

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT LOUISVILLE

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

Master File No. 14-MD-02504 JUDGE HEYBURN
MDL No. 2504

THIS DOCUMENT RELATES TO:
Neal Heimbach, et al. v. Amazon.com, Inc., 3:14-CV-204-H
Kelly Pavuk v. Amazon.com, Inc., et al., 3:14-CV-201-H

MEMORANDUM AND ORDER

Plaintiffs in two cases, Neal Heimbach and Kelly Pavuk, have each moved to lift the Court's stay in order to pursue certain discovery limited to their Pennsylvania Minimum Wage Act ("PMWA") claims. Plaintiffs each purport to represent a class of Amazon employees who work at two specific sites in Pennsylvania. They do not assert any federal Fair Labor Standards Act ("FLSA") claims but only claims under PMWA. Consequently, the Supreme Court's decision in *Busk* interpreting the Portal Act seems unlikely to implicate either case. Regardless, these Pennsylvania cases were included within the MDL because certain company discovery common to the FLSA cases included within could be relevant.

The Court concludes that certain discovery limited to the operations of the two Pennsylvania fulfillment centers alone would allow these cases to proceed without undue risk of duplicating discovery that may be necessary later in the FLSA cases. Consequently, the Court sees no harm or prejudice to Defendants in lifting the stay for this specific purpose.

Being otherwise sufficiently advised,

IT IS HEREBY ORDERED that Plaintiffs' motion for stay in these two cases is LIFTED for the limited purpose of pursuing facility specific discovery in those cases.

cc: Counsel of Record