

IN THE COURT OF COMMON PLEAS
OF PHILADELPHIA COUNTY

DOCKETED
COMPLEX LIT CENTER

DEC 27 2005

CIVIL TRIAL DIVISION

J. STEWART

| | | |
|-------------------------------------|---|-------------------|
| DOLORES HUMMELL, | : | AUGUST TERM, 2004 |
| on behalf of herself and all others | : | |
| similarly situated | : | |
| | : | |
| vs. | : | |
| | : | |
| WAL-MART STORES, INC., and | : | |
| SAM'S CLUB | : | NO. 3757 |

ORDER

AND NOW, upon consideration of Plaintiff's Motion for Class Certification (the "Motion"), the Memorandum of Law in support thereof, the Certification of David A. Searles and exhibits thereto, the Appendix of Deposition Testimony Submitted in Support of Plaintiff's Motion, the Certification of Judith L. Spanier with exhibits annexed thereto, compendium of unreported decisions, and the exhibits submitted in connection with hearing regarding the plaintiff's motion for class certification in Braun, et al. v. Wal-Mart Stores, Inc., March Term, 2002, No. 3127 (C.P. Phila.) and incorporated by reference herein and Defendants' response thereto,

IT IS, this 27th day of December, 2005, HEREBY ORDERED that the Motion is GRANTED. This action shall be maintained as a class action in accordance with Pennsylvania Rules of Civil Procedure 1701 et seq. pursuant to the following findings of fact:

1. The "Class," defined as all current and former hourly employees of Wal-Mart in the Commonwealth of Pennsylvania from March 19, 1998 to the present, is so numerous that joinder of all members is impracticable;

2. There are questions of law and/or fact common to the Class, including but not limited to the following questions:

a. Whether Wal-Mart was obligated to provide Plaintiff and the Class with rest and meal breaks.

b. Whether Wal-Mart failed to provide Plaintiff and the Class with the required rest and meal breaks.

c. Whether Plaintiff and the Class should be compensated for all time worked.

d. Whether Wal-Mart failed to compensate Plaintiff and the Class for all times worked.

3. The claims of Plaintiff Dolores Hummel are typical of the claims of the Class;

4. Plaintiff and her counsel will fairly and adequately protect the interests of the Class;

5. A class action is a fair and efficient method of adjudicating this controversy for the following reasons:

a. The common question of law or fact predominate over any question affecting only individual members of the Class;

b. There are no difficulties likely to be encountered in the management of the action as a class action;

c. The prosecution of separate actions by individual members of the Class would create a risk of inconsistent or varying adjudications with respect to individual members of the Class which would confront the defendant with incompatible standards of conduct;

d. Adjudications with respect to individual members of the Class would as a practical matter be dispositive of the interests of other members not parties to the adjudications or would substantially impair or impede their ability to protect their interests;

e. This Court is an appropriate forum for the litigation of the claims of the Class;

f. In view of the complexities of the issues and the expenses of litigation, the separate claims of individual Class members are not sufficient in amount to support separate actions; and

g. The amount which may be recovered by individual Class members will not be small in relation to the expenses and effort of administering the class action.

It is further

ORDERED, that Plaintiff Dolores Hummel is certified as Class representative;

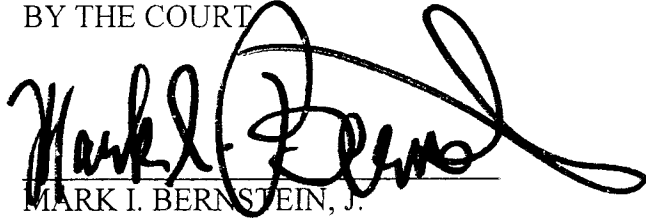
and it is further

ORDERED, that the firms of Donovan Searles, LLC, Abbey Gardy, LLP, Bader & Associates, LLC, and Franklin D. Azar & Associates, P.C., shall serve as Class Counsel; and it is further

ORDERED, that excluded from the Class are all defendants and all officers and directors of Wal-Mart Stores, Inc.; and it is further

ORDERED, that Plaintiff shall submit a proposed form of notice to the Class within thirty (30) days of entry of this Order.

BY THE COURT

A handwritten signature in black ink, appearing to read "Mark I. Bernstein", written over a horizontal line. The signature is highly stylized with large loops and a long tail.

MARK I. BERNSTEIN, J.