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## Supreme Court Rules Against Large Sex Discrimination Class Action

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This morning the Supreme Court rejected a sex discrimination class action of 1.5 million women against Wal-Mart. The opinion, widely anticipated, held that there was not enough “glue” to make the individual claims into a class action. Although the ruling is unfavorable to workers, the Court cited one of its cases where an employment discrimination class action consisted of 334 persons. Implicit in today’s opinion is that a class that size could still proceed after today’s ruling. How much larger an employment discrimination class can be after today’s ruling is unclear.

Quoting a lower court judge, the Supreme Court stated that class members “held a multitude of different jobs, at different levels of Wal-Mart’s hierarchy, for variable lengths of time, in 3,400 stores, sprinkled across 50 states, with a kaleidoscope of supervisors (male and female), subject to a variety of regional policies that all differed. . . . Some thrived while others did poorly. They have little in common but their sex and this lawsuit.”

The case is *Wal-Mart Stores, Inc. v. Dukes*.