

Wal-Mart's Wage and Hour Violations

SAVING MONEY ON THE BACKS OF ITS EMPLOYEES

(Revised July 2008)

"At its essence, this is a case about an employer's obligation to compensate its employees for all the time worked."ⁱ

-*Missouri Court of Appeals*

"The exposure is gigantic, but maybe the worst part is the bad publicity. Every time one of these proceeds to trial and they (Wal-Mart) lose, it's not helpful to their reputation."ⁱⁱ

-*Carl Tobias, professor at the University of Richmond specializing in civil litigation.*

Wal-Mart is currently facing more than 80 lawsuits at various stages of the legal process. Four class action lawsuits have either been certified or affirmed since May of this year, and trial in a fifth recently commenced. These cases reveal a common thread of a centralized scheduling system that advises store managers on "preferred" staffing levels to run their stores. Evidence and testimony littered throughout the cases indicate a "corporate culture" and systematic approach for cutting labor costs by dictating managers staff below the "preferred" staffing levels and rewarding managers for keeping labor costs down.

Some of the methods cited in the lawsuits used by managers to hold down labor costs include forcing employees to work off the clock, requiring workers to skip lunch and rest breaks and manipulating time and wage records. An internal audit performed by Wal-Mart in July 2000 indicated these types of violations were and had been a massive problem companywide for years. According to attorneys representing a class of employees in Minnesota, "Wal-Mart knew what they were doing, they knew they were doing it, and they were hiding the evidence to avoid liability."ⁱⁱⁱ

The Fair Labor Standards Act ("FLSA") of 1938 is the basis for wage and hour law in the United States, and requires employers to keep accurate records of all hours worked by employees. As individual states have adopted and often supplemented FLSA requirements, employers denying breaks or overtime pay are increasingly being held responsible for these violations. Individual state wage and hour laws now often protect workers' overtime pay, prevent off-the-clock work, and guarantee meal and rest breaks. Wal-Mart, a massive and frequent violator of wage and hour laws, now finds itself defending its labor practices in legal battles across the nation. The potential financial impact of these cases and those still to come are massive, even for a behemoth such as Wal-Mart.

NOTABLE CURRENT CASES AGAINST WAL-MART

Armijo v. Wal-Mart Stores, Inc.

State: New Mexico

Class Size: 10,000 estimated

Current Status: Ongoing; Class Action

Summary:

On June 12, 2007, the Court of Appeals for the State of New Mexico upheld a district court decision certifying *Armijo* as a class action. According to the plaintiffs' complaint, it is alleged that Wal-Mart's corporate policies and practices are geared towards promoting the maximization of profits through the minimization of labor costs, creating an environment where hourly employees work off the clock and through meal and rest breaks. In addition to statistical analysis of clocking in and clocking out patterns, plaintiffs point to an internal Wal-Mart audit first referenced in *Iliadis v. Wal-Mart* (see below), known as the "Shipley Audit." The audit, prepared in July 2000, revealed numerous failures by Wal-Mart to comply with Wal-Mart's own rest and meal break policies, and warned that "Wal-Mart may face several adverse consequences as a result of staffing and scheduling not being prepared appropriately."^{iv}



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An interesting note on this case is the claim for breach of contract. The plaintiffs will be required to prove that Wal-Mart was contractually obligated to provide rest breaks for its employees, that a missed rest break constitutes a breach of that contract, and that the breach resulted in damages to the employees. The Court of Appeals agreed that whether a contract actually exists is a question common to the class, and pointed out that Wal-Mart does have a written policy regarding rest breaks that applies to all hourly employees. At trial, under review will be the employee handbook, oral orientation sessions, and the uniformity of orientation sessions and employment policies from store to store.

Carter v. Wal-Mart Stores, Inc.

State: South Carolina

Estimated Class Size: 100,000

Current Status: Ongoing; Class Action

Summary:

On August 7, 2007, Charleston County Circuit Court Judge Perry M. Buckner III ruled Wal-Mart must face a class of more than 100,000 South Carolina employees claiming wage and hour violations. Wal-Mart workers in South Carolina filed suit in 2001 claiming Wal-Mart forced them to work through breaks and off the clock. Similar to previous cases, the claims stem from complaints of understaffing, resulting in workers having to skip breaks and work before or past normal shifts in order to compensate.^v

Hale v. Wal-Mart Stores, Inc.

