

Filed: November 14, 2013

PUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 12-1610
(3:08-cv-00540-MOC-DSC)

LUANNA SCOTT; SHUNDERIA GARLINGTON; RUTH BETH; WENDY BEVIS;
KATHERINE BRACEY; RUBY BRADY; MARIE ALICE BROCKWAY;
VICKIE CLUTTER; DIANE CONAWAY; JUDY CORROW; TRACI DAVIS;
CAROL DINOLFO; REBECCA DIXON; PAMELA EWALT; NANCY FEHLING;
TERESA FLEMING; IRENE GRACE; DOROTHY HARSON;
CHARLENE HAZELTON; SHELLY HUGHES; CHRISTAL J. JOSLYN;
ADA L. KENNEDY; NEITA LAFRENIERE; MARGIE A. LITTLE;
CAROL MARTIN; LEANNE MAXWELL; WANDA MAYFIELD; DORIS MOODY;
VANESSA L. PEEPLES; VERONICA PERRY-PREDDIE;
RUTH ELLEN PHELPS; SHEILA PIPPIN; LANA RADOSH;
MICHELLE RODGERS; VADA ROSE; VICKEY JO SCRIVWER;
LINDA R. SILVA; SHARON SIPES; NANCY SMITH;
MARIE E. SPELLISSY; SYLVIA C. TENORIO; JUDY TIDRICK;
BEVERLY L. TRIPLETT; CAROL SUE VANFLEET; DEBBIE VASQUEZ;
CLAIRE WHITE; BONNIE WILLIAMS; CINDY MARIE ZIMBRICH,

Plaintiffs - Appellants,

and

LINDA L. FULMER; JEAN MACQUARRIE; HELEN ZIMMERMAN,

Plaintiffs,

v.

FAMILY DOLLAR STORES, INC.,

Defendant - Appellee.

O R D E R

Petition for panel rehearing was filed by appellant, Family Dollar Stores, Inc. The court denies the petition for panel rehearing.

Entered at the direction of Judge Gregory with the concurrence of Judge Keenan. Judge Wilkinson filed an opinion dissenting from the denial of panel rehearing.

For the Court

/s/ Patricia S. Connor, Clerk

WILKINSON, Circuit Judge, dissenting from the denial of panel rehearing:

I vote to grant panel rehearing and would promptly affirm the district court's denial of class certification in this case. Inasmuch as the panel majority declines to do this, the central issue is best settled, if not in this action, then sometime soon, by the Supreme Court of the United States. To have the centralized delegation of discretion to 500 middle managers across the country expose a company to a nationwide class action seems to me so contrary to the Court's Wal-Mart decision as to whittle it down to near meaninglessness. I do not intend to repeat the points set forth in my dissenting opinion other than to note that the evisceration of Wal-Mart marks no more than the beginning of the problems in class action litigation generated by the majority's decision.