

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF RHODE ISLAND

Rivas Mendizabal v. Faria Meat Market LLC

No. 26-cv-062-JJM-AEM (D.R.I. Apr. 9, 2026) · No. No. 26-cv-062-JJM-AEM · Decided April 13, 2026

SUMMARY

The United States District Court for the District of Rhode Island denied Faria Meat Market LLC’s motion to dismiss claims alleging unpaid overtime under the FLSA, RIPWA, and RIMWA. The court also allowed the plaintiff’s hostile work environment and retaliation claims based on alleged sexual harassment, physical assaults, and termination after complaints. The court concluded that the pleadings plausibly alleged willful wage violations and that the continuing violation doctrine defeated the timeliness arguments.

CASE DETAILS

COURT	United States District Court for the District of Rhode Island
WRITING FOR THE COURT	John J. McConnell, Jr.
JURISDICTION	United States District Court for the District of Rhode Island
DECIDED	April 13, 2026
DOCKET	No. 26-cv-062-JJM-AEM
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff brought claims under the Rhode Island Civil Rights Act, Rhode Island Payment of Wages Act, Rhode Island Minimum Wage Act, and Fair Labor Standards Act. Defendant moved to dismiss under Federal Rule of Civil Procedure 12(b)(6), and the court treated the motion as one for judgment on the pleadings under Rule 12(c) because the answer had been filed.
STANDARD OF REVIEW	On a Rule 12(b)(6) or Rule 12(c) motion, the court accepts well-pleaded facts as true, draws reasonable inferences for the plaintiff, and asks whether the complaint states a plausible claim for relief. The Rule 12(c) standard is the same as the Rule 12(b)(6) standard.
PRECEDENTIAL VALUE	unpublished
PARTIES	Carmen Rivas Mendizabal v. Faria Meat Market LLC

TOPICS

flsa

wage and hour

hostile work environment

retaliation

motions to dismiss

PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the complaint plausibly alleged an FLSA overtime violation and facts supporting application of the three-year limitations period for willful violations.
2. Whether the Rhode Island Payment of Wages Act claim was preempted by the FLSA because both claims arose from the same alleged unpaid overtime.
3. Whether the Rhode Island Minimum Wage Act provides a private right of action for unpaid overtime claims.
4. Whether the alleged sexual harassment and physical assaults plausibly stated a hostile-work-environment claim and could be considered under the continuing-violation doctrine.
5. Whether the alleged complaints followed by termination plausibly stated a retaliation claim and allowed application of the continuing-violation doctrine.

HOLDINGS

1. The complaint plausibly alleged that Mendizabal worked more than 40 hours per week without receiving the required overtime premium and that Faria Market knew or should have known of the work.
2. The allegations plausibly supported application of the FLSA's three-year limitations period because willfulness was genuinely disputed and could not appropriately be resolved on the pleadings.
3. The FLSA did not preempt the Rhode Island Payment of Wages Act claim merely because both claims arose from the same alleged failure to pay overtime.
4. The Rhode Island Minimum Wage Act provides a private right of action, so Mendizabal's claim for unpaid overtime under that statute could proceed.
5. The allegations of repeated unwelcome sexual touching, physical slamming, hair pulling, attempted suffocation, and injury from a door were sufficient to state a hostile-work-environment claim at the pleading stage.
6. The continuing-violation doctrine allowed the court to consider component acts of the alleged hostile work environment, including acts outside the limitations period, because related conduct allegedly continued through the plaintiff's termination.
7. The complaint plausibly stated a retaliation claim based on Mendizabal's complaints about assault and harassment followed shortly by her termination.

KEY QUOTATIONS

“To survive a motion to dismiss under Rule 12(b)(6), Ms. Mendizabal must lay out a “plausible claim.””

“The mere fact that both claims arise from the same alleged unpaid wages does not render them legally indistinguishable, nor does it furnish a basis for preemption.”

“There is a private right of action for violation of the RIMWA.”

“Given the frequency of the harassment and violent nature, the allegations state a claim based on a hostile work environment.”

FACTUAL BACKGROUND

Mendizabal alleged that she worked approximately 66 to 72 hours per week as a cook for Faria Meat Market for about four years. Although she was paid for 40 hours at an hourly rate, the employer allegedly paid a flat \$100 cash amount for all overtime hours, resulting in unpaid overtime premiums. She also alleged repeated sexual harassment and physical assaults by a coworker related to the owners, reported the conduct to management and law enforcement, and was terminated shortly afterward.

PROCEDURAL HISTORY

Mendizabal sued her former employer alleging unpaid overtime, sexual harassment, physical assault, and retaliation culminating in termination. Faria Meat Market moved to dismiss. The district court denied the motion as to the pleaded wage-and-hour, hostile-work-environment, and retaliation claims.

DISPOSITION

other

CASES CITED

- 556 U.S. 662, 678-79 (2009)
- 496 F.3d 1, 5 (1st Cir. 2007)
- 175 F.3d 75, 77 (1st Cir. 1999)
- 491 F.3d 1, 5 (1st Cir. 2007)
- 814 F.3d 1, 2 (1st Cir. 2016)
- 725 F.3d 34, 43-44 (1st Cir. 2013)
- 486 U.S. 128, 133 (1988)
- 552 F. Supp. 3d 249, 259 (D.R.I. 2021)
- 641 F.2d 45, 46 (1st Cir. 1981)
- No. CV 15-342ML, 2016 WL 11652882, at *10 (D.R.I. Feb. 29, 2016)
- 659 F.3d 64, 73 (1st Cir. 2011)
- 625 F.3d 22, 32 (1st Cir. 2010)
- 914 F.3d 52, 64 (1st Cir. 2019)
- 331 F.3d 207, 216 (1st Cir. 2003)
- 876 F.3d 1, 12 (1st Cir. 2017)

- 113 F.4th 86, 111 (1st Cir. 2024)
- 780 F.3d 52, 57 (1st Cir. 2015)
- 553 F.3d 121, 130 (1st Cir. 2009)
- No. CV 24-251 WES, 2025 WL 1687595, at *7 (D.R.I. June 16, 2025)
- 113 F.4th 25, 41-42 (1st Cir. 2024)
- 99 F.4th 105, 117 (1st Cir. 2024)

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