State: Missouri

Estimated Class Size: 200,000, possibly as high as 250,000

Current Status: Ongoing; Class Action

Summary:

On June 12, 2007, the Missouri Court of Appeals held that a Missouri trial court did not abuse its discretion in finding that all class certification requirements were met.^{vi} Plaintiffs' allege that systemic understaffing and overtime limits were and are being enforced through Wal-Mart's corporate policies and a bonus incentive plan for managers based on strict payroll and staffing controls. Five former Wal-Mart and Sam's Club employees first filed suit in 2002, and a circuit court judge granted class action status in 2005.^{vii} Plaintiffs' attorneys are hopeful the case will go to trial by summer of 2008. The Missouri court concluded: "At its essence, this is a case about an employer's obligation to compensate its employees for all the time worked."^{viii} Trial has been set for April 6, 2009.^{ix}

Iliadis v. Wal-Mart Stores, Inc.

State: New Jersey

Class Size: 72,000

Current Status: Ongoing; Class Action

Summary:

On May 31, 2007, the New Jersey Supreme Court overturned a lower court decision denying class status to plaintiffs. The NJ Supreme Court held that the trial court abused its discretion in declining to certify the class action, stating that common questions of law and fact predominated over individualized questions and that a class action is the superior means to adjudicate the dispute. The Court was satisfied that any manageability concerns could be overcome, pointing out that similar cases have been successfully tried in California (*Savaglio*) and Pennsylvania (*Braun/Hummel*). For more information on *Savaglio* and *Braun/Hummel*, see below.

Workers claim they were forced to work through meal breaks, locked in stores after clocking out and coerced into working off the clock.^x Employees point to Wal-Mart Corporate Policy PD-07, a corporate-wide policy governing rest and meal breaks entitling employees to paid rest periods based on the number of consecutive hours in their shift.^{xi} It is also alleged that Wal-Mart systematically ignores these policies, providing stores managers with financial incentives to increase store profits through lowering store expenses, including labor costs.^{xii} Plaintiffs cited e-mails sent by Wal-Mart to supervisors encouraging them



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to cut employees' hours. In addition, a statistician found that almost all employees received fewer breaks than they should have, noting numerous occasions when employees who failed to clock out at the end of a shift were credited with only a 1-minute-long shift, regardless of the amount of time they had actually worked. Another expert noted that often employees would be logged out for payroll purposes but simultaneously logged into cash registers, proof of off-the-clock labor.^{xiii}

Salvas v. Wal-Mart Stores, Inc.

State: Massachusetts

Class Size: 65,000

Current Status: Ongoing; Currently in front of the Massachusetts Supreme Judicial Court.

Summary:

Salvas was filed in 2001 in Middlesex (MA) Superior Court, alleging Wal-Mart of illegally altering timecards in order to decrease payroll expenses, including clocking employees out just one minute after they had clocked in. The suit also alleges that employees were deprived of their meal and rest breaks. The case was originally certified as a class action in January of 2004, and again on December 30, 2004, on behalf of 65,000 present and former Wal-Mart employees. Then, after Wal-Mart appealed, the case went back to Superior Court, where a second judge decertified the class on the basis that each associate's situation was unique, and therefore class action certification was improper.

The Massachusetts Supreme Judicial Court agreed to hear the *Salvas* appeal, and oral arguments were held on May 7, 2008. The participants currently await a decision. Using Wal-Mart's payroll records, plaintiffs allege that Wal-Mart employees were "deprived of wages" for 10.1 million missed rest breaks between 1995 and 2005. There are also 21,383 alleged incidents of timecard alterations, in which employees were clocked out one minute before a shift began. All told, the lawsuit is seeking \$25 million in unpaid wages, plus punitive damages. In addition to the payroll evidence, plaintiffs present evidence of Wal-Mart's corporate knowledge of the violations, including a July 17, 2000 audit report, signed off on by Wal-Mart Chief Operating Officer Don Harris, in which auditors concluded that stores "were not in compliance with the company and state regulations concerning the allotment of breaks and meals as 76,472 exceptions were noted in 127 stores reviewed for a one-week period."^{xiv}

Sepulveda v. Wal-Mart Stores, Inc.

