

CLIENT ALERT: Abrams Fensterman, LLP Wins Summary Judgment for Plaintiff in Overtime Lawsuit

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After Court Finds it Presented “Especially Compelling” Evidence that “Leaves No Room For Dispute”

Abrams Fensterman, LLP scored a significant victory for a plaintiff seeking unpaid overtime wages under the Fair Labor Standards Act (“FLSA”) and New York Labor Law (“NYLL”), in *Quartararo et al. v. J. Kings Food Service Professionals, Inc.*, E.D.N.Y. Case No. 17-CV-7390 (RRM) (ARL).

In a March 31, 2021 decision, Judge Roslynn R. Mauskopf of the Eastern District of New York found that the Firm’s client is entitled to recover unpaid overtime wages under the FLSA and the NYLL. The Court also rejected the defendants’ attempts to dismiss additional overtime claims by three of the Firm’s other clients.

Although the four plaintiffs worked long hours as drivers and brand ambassadors, the defendants sought to avoid paying overtime under an exception to the FLSA known as the “Motor Carrier Act” (“MCA”) exemption. However, Judge Mauskopf determined that the MCA exemption does not apply to one plaintiff as a matter of law, and found that the evidence was “especially compelling” as to him. With respect to the three other plaintiffs, the Court held that the defendants’ evidence “is simply not of the scope and quality required to take this issue out of dispute,” and that “there is ample evidence” supporting Abrams Fensterman, LLP’s contentions. The case will now proceed to trial.

The plaintiffs are represented by Abrams Fensterman, LLP partners [Rachel D. Gold, Esq.](#), [Amy B. Marion, Esq.](#), [Anthony J. Genovesi, Esq.](#), and [Justin T. Kelton, Esq.](#)

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