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**October 27, 2011**

Copy of complaint and Plaintiff profiles  
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**Dukes v. Wal-Mart Plaintiffs File Amended Class Action Lawsuit in California Federal Court**  
*Lawsuit seeks an end to pay and management promotion discrimination for women workers*

(SAN FRANCISCO, Calif. – Oct. 27, 2011) Armed with strong evidence that Wal-Mart Stores, Inc., discriminated against female employees in stores throughout California, attorneys for the Plaintiffs in *Dukes v. Wal-Mart* today filed an amended complaint in U.S. District Court, Northern District of California.

The amended action seeks an end to Wal-Mart's discriminatory practices regarding pay and promotion of female employees in its California Regions and relief and punitive damages for the Plaintiffs in the class. In 2004, the District Court certified *Dukes v. Wal-Mart* as a national class of female employees challenging store pay and management promotion practices. The U.S. Supreme Court in June 2011 issued new guidelines for class actions in employment discrimination cases.

The Supreme Court did not rule on the merits of the case, nor did it preclude class actions consistent with its new guidelines and standards, said Plaintiffs' Lead counsel Brad Seligman, of the Impact Fund, Berkeley, Calif. "We're back. This case and the fight for justice for the women of Wal-Mart are not over. The complaint filed against California Wal-Mart is well within Supreme Court guidelines and we are determined to see that California Wal-Mart women employees who have been waiting up to 11 years for justice finally get their day in court."

Class counsel expect to file additional cases around the country in the coming months. Information about filing claims can be found at [www.walmartclass.com](http://www.walmartclass.com).

Named California Plaintiffs are current Wal-Mart Stores, Inc., employees Betty Dukes, a 17-year employee who works at a cashier/greeter in a Contra Costa County Wal-Mart, and Christine Kwapnoski, a 25-year employee who works as an assistant manager in a Contra Costa County Sam's Club, a division of Wal-Mart. Also named are former employees Edith Arana, of Los Angeles County; Deborah Gunter, of Riverside County; and Patricia Surgeson, of Sacramento County — all of whom worked at Wal-Mart stores in California.

Relying on well-documented discrimination in pay and management promotion practices, the named Plaintiffs represent an estimated 90,000 current or former women employees—with the exception of store managers and pharmacists— of California Wal-Mart and Sam's Club stores.

In addition to focusing on California regions, the new action relies on evidence that was not part of the original action, according to Plaintiffs' Co-lead counsel Joseph Sellers, of Cohen Milstein Sellers & Toll PLLC. "This California case relies upon new information and statistical analyses, not before the Supreme Court, that show a consistent pattern of discrimination in pay and promotions throughout the Wal-Mart regions in California. "

Plaintiffs rely on new statistical analyses, conducted store by store and district by district—not part of the Supreme Court record—that shows women who have held salaried and hourly positions in the California stores and regions have been paid less than men in comparable positions, although on average the women have more seniority and higher performance ratings than men. Women in Wal-Mart's California regions also had a much lower chance of getting promoted than men, and those who did get promoted waited significantly longer for promotions.

Evidence also confirms that Wal-Mart's regional, district and store managers had biased views of women. In 2004, Wal-Mart's district managers, including its California district managers, were told at a meeting with Wal-Mart's then-CEO that they "were the culture" and that the key to success was "single focus to get the job done. . . women tend to be better at information processing. Men are better at single focus objective." The managers were then told to create a "culture of execution" and a "culture of results" as they picked "future leaders."

California managers took this to heart. A former California Regional Vice President presumed that women did not seek management positions because of their "family commitments." Plaintiff Dukes' district manager based his conclusion that women were uninterested in management on his mother, a woman who had never worked at Wal-Mart and, who decades earlier, had not been interested in advancement. Plaintiff Kwapnoski's store manager justified giving a large raise to a male employee because he "had a family to support." She was a single mother raising two children at the time.

"This culture of discrimination against women, fostered by a lack of formal pay and promotion policies encouraged a 'good old boy's' network throughout the California Regions," said Plaintiffs Co-counsel Arcelia Hurtado of the San Francisco-based Equal Rights Advocates. "Notice of promotions often was word-of-mouth and women who clearly had the experience to become store managers were passed over time and time again. We are confident that our case in California will help put these practices to an end, and lead to fair and just compensation for Wal-Mart's women workers."

For more information on the case, visit [www.walmartclass.com](http://www.walmartclass.com).

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*Dukes v. Wal-Mart Stores, Inc.*, Plaintiffs are represented by the Impact Fund, Berkeley, Calif.; Cohen Milstein Sellers & Toll, PLLC, Washington, D.C.; Equal Rights Advocates (ERA), San Francisco, Calif.; Davis Cowell & Bowe, LLP, San Francisco, Calif.; Public Justice Center, Baltimore, Md.; and Tinkler Law Firm and the Bennett Firm, Santa Fe, N.M.