages.

"There isn't enough money per person to make it worth the cost" of pursuing a suit individually, workers' attorney Rodney Bridgers said. "Now they're going to be able to prosecute their case for lost wages."

The workers will ask Buckner for a trial in 2008, he said.

Since December 2005, juries in Pennsylvania and California have awarded Wal-Mart workers a total of \$251 million in pay and damages over the same claims.

Decisions on class certification for pay cases against Wal-Mart have been mixed. Workers since May 1 won class-action status for suits in New Jersey, New Mexico and Missouri. A trial on similar claims in Minnesota is to start Sept. 24. Employee suits have been denied class-action status in states including New York, Massachusetts and Illinois.

Buckner didn't rule on the merits of the case, only whether the workers could sue a group under S.C. law.

The S.C. workers, who filed the suit in 2001, claim "Wal-Mart, through understaffing, does not allow employees to have meal or rest breaks that they've earned," Bridgers said.