

Lawyer: Wal-Mart Fight Isn't Over

By ABQJournal News Staff

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Santa Fe attorneys Merit Bennett, left, and Stephen Tinkler helped start the gender discrimination lawsuit that was dealt a blow by the U.S. Supreme Court on Monday. It ruled the case couldn't proceed as a class-action suit. (Greg Sorber/Journal)

SANTA FE, N.M. — A Santa Fe attorney who helped start a huge gender discrimination case against Wal-Mart that the U.S. Supreme Court blocked on Monday vowed he and others would continue to pursue claims against the giant retailer.

“Of course this is a disappointing result, but the case is not over, not by a long shot,” said Santa Fe lawyer Merit Bennett.

The Supreme Court ruled that the lawsuit against Wal-Mart Stores Inc. could not proceed as a class action. By a 5-4 vote, the court said there were too many women in too many jobs at Wal-Mart to wrap into one lawsuit.

The lawsuit could have involved up to 1.6 million women, with Wal-Mart facing potentially billions of dollars in damages.

Bennett and fellow Santa Fe lawyer Stephen Tinkler helped get the suit started, after winning a \$1.9 million award against Wal-Mart in 1996. They subsequently heard from other female Wal-Mart employees from around the country. The nonprofit Impact Fund from California and other firms eventually joined in the case that the Supreme Court ruled on Monday.

The ruling

Supreme Court rules suit can't be class action B4

“Steve and I have been head-butting with Wal-Mart for a long time,” Bennett said. “... It's been a long journey and it's still not over.”

“Wal-Mart still has to contend with us at a number of levels,” he said. “We're considering filing for smaller class groups or individual lawsuits.” He predicted there would be “an onslaught” of smaller suits in every state, including New Mexico.

Bennett said it was unfortunate that female plaintiffs won't be able to pool resources in a giant class-action suit, which he called “an issue of fundamental fairness” for workers without the individual resources to take on Wal-Mart.

He said there will continue to be support for the plaintiffs from nonprofits and lawyers worried about the gender equity issues raised in the case. "All they want is for Wal-Mart to follow the law and treat them equitably," Bennett said.

In a statement, Wal-Mart said Monday, "The court today unanimously rejected class certification and, as the majority made clear, the plaintiffs' claims were worlds away from showing a companywide discriminatory pay and promotion policy."

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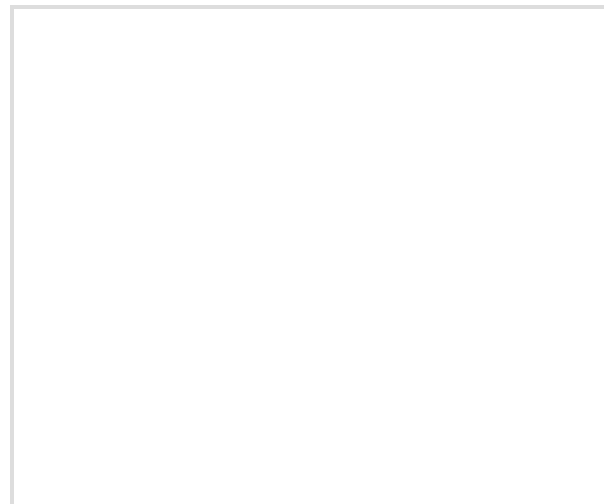
Cutline – Santa Fe attorneys Merit Bennett, left, and Stephen Tinkler helped start the gender discrimination lawsuit that was dealt a blow by the U.S. Supreme Court on Monday. It ruled the case couldn't proceed as a class-action suit.

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