State: California

Class Size: 2,000 assistant managers.

Current Status: Ongoing; Wal-Mart has appealed for an en banc hearing with the 9th Circuit U.S. Court of Appeals.

Summary:

Sepulveda was filed on February 13, 2004, on behalf of 2000 California Assistant Managers in United States District Court in Los Angeles before Judge Dale Fisher. Plaintiffs allege that since January 14, 2000, has erroneously classified its assistant managers in California as exempt from California requirements regarding overtime pay and meal and rest breaks. Plaintiffs contend that despite their job titles, assistant managers actually perform many of the same duties as Wal-Mart's non-exempt employees, and therefore should be classified as non-exempt. Plaintiffs allege that Defendant has violated several provisions of the California Labor Code governing overtime pay, meal breaks, reporting of hours, and prompt payment of wages.^{xv}

In May 2006, Judge Fischer denied a motion for class certification, but that denial was reversed by United States Court of Appeals for the Ninth Circuit on April 25, 2008. The case was remanded to the district court for consideration of certification under Federal Rule of Civil Procedure Rule 23(b)(2), and to consider using Rule 23(c)(4) to certify issues under the Rule 23(b)(2) standard. The Ninth Circuit held that the district court had misapplied Ninth Circuit precedent when it denied class certification.^{xvi} Wal-Mart has filed for an en banc review by the Ninth Circuit Court of Appeals.



Willey/Richardson v. Wal-Mart Stores, Inc. and Sam's Club

State: Kansas

Class Size: Not yet determined, but could be approximately 15,000

Current Status: Awaiting certification decision

Summary:

Plaintiffs filed their Joint Motion for Class Certification on December 12, 2002, and filed an additional Supplement to Joint Motion for Class Certification on August 13, 2007, following the decision by the Missouri Court of Appeals in *Hale v. Wal-Mart*. Plaintiffs seek to certify a class defined as "all current and former hourly employees of Kansas Wal-Mart stores during the applicable period of limitations." When this case was initially filed on September 21, 2001, Wal-Mart had approximately 15,000 hourly employees at its Kansas Wal-Mart stores.

Similar to the above cases, plaintiffs allege that Wal-Mart pressures management to keep costs down by demanding and encouraging store employees not to record all of their time worked. Employees are also given work assignments where it is known that they will be unable to complete these assignments within scheduled hours. They also allege that Wal-Mart should have known about this off-the-clock work because (1) its managers were present in stores when off-the-clock work was occurring; (2) it assigns work that cannot be accomplished during an employee's shift, yet refuses to allow employees to clock in for additional time necessary to accomplish said work; and (3) it systematically understaffs its stores. Testimony will show that these abuses occur at stores across the state, and that Wal-Mart's corporate culture effectively directs individual store managers to understaff stores and commit wage violations.^{xvii}

Alix v. Wal-Mart Stores, Inc

State: New York

Estimated Class Size: 200,000+

Current Status:

Class certification denied, though Plaintiffs likely to appeal

Summary: On June 11, 2007, the New York Supreme Court for Albany County addressed a motion seeking class certification based on wage and hour violations against employees at the ninety-two Wal-Mart and Sam's Club stores located in New York State. The New York Supreme Court denied certification. A class of all current and former employees at the 92 Wal-Mart and Sam's Club stores claim they had been systematically deprived of wages through the routine understaffing of stores, requiring employees to work through breaks and off the clock to complete their assigned tasks. It is also alleged that store managers routinely falsified workers' computerized time records.^{xviii} The New York Supreme Court found the class to be overbroad, among other issues, and suggested that an administrative proceeding under the Unpaid Wages Prohibition Act would be preferable, as Wal-Mart would almost certainly appeal any class certification thereby extending the litigation at least an additional year.^{xix}

HISTORIC CASES AGAINST WAL-MART

Borja/Trujillo v. Wal-Mart Stores, Inc.

State: Colorado

Verdict against Wal-Mart: Settled in 2004 for approximately \$50 million.

