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Court OKs Sex Discrimination Case Against Boeing's Wichita Operations

Kansas class action one of five nationwide

April 28, 2003

Wichita, Kan. – A United States District Court judge recently issued an order certifying a class-action lawsuit which claims Boeing (NYSE:BA) has denied an estimated 4,800 women employees at its Wichita plant equal pay, promotions and opportunities for overtime work based solely on gender.

The ruling, entered Thursday, April 24 by Senior District Judge Wesley E. Brown, also tossed out substantive portions of Boeing's motion to dismiss the case, as well as a motion to exclude expert testimony by a noted researcher supporting the allegations of discrimination.

Attorney Steve Berman of the Seattle-based law firm Hagens Berman filed the suit on April 15, 2002 on behalf of the plaintiffs. Judge Brown certified for class-action treatment the plaintiffs' request for an order immediately halting discriminatory actions and for back pay to compensate for lost salaries, overtime and promotions.

The Wichita suit is one of a number of sex discrimination suits filed against Boeing across the country. In October 2001, a court certified a similar class action representing women employees in Washington state. Proposed class actions are pending in California, Oklahoma and Missouri.

In the ruling, Judge Brown noted that Boeing did not attack the factual allegations of the complaint. "Without exception, Defendant's motion rests entirely upon procedural issues."

"Obviously, we are very happy with the judge's ruling," said Steve Berman, managing

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partner of Hagens Berman, the law firm representing the plaintiffs in various state class actions. “We have abundant evidence that paints a very compelling picture; unfortunately, it isn’t a very pretty picture if you are a woman looking for equality at Boeing.”

The class action now represents all hourly female employees at Boeing’s Kansas facility employed since April 2, 1999, as well as all salaried non-executive female employees, excluding engineers, for that same time period.

Berman noted that some of the evidence comes from Boeing’s own surveys, which shows that Boeing is aware of a deep-seated gender bias within its organization. “What’s worse, the company has done very little to challenge that bias although the evidence of its existence is well-documented,” Berman noted.

According to the original complaint, plaintiff Cheryl Lee Persinger works as a technical specialist at Boeing’s Wichita, Kan. plant where she claims she has hit “the cement ceiling at Boeing.” During a 12-month period, Persinger applied for 17 different jobs at Boeing, but was not even interviewed for 75 percent of them, despite having more than adequate qualifications, according to the complaint.

In one external survey, more than 85 percent of women at Boeing facilities were paid less than comparably situated men. In addition to pay inequity, the suit contends that women at Boeing are denied promotional and overtime opportunities. While the suit does not seek class-action treatment of hostile workplace claims, the plaintiffs have submitted evidence of verbal assaults from the predominately male workforce.

“A company can explain away slight statistical anomalies, but Boeing has a great deal more to answer for,” Berman said. “The numbers don’t lie – they point to a systemic, ongoing problem in virtually every major Boeing facility.”

According to the suit, Boeing has strongly worded anti-discrimination policies, but managers and supervisors leniently enforce these policies. The suit contends that, rather than punishing the perpetrator, Boeing anti-discrimination policies often punished women by assigning them to unskilled jobs with little chance for advancement.

In September 2001, Berman settled a shareholder class-action lawsuit filed against Boeing for \$92.5 million. The suit alleged that Boeing withheld information regarding production problems with the 747 and 737 assembly lines. Under the terms of the settlement, all claims were dismissed without any admission of liability or wrongdoing by any defendant.

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