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COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss

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SUPERIOR COURT DEPARTMENT  
OF THE TRIAL COURT  
CIVIL ACTION NO. 2181-cv-00680

ANDREW JEFFERSON, on behalf of himself  
and all other employees similarly situated,

Plaintiff,

v.

UTS OF MASS., INC., WILLIAM P.  
CRABTREE, and STEVEN T. CRABTREE,

Defendants.

RECEIVED

10/4/2021 9/21/2021

Normally a hearing would be held on a motion of this type. However, this package provides a full understanding of the issues and no hearing is needed. This

DEFENDANTS' MOTION TO DISMISS THE FIRST AMENDED COMPLAINT

Pursuant to Mass. R. Civ. P. 12(b)(6), Defendants move to dismiss the First Amended Complaint ("FAC"), in its entirety and with prejudice, for failure to state a claim for which relief can be granted.

*motion is DENIED for the reasons stated in the opposition including the arguments made at page 18 of the opposition.*

In the FAC, the plaintiff, Andrew Jefferson ("Plaintiff"), asserts claims for work-related travel expenses based on the erroneous legal premise that Massachusetts law imposes an obligation on employers to reimburse employees for mileage at the maximum rates set by the Internal Revenue Service ("IRS") for determining the deductible costs of operating any automobile for tax purposes.<sup>1</sup> Under regulations interpreting the Massachusetts minimum wage law, however, employers need only reimburse employees, under certain circumstances, for their actual

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<sup>1</sup> Although the FAC purports to assert claims in two separate counts, these counts appear to be entirely duplicative of one another. Both counts assert the same cause of action — failure to reimburse for transportation expenses in violation of G.L. c. 149, §§ 148, 150. Accordingly, both counts suffer from the same fatal pleading defects and are subject to dismissal for the same reasons.