Class Size: Estimated 37,000

Summary:

Plaintiffs alleged that Wal-Mart managers, in general, had financial incentives to hold down store expenses, and that financial compensation and bonuses were enhanced by, among other things, the lowering of overhead costs, the largest component of which is employee payroll. Methods used to achieve this goal included forcing employees to work off the clock, understaffing the store, causing employees to work without receiving their required meal or rest breaks, and manipulating time and wage records. An order approving class certification was filed by Las Animas County District Court on August 10, 1999, and a trial



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date was initially set for September 11, 2000. The case was ultimately settled in 2004 for an estimated \$50 million.^{xx}

Among the most interesting revelations were those obtained from Radonna Perrin, a Wal-Mart project manager working out of Bentonville, who was in charge of the customer service scheduling project, which directs stores how to schedule their associates. According to Perrin's deposition, Wal-Mart computers used a "wage percentage scale" to determine the number of employees needed to successfully service a Wal-Mart store at any given time based on historical sales data. This "preferred hours" number was generated in Bentonville and sent to store managers, where it was up to store managers to generate a schedule. The only caveat was that store managers were required to keep scheduled employee hours below the preferred hours. Reports comparing preferred hours, scheduled hours, and actual hours worked were sent to regional and district managers as well as to Bentonville, where payroll costs would be monitored and checked if scheduled and actual hours worked rose too high.

Savaglio v. Wal-Mart

State: California

Verdict against Wal-Mart: \$172 million in 2005, plus \$26 million in costs and attorney fees.

Class size: 116,000

Summary:

Savaglio ranks as the 10th largest verdict of 2005, and stands as the largest single wage and hour verdict handed down against Wal-Mart.^{xxi} It is also the largest verdict ever in a meal-break class action in California. Since California passed a law mandating that employees who work at least six hours receive a 30-minute lunch break, class actions over these claims have been closely watched.^{xxii} Meal break provisions in California's Unfair Competition Law were inserted in 2001, mandating a 30-minute meal break for employees working more than 5 hours. Workers who don't get that break receive an extra hour's worth of pay. Andrea Savaglio, who worked as an overnight stocker at a Pleasanton, California Wal-Mart store, along with four other employees sued Wal-Mart in 2001 alleging that, to cut labor costs, Wal-Mart failed to hire enough employees and forced them to work through their meal breaks to get work done and didn't give them their extra hour of pay.^{xxiii}

The 2005 jury trial resulted in a verdict totaling \$57 million in statutory penalties, \$115 million in punitive damages, and an additional award of \$265 million for costs and attorney fees. Wal-Mart filed a notice of appeal in January, 2008, and it is expected that oral arguments could be scheduled for Fall, 2008.^{xxiv}

Braun/Hummel v. Wal-Mart Stores, Inc.

State: Pennsylvania

Verdict against Wal-Mart: \$78.5 million in 2006, plus an additional \$62 million in damages, \$10 million in interest, and \$36.5 million in attorney fees.

Class size: 186,000

Summary:

The initial *Braun* lawsuit claimed Wal-Mart forced workers to miss more than 33 million rest breaks between 1998 and 2001 in order to boost productivity and cut labor costs. Wal-Mart violated Pennsylvania labor laws by forcing hourly employees to work through breaks and beyond their shifts without overtime pay. The decision came less than a year after Wal-Mart lost its verdict in California.

Wal-Mart employees testified that they were pressured by their managers to cut meals short or to skip breaks altogether, and two cashiers testified to being locked inside stores and forced to restock shelves before being allowed to leave.^{xxv} In fact, the plaintiffs claimed that store managers regularly locked employees inside stores following night shifts, forcing them to work off the clock – Braun routinely missed her night bus home, forcing her to call family members for a ride home.^{xxvi} Testimony by Castural Thompson, a former regional vice president, testified that managers knew of the missed breaks and felt they were necessary to meet Wal-Mart's financial goals.^{xxvii} The plaintiffs' lawyers also pointed to Wal-Mart computer records which indicated that its Pennsylvania employees had skipped 33 million rest breaks from



1998 to 2001, when Wal-Mart stopped requiring workers to clock out when they took the 15-minute breaks due them.^{xxviii}

The *Braun/Hummel* lawsuit was initially two separate suits, one filed by Braun in 2002, the other filed by Hummel in 2004. The two cases were consolidated for trial in September 2006. The two cases encompassed missed rest breaks and off-the-clock work from March 1998 through May 2006. Wal-Mart filed notice of appeal in December 2007.^{xxix}

Braun v. Wal-Mart Stores, Inc.

