

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

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

Plaintiffs

v.

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

Defendants.

NO. 1:20-cv-02468-BMC

AMENDED COMPLAINT

CLASS ACTION

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 “New York Forward” minimum requirements for businesses, which incorporate state and federal public health guidance, during the COVID-19 pandemic at the JFK8 facility. Through their common law claims Plaintiffs seek to enforce New York’s *minimum requirements* for businesses in the wholesale trade sector, like Amazon’s fulfillment centers, that continue operations during the pandemic.

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 COVID 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 COVID leave in the next pay period as required. And after weeks of delay, and numerous requests by Chandler to complete the payments, Amazon still failed to pay Chandler all of the COVID leave pay to which she was entitled.

6. Aside from their classwide claim to backpay for Amazon's failure to fully compensate workers for COVID 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. Through May 2020, JFK8 workers continually received messages from Amazon announcing

“additional” newly confirmed cases in the facility, but it is not clear whether Amazon has continued to disclose cases. As New Yorkers continue to 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 failed to comply with the fundamentals of workplace safety embodied in New York’s minimum requirements and COVID leave law, as well as federal guidance incorporated by New York’s requirements. Amazon has failed to (1) allow time for workers to engage in personal hygiene and sanitizing of their workstations and to socially distance during work and on breaks, (2) clearly communicate with workers about sick leave, promptly grant such leave, promptly pay workers for such leave, and pay them their complete wages for such leave, and (3) perform or provide for adequate contact tracing of its employees, in cooperation with public health authorities.

9. Amazon is not a small business doing its best under uncertain guidance. The “minimum requirements” of New York Forward and New York’s quarantine law are abundantly clear. 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.” Its failures to comply with New York’s minimum requirements and New York sick leave law are inexcusable.

PARTIES

10. 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.

11. 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.

12. 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.

13. 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 followed the stay-at-home order in New York City, only leaving their small apartment about once per week to get groceries, and he has

continued to limit his exposure outside of his home and followed recommended guidance around social distancing and wearing a mask since the stay-at-home order was lifted. His primary potential exposure to the virus that causes COVID-19 is through his mother, Benita Rouse.

14. 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.

15. Chandler tested positive for COVID-19 on March 26, 2020, and several members of her household subsequently became sick, including her cousin who died on April 7, 2020 after experiencing COVID-19 symptoms.

16. Plaintiff Luis Pelot-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.

17. Plaintiff Deasahni Bernard, a resident of New York, is a member of the robotics team at JFK8. Bernard has worked for Amazon at JFK8 since November 2019. In her role on the robotics team, Bernard ensures that other warehouse associates are able to perform their tasks without any obstructions by making sure the robots are operating smoothly and helping to clear items that have fallen onto the KIVA floor (the part of the floor where the robots move to and from stations). Bernard also helps to repair the robots when problems occur.

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