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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

Enrico Enriquez,

No. CV-23-00611-PHX-MTL

Plaintiff,

## ORDER

V.

G.D. Barri & Associates Incorporated, et al.,

## Defendants.

Defendant moves to dismiss the Amended Complaint. A reply brief is not necessary, nor is oral argument necessary. The Court finds as follows:

1. The Amended Complaint does not impermissibly rely on the previously filed case, *Gardner v. G.D. Barri & Associates, Inc.*, CV-20-01518-PHX-ROS. The Amended Complaint makes a single reference to this case by way of background. It does not, as Defendant contends, attempt to invoke the case as favorable precedent or ask this Court to give it preclusive effect.

2. The Amended Complaint satisfies the pleading standards for the Fair Labor Standards Act, Rule 8, Fed. R. Civ. P., and the Ninth Circuit’s decision in *Landers v. Quality Communications, Inc.*, 771 F.3d 638 (9th Cir. 2014). For example, the Amended Complaint alleges several instances where Plaintiff worked more than 40 hours per week without overtime compensation. (See Doc. 26 ¶¶ 57-74.)

3. The Court reaffirms its prior holding that the Amended Complaint need not anticipate affirmative defenses. *See Thompson v. Eldorado Coffee Roasters, Ltd.*, 246 F. Supp. 3d 697, 703 (E.D.N.Y. 2017).

1           Accordingly,

2           **IT IS ORDERED** that the Motion to Dismiss Amended Complaint (Doc. 29) is  
3           **denied.**

4           Dated this 14th day of November, 2023.

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6           Michael T. Liburdi

7           Michael T. Liburdi  
8           United States District Judge

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