State: Minnesota

Verdict against Wal-Mart: \$6.5 million in 2008, plus additional fines and punitive damages to be determined.

Estimated Class Size: 56,000

Summary: This trial commenced September 25, 2007, and a decision in favor of plaintiffs was passed down on July 1, 2008. The case follows the script of many others, as plaintiffs' attorneys alleged that Wal-Mart managers, with severely understaffed stores and under pressure to cut costs, inserted unused breaks on timecards and asked employees to start work before clocking in and stay late after clocking out. The case also alleged that Wal-Mart tied bonuses for store managers to store profitability. Debbie Simonson, a former employee and the first witness for plaintiffs, testified that she was forced to miss numerous breaks because of having too much work and no one to cover for her while she clocked out. Simonson, a department manager, eventually resigned when her complaints went unheard.^{xxx}

District Judge [Robert King Jr.](#) ruled Wal-Mart broke Minnesota labor laws more than 2 million times and ordered the company to give employees \$6.5 million in back-pay.^{xxxi} Minnesota labor law allows a maximum fine of \$1,000 per violation of wage and hour rules, so with 2 million violations that could total as much as \$2 billion.^{xxxii} A second trial is scheduled for October 20, 2008, where a jury will decide how much each violation will be worth, and will consider punitive damages as well.^{xxxiii}

CURRENT WAGE/HOUR/OVERTIME CASES (76) AGAINST WAL-MART

As of March 31, 2008

Adcox v. WM, US Dist. Ct. ("USDC"), Southern Dist. of TX, 11/9/04;
Alix (f/k/a Gamble) v. WM, Supreme Ct. of the State of NY, County of Albany, 12/7/01;
Armijo v. WM, 1st Judicial Dist. Ct., Rio Arriba County, NM, 9/18/00;
Bailey v. WM, Marion County Superior Ct. IN, 8/17/00;
Barnett v. WM, Superior Ct. of WA, King County, 9/10/01;
Basco v. WM, USDC, Eastern Dist. of LA, 9/5/00;
Bayardo v. WM, USDC, Dist. of NV, 3/19/07;
Blackstock v. WM, State Ct. of Chatham County, GA, 4/27/06;
Braun v. WM, 1st Judicial Dist. Ct. Dakota County MN, 9/12/01;
Braun/Hummel v. WM, Ct. of Common Pleas, Philadelphia County, PA, 3/20/02 / 8/30/04;
Brogan v. WM, Superior Ct. of NH, Strafford County, 2/17/05;
Brogan v. WM, USDC, Southern Dist. of WV, 4/3/07;
Brown v. WM, 14th Judicial Circuit Ct., Rock Island, IL, 6/20/01;
Brown v. WM, USDC, Eastern Dist. of NY, 4/5/07;
Campbell v. WM, USDC, Dist. of NV, 9/20/06;
Carter v. WM, Ct. of Common Pleas, Colleton County, SC, 7/31/02;
Cole v. WM, USDC, Dist. of MT, Central Div., 1/13/06;
Connatser v. WM, USDC, Western Dist. of TN, 4/4/07;
Curless v. WM, USDC, Dist. of WY, 10/26/05;
Deas v. WM, USDC, Eastern Dist. of VA, 4/3/06;
Evans v. WM, USDC, Dist. of SC, 01/9/07;
Gilles v. WM, USDC, Southern Dist. of IN, 3/31/06;



