

## PRESS RELEASE

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### **DONOVAN AXLER, LLC Announces Another Win For Hourly Workers Against Wal-Mart (NYSE: WMT) In Pennsylvania Class Action. Pennsylvania Supreme Court Issues Unanimous Decision Affirming Multi-Million Dollar Verdict In Wage And Hour Case.**

**Philadelphia, December 15, 2014.** DONOVAN AXLER, LLC announces that the Supreme Court of Pennsylvania has issued a decision affirming the multi-million dollar class action judgment against Wal-Mart Stores, Inc. in favor of Pennsylvania hourly employees.

The Commonwealth's highest Court today issued an opinion that resoundingly affirmed the decisions of two lower courts and a unanimous class action jury verdict issued in 2006. In October 2006, a Philadelphia jury found that 186,000 current and former Wal-Mart employees were owed \$78.5 million in unpaid wages for off-the-clock work and paid break violations from March 1998 through April 2006.

Subsequently, trial judge Mark I. Bernstein awarded an additional \$62.2 million in statutory liquidated damages, \$10.2 million in prejudgment interest, \$33.8 million in statutory attorney fees and \$11.9 million in non-statutory attorney fees, bringing the total judgment to over \$180 million. The Pennsylvania Superior Court affirmed the bulk of Judge Bernstein's judgment.

Wal-Mart argued in the Supreme Court that paid breaks are not fringe benefits; that the two class actions should not have been certified; and that due process required testimony from each of the 186,000 employees at the trial of case. But the High Court rejected those arguments, saying the trial evidence supported the trial court's decisions and that Wal-Mart's own records provided proof of all of the workers' claims. Class co-lead counsel, Michael D. Donovan, said: "We are gratified by the Court's decision and hope that after all of these many years our clients will finally be paid all of the money they worked for and are owed by Wal-Mart."

The class of Wal-Mart employees was represented in the Supreme Court by Michael D. Donovan of DONOVAN AXLER, LLC (Philadelphia) and Judith Spanier of ABBEY SPANIER, LLP (New York, NY). This is the second major appellate win for Michael D. Donovan in a class action appeal before the Pennsylvania Supreme Court. In 2011, he also obtained a landmark decision affirming the class action judgment against Kia Motors America, Inc. for selling cars with defective front brakes, *Samuel-Bassett v. Kia Motors America, Inc.*