

Saiber Secures Victory on Behalf of Restaurant in Wage & Hour Dispute

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Jennine DiSomma and Vincent Cirilli secured a significant victory on behalf an award-winning, *New York Times*-recognized restaurant specializing in Sichuan cuisine in a wage and hour lawsuit brought under the Fair Labor Standards Act (“FLSA”) in the United States District Court for the District of New Jersey.

In the case, eight individual plaintiffs filed suit against the restaurant alleging that they were not paid the proper minimum wage and overtime under the FLSA. Five of the eight plaintiffs signed binding and enforceable arbitration agreements. The three remaining plaintiffs’ claims remained in the District Court, where Saiber successfully moved for judgment on the pleadings. Two of the employees’ claims were dismissed on the basis that the FLSA’s three-year statute of limitations period did not apply because plaintiffs failed to sufficiently allege a willful violation of the statute. In holding that the two-year limitations period applied, the Court dismissed the claims as untimely. The claims of the third plaintiff were also dismissed on the basis he failed to prove he was an employee of the restaurant such that the Court lacked jurisdiction under the FLSA for his claims.