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Green v. WM, USDC, S. Dist. of FL, 11/6/06;
Grey v. WM, USDC, Dist. of KS, 7/14/06;
Gross v. WM, Circuit Ct., Laurel County, KY, 9/29/04;
Hale v. WM, Circuit Ct., Jackson County, MO, 8/15/01;
Hall v. WM, USDC, Dist. of NV, 8/12/05;
Henderson v. WM, USDC, Dist. of NV, 12/6/06;
Hicks v. WM, USDC, Eastern Dist. of TX, 4/3/07;
Hiebert v. WM, Superior Ct. of WA, Pierce County, 7/24/06;
Holcomb v. WM, State Ct. of Chatham County, GA, 3/28/00;
Husidic v. WM, USDC, Southern Dist. of IA, 9/14/06;
Iliadis v. WM, Superior Ct. of NJ, Middlesex County, 5/30/02;
Jackson v. WM, Superior Ct. of DE, New Castle County, 4/4/05;
Jackson v. WM, USDC, Dist. of ID, 2/3/06;
King v. WM, USDC, Eastern Dist. of PA, 4/13/07;
Kraemer v. WM, USDC, Dist. of ND, 11/15/06;
Kuhlmann v. WM, Circuit Ct., Milwaukee County, WI, 8/30/01;
Lerma v. WM, Dist. Ct., Cleveland County, OK, 8/31/01 ;
Lopez v. WM, 23rd Judicial Dist. Ct. of Brazoria County, TX, 6/23/00;
Luce v. WM, Circuit Ct., Brown County, SD, 5/11/05;
Mathies v. WM, USDC, Dist. of OR, 3/30/07;
McFarlin v. WM, Superior Ct. of AK at Anchorage, 4/7/05;
Melson v. WM, USDC, Northern Dist. of AL, 6/26/07;
Montgomery v. WM, USDC, Southern Dist. of MS, 12/30/02;
Moore v. WM, USDC, Dist. of OR, 12/7/05;
Mussman v. WM, IA Dist. Ct., Clinton County, 6/5/01;
Nagy v. WM, Circuit Ct. of Boyd County, KY, 8/29/01;
Newland v. WM, Superior Ct. of CA, Alameda County, CA, 01/14/05;
Nolan v. WM, USDC, Northern Dist. of OH, Eastern Div., 4/4/06;
Olinger v. WM, USDC, Eastern Dist. of MI, 9/14/06;
Parrish v. WM, Superior Ct., Chatham County, GA, 2/17/05;
Pedro v. WM, USDC, Dist. of MA, 4/4/07;
Penn v. WM, USDC, Eastern Dist. of LA, 9/15/06;
Phelps v. WM, USDC, Southern Dist. of IL, 4/4/07;
Pickett v. WM, Circuit Court, Shelby County, TN, 10/22/03;
Poha v. WM, USDC, Dist. of HI, 11/1/05;
Pritchett v. WM, Circuit Ct. of Jefferson County, AL, 2/17/05;
Richardson v. WM, USDC, Dist. of NV, 4/4/07;
Robinson v. WM, USDC, Southern Dist. of MS, 3/5/07;
Romero v. WM, Superior Ct. of CA, Monterey County, 03/25/04;
Salvas v. WM, Superior Ct., Middlesex County, MA, 8/21/01;
Sarda v. WM, Circuit Ct., Washington County, FL, 9/21/01;
Savaglio v. WM, Superior Ct. of CA, Alameda County, 2/6/01;
Scott v. WM, Circuit Ct. of Saginaw County, MI, 9/26/01;

End Notes:

ⁱ Bureau of National Affairs. "Two state appeals courts OK certification in Wal-Mart cases; Trial court nixes class." June 19, 2007.

ⁱⁱ Margaret Cronin Fisk and Sophia Pearson. "Wal-Mart shortchanged Minnesota workers, lawyer says. *Bloomberg News*. September 25, 2007.

ⁱⁱⁱ Margaret Cronin Fisk and Sophia Pearson. "Wal-Mart shortchanged Minnesota workers, lawyer says. *Bloomberg News*. September 25, 2007.

^{iv} *Armijo v. Wal-Mart Stores, Inc.* Court of Appeals for the State of New Mexico. Opinion filed June 12, 2007.

^v Margaret Cronin Fisk and Lauren Coleman Lochner. "Wal-Mart faces class action lawsuit in S.C." *Bloomberg via The Charlotte Observer*. August 8, 2007.

^{vi} *Hale v. Wal-Mart Stores, Inc.*, 12 Wage & Hour Cas. 2d (BNA) 1199 (Mo. App. W.D. 2007).

^{vii} Marcus Kabel. "State courts split over Wal-Mart suits." *Associated Press via The Boston Globe*. June 13, 2007.



