

## Marketplace

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### A big day for business at the Supreme Court

The Supreme Court released four, unanimous business-related opinions today. There was some bad news for Big Tobacco. And, as Steve Henn reports, it wasn't such a good day for unions either.

#### TEXT OF STORY

**KAI RYSSDAL:** Sure, there's disagreement among the nine members of the high court. But today, you couldn't find any daylight at all between 'em — the Supreme Court released four business-related opinions and it was a clean sweep.

There was some bad news for Big Tobacco. The justices ruled Phillip Morris will have to defend itself against civil fraud charges in a state court in Arkansas — not the federal venue the company wanted. State juries are more likely to hand down juicy verdicts than federal ones are.

Marketplace's Steve Henn reports it wasn't such a good day for unions, either.



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**STEVE HENN:** If a company goes bankrupt, who gets to keep any extra cash in the pension plan?

When Crown Vantage paper was going under it closed its pension, paid its former workers a guaranteed minimum and passed along a \$5 million pension surplus to the company's creditors.

Not surprisingly, Crown's union, which represented other workers and had a pension of its own, sued. The Union wanted to take over Crown's big fat company pension and merge it with its own.

Mark Johnson is a pension expert:

**MARK JOHNSON:** The Union would benefit from this merger. The plan participants of Crown would not.

Johnson says the Union would have to make the same minimum payments that Crown did. But it could use the rest to cover other pension liabilities.

Today, the court sided with Crown and the creditors kept the cash. Unions and their allies took another hit just a few minutes later, when the Supreme Court held that home health care workers are not eligible for minimum-wage protections or mandatory overtime pay.

Gerry Hudson at the Service Employees Union helps represent hundreds of thousands home health care aids.

**GERRY HUDSON:** Denying minimum wage and overtime to home care workers hurts both caregivers and the people they care for.

But paying overtime for all home health aids would cost the industry billions.

Home care is one of the fastest-growing professions in the country. Unless Congress or a new administration changes the rules, some one million workers will remain cut off from basic labor protections.

In Washington, I'm Steve Henn for Marketplace.