UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

DEL RIO, et al., *Plaintiffs*,	)	3:21-CV-01152 (KAD)
v.	)	
AMAZON.COM SERVICES, LLC, et al., *Defendants*.	)	SEPTEMBER 30, 2022

MEMORANDUM OF DECISION RE: DEFENDANTS' MOTION TO DISMISS (ECF NO. 37) & PLAINTIFFS' MOTION FOR LEAVE TO AMEND (ECF NO. 63)

Kari A. Dooley, United States District Judge:

Plaintiffs, Javier Del Rio, Colin Meunier, and Aaron Delaroche, bring this putative class action against Defendants, Amazon.com Services, LLC, Amazon.com.dedc, LLC, and Amazon.com, Inc. on behalf of themselves and similarly situated warehouse workers employed by Defendants. Plaintiffs assert by way of an Amended Complaint two causes of action against Defendants: (1) a failure to pay straight time wages in violation of Conn. Gen. Stat. §§ 31-72; 31-71b et seq. and Conn Agencies Regs. § 31-60-11; and (2) a failure to pay overtime wages in violation of Conn. Gen. Stat. §§ 31-68; 31-76b(2)(A) et seq. The gravamen of Plaintiffs' Amended Complaint is that Defendants required Plaintiffs to go through a mandatory security screening process prior to leaving Defendants' Connecticut facilities but failed to pay Plaintiffs their hourly wage for the time it took to do so. Defendants moved to dismiss the Amended Complaint pursuant to Fed. R. Civ. P. 12(b)(6), which Plaintiffs oppose. While the motion to dismiss was pending, Plaintiffs moved for leave to file a Second Amended Complaint, which Defendants oppose. For the reasons set forth below, Defendants' motion to dismiss is GRANTED in part. (ECF No. 37) Plaintiffs' motion for leave to amend is DENIED. (ECF No. 63)

Standard of Review

When deciding a motion to dismiss under Rule 12(b)(6), the Court "must accept as true the factual allegations in the complaint and draw all inferences in the plaintiff's favor." *Kinsey v. New York Times Co.*, 991 F.3d 171, 174 (2d Cir. 2021) (quotation marks, alterations, and citation omitted). To survive a motion to dismiss filed pursuant to Rule 12(b)(6), the "complaint must 'state a claim to relief that is plausible on its face,'" setting forth "factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged." *Kolbasyuk v. Capital Mgmt. Servs., LP*, 918 F.3d 236, 239 (2d Cir. 2019) (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007), and *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009)). "The assessment of whether a complaint's factual allegations plausibly give rise to an entitlement to relief 'does not impose a probability requirement at the pleading stage; it simply calls for enough fact to raise a reasonable expectation that discovery will reveal evidence of illegal' conduct." *Lynch v. City of New York*, 952 F.3d 67, 75 (2d Cir. 2020) (quoting *Twombly*, 550 U.S. at 556). At this stage "the court's task is to assess the legal feasibility of the complaint; it is not to assess the weight of the evidence that might be offered on either side." *Id.*

In general, the Court's review on a motion to dismiss pursuant to Rule 12(b)(6) "is limited to the facts as asserted within the four corners of the complaint. . . ." *McCarthy v. Dun & Bradstreet Corp.*, 482 F.3d 184, 191 (2d Cir. 2007); *Peter F. Gaito Architecture, LLC v. Simone Dev. Corp.*, 602 F.3d 57, 64 (2d Cir. 2010). "[I]f . . . matters outside the pleading are presented to and not excluded by the court, the motion shall be treated as one for summary judgment and disposed of as provided in [Fed. R. Civ. P.] 56, and all parties shall be given reasonable opportunity to present all material made pertinent to such a motion by Rule 56." *Glob. Network Commc'ns, Inc. v. New York*, 458 F.3d 150, 154–55 (2d Cir. 2006); *Carter v. Stanton*, 405 U.S. 669, 671 (1972) (per curiam); Fed. R. Civ. P. 12(d). "Federal courts have complete discretion to determine

whether or not to accept the submission of any material beyond the pleadings offered in conjunction with a Rule 12(b)(6) motion. . . .” *HB v. Monroe Woodbury Cent. Sch. Dist*., No. 11-CV-5881 CS, 2012 WL 4477552, at *4 (S.D.N.Y. 2012); *Ware v. Associated Milk Producers, Inc*., 614 F.2d 413, 415 (5th Cir. 1980); *Nutt v. Norwich Roman Cath. Diocese*, 921 F. Supp. 66, 68 n. 1 (D. Conn. 1995); *Galvin v. Lloyd*, 663 F. Supp. 1572, 1575 (D. Conn. 1987).

Allegations

The Court accepts as true the allegations in Plaintiffs’ Amended Complaint, which are summarized as follows.