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- ^{viii} Bureau of National Affairs. "Two state appeals courts OK certification in Wal-Mart cases; Trial court nixes class." June 19, 2007.
- ^{ix} Kimberly Morrison. "Like clock work." *Northwest Arkansas Morning News*. June 21, 2008.
- ^x Margaret Cronin Fisk. "Wal-Mart to face New Jersey class action pay suit." *Bloomberg*. May 31, 2007.
- ^{xi} Syllabus: *Illiadis v. Wal-Mart Stores, Inc.* New Jersey Supreme Court (May 31, 2007).
- ^{xii} Syllabus: *Illiadis v. Wal-Mart Stores, Inc.* New Jersey Supreme Court (May 31, 2007).
- ^{xiii} Business Legal Reports. "NJ Supreme Court: Can Wal-Mart Employees Bring Class Action Suit?" August 9, 2007. Online at: <http://hr.blr.com/news.aspx?id=76181>.
- ^{xiv} Donna Goodison. "SJC gets Wal-Mart suit." *The Boston Herald*. January 10, 2008. Also see *Salvas, et al. v. Wal-Mart Stores, Inc.*, Appellants' Opening Brief, SJC-10108.
- ^{xv} *Sepulveda v. Wal-Mart Stores, Inc.*, 237 F.R.D. 229 (C.D. Cal. 2006).
- ^{xvi} The California Wage And Hour Law Weblog, online at http://wagelaw.typepad.com/wage_law/2008/05/ninth-circuit-r.html. See also *Sepulveda v. Wal-Mart Stores, Inc.*, 2008 U.S. App. LEXIS 9591 (9th Cir. Cal. Apr. 25, 2008).
- ^{xvii} *Willey v. Wal-Mart Stores, Inc.* Brief in Support of Plaintiffs' Joint Motion for Class Certification. Filed December 16, 2002, in the District Court of Wyandotte County, Kansas.
- ^{xviii} LexisOne. "New York Judge Denies Certification of Overtime Class against Wal-Mart." July 5, 2007. Online at: <http://www.lexisone.com/news/nlibrary/m070507a.html>.
- ^{xix} Bureau of National Affairs. "Two state appeals courts OK certification in Wal-Mart cases; Trial court nixes class." June 19, 2007.
- ^{xx} Molly Selvin and Abigail Goldman. "Wal-Mart workers win suit." *Los Angeles Times*. December 23, 2005.
- ^{xxi} The National Law Journal. "The Top 100 Verdicts of 2005." February 20, 2006. Online at: <http://www.furth.com/top-100.pdf>.
- ^{xxii} Justin Scheck. "Wal-Mart stuck with \$172 million lunch tab." *The Recorder*. December 23, 2005.
- ^{xxiii} Karen Gullo. "Wal-Mart told to pay \$172.3 million in meal break case." *Bloomberg*. December 22, 2005.
- ^{xxiv} Kimberly Morrison. "Like clock work." *Northwest Arkansas Morning News*. June 21, 2008.
- ^{xxv} Sophia Pearson and Margaret Cronin Fisk. "Wal-Mart loses Pennsylvania suit over missed breaks." *Bloomberg*. October 12, 2006.
- ^{xxvi} Sophia Pearson. "Lawsuit goes to trial in Pennsylvania." *Bloomberg*. September 15, 2006.
- ^{xxvii} Sophia Pearson. "Lawsuit goes to trial in Pennsylvania." *Bloomberg*. September 15, 2006.
- ^{xxviii} Steven Greenhouse. "Wal-Mart told to pay \$78 million." *The New York Times*. October 14, 2006.
- ^{xxix} Kimberly Morrison. "Like clock work." *Northwest Arkansas Morning News*. June 21, 2008.
- ^{xxx} Julie Forster. "Wal-Mart wage trial begins." *St. Paul Pioneer Press*. September 25, 2007.
- ^{xxxi} Margaret Cronin Fisk. "Wal-Mart faces \$2 billion labor law trial, judge says." *Bloomberg News*. July 1, 2008.
- ^{xxxii} Margaret Cronin Fisk. "Wal-Mart faces \$2 billion labor law trial, judge says." *Bloomberg News*. July 1, 2008.
- ^{xxxiii} Margaret Cronin Fisk. "Wal-Mart faces \$2 billion labor law trial, judge says." *Bloomberg News*. July 1, 2008.

