

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF NEW YORK**

DERRICK PALMER, KENDIA MESIDOR,
BENITA ROUSE, ALEXANDER ROUSE,
BARBARA CHANDLER, and LUIS
PELLOT-CHANDLER,

Plaintiffs

v.

AMAZON.COM, INC. and AMAZON.COM
SERVICES, LLC,

Defendants.

COMPLAINT

INTRODUCTION

1. Defendants Amazon.com, Inc. and Amazon.com Services LLC (together, “Amazon”) operate the JFK8 “fulfillment center” in Staten Island. The JFK8 facility is a small city that runs twenty-four hours a day, seven days a week and has a footprint of more than fourteen football fields. It employs thousands of workers, many of whom are people of color who travel hours every day by public transportation to work ten- to eleven-hour shifts for low wages fulfilling Amazon orders for customers across the East Coast.

2. This case is about Amazon’s failures to comply with New York law and state and federal public health guidance during the COVID-19 pandemic at the JFK8 facility.

3. Amazon’s failures have already caused injury and death to workers and family members of workers. At least one JFK8 worker has died from COVID-19, and there are rumors of additional deaths among JFK8 workers. Workers have brought the virus home to family members, some of whom have also tragically died.

4. Plaintiff Barbara Chandler, for example, contracted the virus that causes COVID-19 in March at the JFK8 facility from workers who were explicitly or implicitly

encouraged to continue attending work and prevented from adequately washing their hands or sanitizing their workstations.

5. Chandler brought the virus home to her family and less than a month later, she awoke to find her cousin with whom she lived dead in their bathroom, after he had become ill with COVID-19 symptoms. As explained further below, Chandler was eligible for and requested paid quarantine leave under New York law, which requires employers like Amazon to promptly issue quarantine pay to workers so that no one feels pressured to attend work when they may be sick. Despite everything she had been through, Amazon failed to pay Chandler her quarantine leave in the next pay period as required. And after weeks of delay, Amazon ultimately compensated Chandler for only a portion of the quarantine leave pay to which she was entitled.

6. Aside from Chandler's claim to backpay for quarantine leave, Plaintiffs in this case do not seek damages for past harm. All they seek is an order requiring Amazon to comply with public health guidance to prevent more harm in the future.

7. This harm is not theoretical. Workers at JFK8 continue to contract COVID-19. As recently as this past weekend, JFK8 workers received a message from Amazon announcing "additional" newly confirmed cases in the facility. As New Yorkers consider a gradual return to normalcy, JFK8 workers and their families live with the very real threat of infection every day.

8. Although Amazon has sought to create a façade of compliance by, for example, providing fulfillment center employees with masks, the company has also relied on purposeful miscommunication with workers, sloppy contact tracing, and the culture of workplace fear it has instilled at JFK8 to ensure it can maintain productivity while reducing costs, even if that means workers come to work sick and cannot engage in proper hygiene, sanitizing, or social distancing while at work in order to stay healthy.

9. Amazon is not a small business doing its best under uncertain guidance, and Amazon is not helpless to prevent injury and death caused by virus spread occurring within its facility. Amazon is one of the wealthiest companies in the world, and it uses cutting-edge technology to monitor its workers at JFK8, choreographing their locations within the facility by algorithm and using hand-held scanners and smartphone applications to record their movements and track, on a minute-by-minute basis, whether they are working or are “off task.”

10. In an effort to maintain its labor force levels and production, Amazon has exerted iron-fisted control over efforts to stem the spread of the virus among workers at JFK8. Amazon tells workers they should contact Amazon’s onsite clinic if they have symptoms, contact Amazon Human Resources for guidance as to whether they should quarantine, avoid telling others if they become infected and rely on Amazon to perform contact tracing, and continue to work at dizzying speeds, even if doing so prevents them from socially distancing, washing their hands, and sanitizing their work spaces.

11. Amazon controls its workers and undermines its workers’ efforts to protect themselves and their coworkers from the virus that causes COVID-19 through a culture of workplace fear reinforced by constant technological supervision, retaliation against those who speak out, and the threat of automatic and immediate job loss in a job market where it may be impossible to find work elsewhere.

12. Although Amazon’s revenue has ballooned during the pandemic, the company has managed to minimize costs. But the costs Amazon saves are borne by the public, and the risks are most profound for workers and their families, like Plaintiff Barbara Chandler and her cousin. Most New Yorkers have remained safe by complying with the state’s stay-at-home order, but for JFK8 workers and their families, home has been a place of danger.

PARTIES

13. Plaintiff Derrick Palmer, a resident of New Jersey, is a Warehouse Associate, Process Guide and Picking Master in the Pick, Count, Floor-Health department at JFK8. He has worked for Amazon since July 2015 and has worked in the JFK8 facility since it opened in October 2018. In his role as a Picking Master he picks customer orders, repeatedly touching items that have been touched by other workers at JFK8. His role as a Process Guide requires regular and close interaction with around 40 other warehouse associates.

14. Plaintiff Kendia Mesidor, a resident of New Jersey, lives with and is in a relationship with Derrick Palmer. She is anemic and at heightened risk of infection. Her potential exposure to the virus through Palmer's work at JFK8 has already caused Mesidor trauma. Mesidor's elderly father died on May 15, 2020; due to her concerns that she could be a carrier of the virus because of living with someone who works at JFK8, Mesidor was only able to see her father once during his final months. Mesidor's last visit with her father took place through a window days before he died.

15. Plaintiff Benita Rouse, a resident of New York, is a Problem Solver in the inbound department at JFK8. She has worked for Amazon since March 2017 and has worked in the JFK8 facility since it opened in October 2018. In her role as a Problem Solver, she assesses whether damaged items can be re-sold, which entails touching items that have been handled by other workers at JFK8. Her role as a Problem Solver also requires regular and close interaction with her team, as they all use the same equipment and fixtures to process and dispose of products.

16. Plaintiff Alexander Rouse, a 32-year-old resident of New York, lives with and is the only child of Benita Rouse. During the pandemic, he has followed the stay-at-home order in

New York City, only leaving their small apartment about once per week to get groceries. His primary potential exposure to the virus that causes COVID-19 is through his mother, Benita Rouse.

17. Plaintiff Barbara Chandler, a resident of New York, is a Process Assistant in the Pick, Count, and Floor-Health department at JFK8. She has worked for Amazon since February 2017 and has worked in the JFK8 facility since it opened in October 2018. In her role as a Process Assistant, she helps manage, supervise, and coach a team of about 50 people, frequently interacting closely with workers at JFK8 to ensure they are performing their tasks up to Amazon's standards and to help them solve problems in the workplace.

18. Chandler tested positive for COVID-19 in March 2020, and several members of her household subsequently became sick, including her cousin who died on April 7, 2020 after experiencing COVID-19 symptoms.

19. Plaintiff Luis Pellot-Chandler, a resident of New York, lives with and is the oldest child of Barbara Chandler. During the pandemic, he has followed the stay-at-home order in New York City, but after his mother contracted COVID-19, he got sick and experienced symptoms of COVID-19.

20. Defendant Amazon.com Inc. is a Delaware corporation with its principal place of business in Seattle, Washington.

21. Defendant Amazon.com Services LLC is a wholly owned subsidiary of Amazon.com Inc. Amazon.com Services LLC is a Delaware limited liability corporation with its principal place of business in Seattle, Washington.

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.