

contemporaneous with the filing of this Action." See Docket No. 10 at 3.

The Supreme Judicial Court has held that:

[F]ailure to file a complaint with the Attorney General before initiating a private suit for alleged employment violations does not interfere with the accomplishment of the statutory purposes of §150 to a substantial degree, at least where the Attorney General is notified of the suit during its pendency.

Depianti v. Jan-Pro Franchising Int'l, Inc., 614, 990 N.E.2d 1054, 1062 (2013). Therefore, a plaintiff's "failure first to file a complaint with the Attorney General does not deprive the United States District Court of jurisdiction to consider his claims under G.L. . . . §150 . . ." Id.

In deciding defendants' motion to dismiss, the court must accept plaintiff's plausible allegations as true. See Penalbert-Roia v. Fortuno-Burset, 631 F.3d 592, 595 (1st Cir. 2011). As plaintiff has plausibly alleged he has notified the Attorney General of his §150 claim, the motion to dismiss for failure to exhaust administrative remedies is not meritorious. See Depianti, 614 N.E.2d at 1062.

In view of the foregoing, it is hereby ORDERED that:

1. Defendants' Motion to Dismiss (Docket No. 7) is DENIED.
2. This case is REFERRED to the Magistrate Judge for all pretrial purposes.

Clyde R. Gray
UNITED STATES DISTRICT JUDGE