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## Walsh v. Pittsburgh Press Co.

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160 F.R.D. 527  
United States District Court,  
W.D. Pennsylvania.

Lawrence WALSH and Joan Moore, Plaintiff,  
v.  
PITTSBURGH PRESS COMPANY, Pittsburgh  
Press Dismissal and Death Benefits Plan, [The  
Pittsburgh Press Company](#) and Severance Benefit  
Plan and Scripps Howard, Inc., Defendants,  
v.  
BLADE COMMUNICATIONS, INC. and PG  
Publishing Company, Third-Party Defendants.

Civ. A. No. 94-0941.  
|  
Dec. 13, 1994.

### Synopsis

Former employees brought action against employer and employer's benefit plans, seeking to recover dismissal and severance benefits, vacation pay and bonuses, and damages for failure to provide requested information under the Employee Retirement Income Security Act (ERISA). On plaintiffs' motion for class certification, the District Court, [Ambrose, J.](#), held that plaintiffs satisfied requirements of class action rule, and class action was superior method of adjudication in case.

Motion granted.

West Headnotes (7)

[1] **Federal Civil Procedure**  **Impracticability of joining all members of class; numerosity**

170A Federal Civil Procedure  
170AII Parties  
170AII(D) Class Actions  
170AII(D)1 In General  
170Ak163 Impracticability of joining all  
members of class; numerosity

Clearly discernable class of nearly 300  
individuals was sufficient to meet numerosity

requirement of class action rule.  [Fed.Rules  
Civ.Proc.Rule 23, 28 U.S.C.A.](#)

[2] **Federal Civil Procedure**  **Employees**


170A Federal Civil Procedure  
170AII Parties  
170AII(D) Class Actions  
170AII(D)3 Particular Classes Represented  
170Ak184 Employees  
170Ak184.5 In general

Whether specified class of former employees were entitled to dismissal pay, severance pay, and vacation pay, presented common questions of law and fact, satisfying commonality requirement of class action rule; although defendants pointed to specific factual issues which turned on individual oral communications, and informal agreements and understandings, issues addressed potential damages that each claimant might recover, rather than whether common questions of law and fact existed.

 [Fed.Rules Civ.Proc.Rule 23, 28 U.S.C.A.](#)

[3] **Federal Civil Procedure**  **Employees**

170A Federal Civil Procedure  
170AII Parties  
170AII(D) Class Actions  
170AII(D)3 Particular Classes Represented  
170Ak184 Employees  
170Ak184.5 In general

Typicality requirement of class action rule was satisfied by former employees' claims for severance, dismissal, bonus and vacation benefits; fact that some members of class allegedly already received severance and vacation pay but not dismissal benefits did not require finding that claims of class representatives were not typical.  [Fed.Rules  
Civ.Proc.Rule 23, 28 U.S.C.A.](#)

1 Cases that cite this headnote

[4] **Federal Civil Procedure** 🔑 Representation of class; typicality; standing in general

170A Federal Civil Procedure

170AII Parties

170AII(D) Class Actions

170AII(D)1 In General

170Ak164 Representation of class; typicality; standing in general

In determining whether plaintiffs' counsel can adequately represent class, district court must examine whether plaintiffs have interest antagonistic to those of the class, and the experience, competency and qualifications of plaintiffs' attorneys. 📄 Fed.Rules Civ.Proc.Rule 23, 28 U.S.C.A.

[5] **Federal Civil Procedure** 🔑 Employees

170A Federal Civil Procedure

170AII Parties

170AII(D) Class Actions

170AII(D)3 Particular Classes Represented

170Ak184 Employees

170Ak184.5 In general

Plaintiffs met adequacy of representation requirement of class action rule, despite defendants' class that plaintiffs' counsel had a conflict of interest because of their representation of other plaintiffs in related case pending before court involving claims by former employees for same benefits sought by plaintiffs in instant suit; there were no allegations that plaintiffs had any interest antagonistic to proposed class, and interests of plaintiffs in related suit were not at odds with those of plaintiffs in instant suit. 📄 Fed.Rules Civ.Proc.Rule 23, 28 U.S.C.A.

1 Cases that cite this headnote

[6] **Federal Civil Procedure** 🔑 Employees

170A Federal Civil Procedure

170AII Parties

170AII(D) Class Actions

170AII(D)3 Particular Classes Represented

170Ak184 Employees

170Ak184.5 In general

Former employees seeking to collect severance benefits, vacation pay, bonuses and damages for failure to provide requested information under ERISA, satisfied class action requirement that common questions of law or fact pertaining to class predominate over any individual questions; although defendants contended that commonality existed only as to legal questions, factual distinctions, such as issue of individual damages, involved mathematical calculation based on length of service and formulas for calculating dismissal benefits, severance pay, vacation pay, and bonuses were contained in individual benefit plans. Employee Retirement Income Security Act of 1974, § 2 et seq., 📄 29 U.S.C.A. § 1001 et seq.; 📄 Fed.Rules Civ.Proc.Rule 23(b)(3), 28 U.S.C.A.

10 Cases that cite this headnote

[7] **Federal Civil Procedure** 🔑 Employees

170A Federal Civil Procedure

170AII Parties

170AII(D) Class Actions

170AII(D)3 Particular Classes Represented

170Ak184 Employees

170Ak184.5 In general

Class action was superior to other available methods for fair and efficient adjudication of claims of approximately 300 former employees for dismissal and severance benefits, vacation pay and bonuses, and for damages for failure to provide requested information under ERISA; determining eligibility for benefits of all employees in one action was more efficient and effective for all parties involved; moreover, although amount of recovery for each former employee might differ, such determination would be based on mathematical formula, and it would not render class action unmanageable. Employee Retirement Income Security Act of 1974, § 2 et seq., 📄 29 U.S.C.A. § 1001 et seq.; 📄 Fed.Rules Civ.Proc.Rule 23(b)(3), 28

Walsh v. Pittsburgh Press Co., 160 F.R.D. 527 (1994)

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**All Citations**

160 F.R.D. 527

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