

NOT FOR PUBLICATION

CLOSED

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

BIJAN SHAKIB, individually and on behalf :
of all persons similarly situated, :

Plaintiff, :

v. :

BACK BAY RESTAURANT GROUP, :
INC., CHARLES F. SARKIS, ROBERT :
CIAMPA, JOHN DOES 1-10, AND ABC :
CORPORATIONS 1-10, :

Defendants. _____ :

Hon. Dennis M. Cavanaugh

OPINION & ORDER

Civil Action No: 12-738 (DMC)(JAD)

DENNIS M. CAVANAUGH, U.S.D.J.:

This matter having come before the Court upon Motion by Back Bay Restaurant Group, Inc., Charles F. Sarkis, Robert Ciampa, John Does 1-10, and ABC Corporations 1-10; (“Defendants”) to Dismiss the Complaint of Bijan Shakib (“Plaintiff”) for Violations of New Jersey Wage and Hour Law, N.J.S.A. § 34:11-4.1, 56a et seq., and the Court having considered the submissions of the parties, and for the reasons stated herein;

WHEREAS the nature of Complaint is that Defendants were “employers” of Plaintiff within the meaning of the NJWHL, and that Defendants failed to pay Plaintiff minimum wages for all hours worked within forty (40) hours per work week and/or at least one and one-half times their regular rate of pay for all hours worked in excess of forty (40) hours per work-week, in violation of N.J.S.A. § 34:11-56a4 and N.J.A.C. §§ 12:56-3.1, 12:56-6.1, 12:56-6.4 & 12:56-14.3;

WHEREAS in an Opinion dated September 30, 2011, this Court already considered this

exact same issue, and denied Defendants' motion to dismiss count two of the complaint in the case Bijan Shakib v. Back Bay Restaurant Group, et al., Civil Action No. 2:10-cv-04564-DMC-JAD;

WHEREAS the sole Count in the instant Complaint is identical to that of the above matter;

WHEREAS the Court may, in its discretion, dismiss a plaintiff's suit for being substantively identical to the claims that plaintiff raised in another matter before the court, where the parties are identical. Picozzi v. Connor, No. 12-4102, 2012 WL 2839820, at *7 (D.N.J. July 9, 2012);

WHEREAS the power of a federal court to prevent duplicative litigation is intended "to foster judicial economy and the comprehensive disposition of litigation," and "to protect parties from the vexation of concurrent litigation over the same subject matter." Id. (citations and internal quotations omitted);

IT IS on this 22nd day of August, 2012;

ORDERED that the Complaint is hereby **dismissed**.

S/ Dennis M.Cavanaugh
Dennis M. Cavanaugh, U.S.D.J.

Original: Clerk
cc: All Counsel of Record
Hon. Joseph A. Dickson, U.S.M.J.
File