Defendant Amazon.com Services, LLC is a limited liability company organized and existing under the laws of the state of Delaware, headquartered in Seattle, Washington. (Amended Complaint, ECF No. 25 at ¶ 4) It is registered as a business with the Connecticut Secretary of State. (*Id*.) Defendant Amazon.com.dedc, LLC is a corporation organized and existing under the laws of the state of Delaware, headquartered in Seattle, Washington. (*Id*. at ¶ 5) Defendant Amazon.com, Inc. is a corporation organized and existing under the laws of the state of Delaware, headquartered in Seattle, Washington. (*Id*. at ¶ 6) Defendants collectively own and operate approximately ten facilities in Connecticut, to include “fulfillment centers,” “delivery stations,” and “sorting centers.” (*Id*. at ¶ 7) Defendants employ warehouse workers at their Connecticut facilities, like Plaintiffs Del Rio, Meunier, and Delaroche, who are not exempt from mandatory security screening protocol. (*Id*. at ¶ 22)

Plaintiff Del Rio is an individual residing in New Haven, Connecticut. (*Id*. at ¶ 8) Del Rio was employed by Defendants as a Packer at their North Haven, Connecticut facility from November of 2020 to April of 2021. (*Id*.) Plaintiff Meunier is an individual residing in Royal Oak, Michigan. (*Id*. at ¶ 9) Meunier was employed by Defendants as a Stower and Picker Packer at their

Windsor, Connecticut facility from May 29, 2018 until July 10, 2019. (*Id*.) Plaintiff Delaroche is an individual residing in Granby, Connecticut. (*Id*. at ¶ 10) Delaroche was employed by Defendants as a Stower, Packer, Line Straightener, and Induct at their Windsor, Connecticut facility from November of 2019 until April of 2021. (*Id*.)

In conjunction with their employment, Defendants required Plaintiffs and similarly situated non-exempt warehouse workers at their Connecticut facilities to go through a mandatory security screening process prior to leaving the facilities at the end of their shift, or for their meal break. (*Id*. at ¶ 24) As part of this screening process, Defendants required Plaintiffs to wait in lines leading up to a security screening area and to proceed through a metal detector. (*Id*. at ¶¶ 25; 27) If the metal detector's alarm sounds, Defendants subjected Plaintiffs to individual searches conducted by a security guard. (*Id*. at ¶ 28) Defendants also required all bags and personal items carried by Plaintiffs to be individually searched by security guards. (*Id*. at ¶ 26) Defendants prohibited Plaintiffs from leaving the facility until they have successfully completed the security screening process, which routinely took between ten and twenty minutes.[1] (*Id*. at ¶¶ 28–29) Moreover, Plaintiffs allege that Defendants' mandatory security screening process resulted in an automatic thirty-minute deduction from their unpaid meal break.[2] (*Id*. at ¶¶ 31–37)

Plaintiffs allege that Defendants agreed to compensate them and similarly situated non-exempt warehouse workers at their Connecticut facilities based on an hourly rate for their time at work. (*Id*. at ¶ 38) Notwithstanding, Plaintiffs allege that Defendants have not paid them for the time elapsed between the conclusion of their shifts and the conclusion of the mandatory security

[1] Plaintiff alleges that, with delays, the mandatory security screening process "could take over [twenty] minutes." (*Id*. at ¶ 29)

[2] Plaintiff alleges that the mandatory security screening process during the unpaid meal break period routinely took seven to ten minutes to complete, and sometimes took over ten minutes with delays. (*Id*. at ¶ 36) Plaintiffs were not able to eat their meals during the mandatory security screening process. (*Id*. at ¶ 37)

screening process, or the time elapsed between the commencement of their unpaid meal period and the conclusion of the mandatory security screening process. (*Id*. at ¶¶ 30; 38) Plaintiffs further allege that, for some putative class members, a portion of the time spent in Defendants' mandatory security screening process qualified as overtime.[3] (*Id*. at ¶ 39)

Plaintiffs bring this class action on behalf of themselves and all other putative class members, which Plaintiffs define as follows: "All current and former employees of Defendants who were employed as hourly, non-exempt warehouse workers in Connecticut at any time from April 16, 2018 through the date of final judgment in this matter." (*Id*. at ¶ 43) Plaintiffs allege that the putative class members consist of "over 10,000 warehouse workers" employed by Defendants at their Connecticut facilities. (*Id*. at ¶ 22).

Additional relevant facts shall be set forth below as necessary.

Discussion

Plaintiffs assert two causes of actions against Defendants based on their alleged failure to pay earned wages. Specifically, Plaintiffs allege in support of both Counts that Defendants violated Connecticut's Minimum Wage Act by failing to compensate Plaintiffs and putative class members for time spent undergoing mandatory security screening during their meal breaks and at the end of their shifts. (ECF No. 25 at ¶¶ 50, 52) Defendants have moved to dismiss Count One in its entirety and Count Two with respect to Plaintiffs Del Rio and Meunier. The Court addresses each argument in turn.

Count One

In Count One of the Amended Complaint, Plaintiffs claim that Defendants failed to pay their straight time wages "*in violation of Connecticut's Minimum Wage Act*," Conn. Gen. Stat. §§

[3] For example, Plaintiffs Meunier and Delaroche allege that some time they spent waiting in Defendants' mandatory security screening process qualifies as overtime. (*Id*. at ¶¶ 40–41)

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