

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

**IN RE: AMAZON.COM, INC., FULFILLMENT CENTER
FAIR LABOR STANDARDS ACT (FLSA)
AND WAGE AND HOUR LITIGATION**

MDL No. 2504

ORDER DENYING TRANSFER

Before the Panel:* Defendants Amazon Fulfillment Services, Inc., Amazon.com, Inc., and Golden State FC LLC move under 28 U.S.C. § 1407 for transfer of the actions listed on Schedule A (*Hagman* and *Trevino*) to the Western District of Kentucky for inclusion in MDL No. 2504. Plaintiffs did not respond to the motions.

After considering the argument of counsel, we deny the motions for transfer. MDL No. 2504 was centralized in February 2014, based on the determination that the actions “share factual questions arising out of allegations that hourly-paid employees at Amazon.com warehouse ‘fulfillment centers’ are entitled to compensation for time spent in anti-theft security screening at the end of their shifts under federal or state wage and hour laws.” *See In re: Amazon.com, Inc., Fulfillment Center Fair Labor Standards Act (FLSA) and Wage and Hour Litig.*, 999 F. Supp. 2d 1375, 1376 (J.P.M.L. 2014). Since that time, the common FLSA claims have been resolved, leaving only state-specific claims. Those state law claims, too, have been resolved in all but two actions. Moreover, the record indicates that the remaining pretrial proceedings in the last two actions do not warrant the continued transfer of new potential tag-along actions. In these circumstances, movants’ contention that the new actions share factual and legal issues with the few actions still pending in the MDL does not persuade us that transfer will promote the just and efficient conduct of the litigation.¹

Moreover, *Hagman* and *Trevino* raise additional issues unrelated to the compensability of time spent in security screening – the core issue in the MDL. *Hagman* additionally alleges that defendants failed to allow plaintiffs “to take full rest breaks due to the large size of the fulfillment centers, leaving them unable to leave their work area.” *Trevino* raises a host of other issues, such as defendants’ alleged failure to provide a valid alternative workweek schedule for employees who worked more than 8 hours a day and to provide a third rest break when employees worked more than 10 hours a day; an alleged practice of “rounding down” time worked; and an allegedly invalid “meal

* Judge Lewis A. Kaplan took no part in the decision of this matter.

¹ Movants ask us to consider the possibility that a terminated action (*Saldana*) currently on appeal, if remanded, would require further common pretrial proceedings. We decline to speculate on the outcome of the appeal.

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period waiver agreement.” Inclusion of these new issues at this late stage of the MDL is likely to hinder the efficient conduct of pretrial proceedings in all involved actions.

We encourage the parties to voluntarily coordinate any overlapping discovery or pretrial motions raised by *Hagman* and *Trevino*. The parties should be able to avail themselves of the discovery accumulated under the transferee court’s supervision of MDL No. 2504. Moreover, the transferee court’s rulings are available to the parties and the presiding judges in *Hagman* and *Trevino*. Thus, even absent transfer, many of the benefits of the MDL are available to the parties.

IT IS THEREFORE ORDERED that the motions for transfer of the actions listed on Schedule A are denied.

PANEL ON MULTIDISTRICT LITIGATION



Sarah S. Vance
Chair

Marjorie O. Rendell
Ellen Segal Huvelle
Catherine D. Perry

Charles A. Breyer
R. David Proctor

**IN RE: AMAZON.COM, INC., FULFILLMENT
CENTER FAIR LABOR STANDARDS ACT (FLSA)
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MDL No. 2504

SCHEDULE A

Central District of California

HAGMAN, ET AL. v. AMAZON FULFILLMENT SERVICES, INC., ET AL.,
C.A. No. 5:18-00024

Eastern District of California

TREVINO v. GOLDEN STATE FC LLC, ET AL., C.A. No. 1:18-00120