

**U.S. COURT OF APPEALS TO HEAR WAL-MART'S APPEAL FROM CLASS ACTION
CERTIFICATION DECISION IN MAJOR SEX DISCRIMINATION CASE**

WHAT: Appeal and cross appeal arguments regarding class certification of *Dukes, et al. v. Wal-Mart* (Civ. 01-2252)

WHEN: Monday, August 8, 2005 - 1:30 P.M. (PST)

WHERE: U.S. Court of Appeals 9th Circuit
James R. Browning Courthouse
95 Seventh Street -3rd Floor
San Francisco, CA

WHO: The circuit court panel will be comprised of the Honorable Judges Harry Pregerson, Michael Daly Hawkins, and Andrew J. Kleinfeld.

Plaintiffs' legal team includes The Impact Fund (Berkeley, CA); Cohen, Milstein, Hausfeld & Toll (Washington, D.C.); Equal Rights Advocates (San Francisco, CA), Davis, Cowell & Bowe (San Francisco, CA), Tinkler & Firth (Santa Fe, NM), law offices of Merit Bennett (Santa Fe, NM), and the Public Justice Center (Baltimore, MD). Brad Seligman, of The Impact Fund, will present the plaintiffs' argument.

Wal-Mart is represented by Theodore J. Boutros, Gibson, Dunn & Crutcher (Los Angeles, CA).

FOR THE PRESS: Representative plaintiffs and their lawyers will be available for comment immediately following the hearing.

For specific questions/interviews please contact Deborah Schwartz at 240 355-8838/301 897-8838.

BACKGROUND: On August 8, 2005, the U.S. Court of Appeals for the Ninth Circuit will hear argument in the sex discrimination case *Dukes, et al. v. Wal-Mart* (Civ. 01-2252). At issue is the certification of the case as a class action by the U.S. District Court on June 21, 2004 in San Francisco, California. This decision expanded a case brought by six female current and former employees to include more than 1.6 million women in the United States, making it the largest civil rights case in U. S. history.

Wal-Mart has argued in its briefs that due process guarantees it the right to defend the claim of each class member individually and, therefore, that the class certified is unconstitutional. The plaintiffs, relying upon long-standing authority from the U.S. Supreme Court and lower courts, contend that this denies the very nature of class actions. The plaintiffs also cite the strong control Wal-Mart exerts over its promotion and compensation policies, the common personnel policies throughout its stores, and the consistent statistical disparities between men and women in pay and promotions as ample support for the class to be certified. This case will have a major impact on the future of large class actions.

If the Court of Appeals affirms the class certification decision, the case will proceed to trial in the U.S. District Court in San Francisco.

Additional information about the case is at www.walmartclass.com, www.cmht.com and www.equalrights.org.