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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Enrico Enriquez,

10 Plaintiff,

11 v.

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

13 Defendants.

No. CV-23-00611-PHX-MTL

ORDER

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

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

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

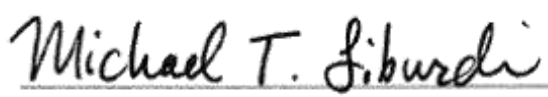
26 3. The Court reaffirms its prior holding that the Amended Complaint need not
27 anticipate affirmative defenses. *See Thompson v. Eldorado Coffee Roasters, Ltd.*, 246 F.
28 Supp. 3d 697, 703 (E.D.N.Y. 2017).

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Accordingly,

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

Dated this 14th day of November, 2023.



Michael T. Liburdi
United States District Judge