

# Court Certifies Gender Discrimination Class Action Against Gristede's Supermarkets and John Catsimatidis, According to Outten & Golden LLP

NEW YORK, March 9 /PRNewswire/ -- A group of current and former Gristede's female employees has won its bid to represent a class of female grocery store workers in a case alleging that the grocery chain and its owner, John Catsimatidis, violated civil rights laws by segregating women into lower-paying jobs and failing to promote them to management positions.

Federal Judge Laura T. Swain of the Southern District of New York granted the plaintiffs' class certification motion on Monday, finding that there are common issues as to whether Gristede's hiring, job placement, and promotion practices are based on subjective decision-making that is biased against women.

The Court held that the plaintiffs offered sufficient evidence that Gristede's steers women into cashier positions, regardless of their qualifications or interests, and that Gristede's promotes clerks, a position it primarily staffs with men, to managers. The Court also held that Plaintiffs' statistical evidence, suggesting that there is virtually zero probability that the significant disparities in assignment and promotion of men and women occur by chance, supported their class action bid.

The plaintiffs are Susan Duling, of Manhattan, Margaret Anderson, of the Bronx, and Lakeya Sewer, also of the Bronx.

The Court cited the plaintiffs' evidence that hiring and promotion decisions are made by a handful of men who have unchecked discretion and are subject to little or no oversight, and that Gristede's fails to provide managers and human resources employees with anti-discrimination training, post available positions, or formulate job requirements. The Court also noted the company's lack of anti-discrimination policies.

Attorneys Adam T. Klein, Justin M. Swartz, Lewis Steel, Cara E. Greene, and Rachel Bien of [Outten & Golden LLP](#) represent the plaintiffs.

Adam T. Klein said, "Women at Gristede's are disadvantaged from the moment they hand in their employment applications. And because promotions are based on a tap-on-the-shoulder system that favors men, women are unlikely ever to be promoted. Allowing the case to proceed as a class action is an important step in righting these wrongs."

The litigation began in 2006 when two former cashiers sued Gristede's on behalf of themselves and all other women who worked for the company from November 2, 2004 through the present. In January 2010, the Court allowed the plaintiffs to add John Catsimatidis as an individual defendant, to add an additional plaintiff, and to request additional relief.

The case is "Duling v. Gristede's Operating Corp." (No. 06 CV 10197) (LTS) in the U.S. District Court for the Southern District of New York.

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