

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
WASHINGTON

Aylin Rodriguez v. Tyson Foods, Inc.

Rodriguez · No. 4:25-CV-5156-TOR · Decided March 17, 2026

OPINION

1 2 3 4 5 UNITED STATES DISTRICT COURT EASTERN DISTRICT OF WASHINGTON 6 7
AYLIN RODRIGUEZ, individually and on behalf of all others similarly NO. 4:25-CV-5156-TOR
8 situated, ORDER GRANTING IN PART AND 9 Plaintiff, DENYING IN PART
DEFENDANT’S MOTION TO DISMISS 10 v. 11 TYSON FOODS, INC., a Delaware
corporation, 12 Defendant. 13 14 BEFORE THE COURT are Defendant’s Motion for Judgment
on the 15 Pleadings (ECF No. 4) and Motion to Dismiss (ECF No. 9).

These matters were 16 submitted for consideration without oral argument. The Court has reviewed
the 17 record and files herein and is fully informed. For the reasons discussed below, 18
Defendant’s Motion for Judgment on the Pleadings (ECF No. 4) is DENIED as 19 moot and
Defendant’s Motion to Dismiss (ECF No. 9) is GRANTED in part and 20 DENIED in part. 1
BACKGROUND 2 This case arises out of allegations that Defendant has engaged in wage and 3
hour abuses against its Washington hourly-paid or non-exempt employees, 4 including Plaintiff.

5 Plaintiff filed her original complaint with the Spokane County Superior 6 Court on July 28,
2025. ECF No. 1-2. Defendant subsequently removed the action 7 to this Court on November 14,
2025 (ECF No. 1) and filed a Motion for Judgment 8 on the Pleadings (ECF No. 4). Plaintiff
thereafter filed a First Amended Complaint 9 (“FAC”). ECF No. 6.

As the FAC supersedes the original complaint, Defendant’s 10 pending Motion for Judgment on
the Pleadings is now moot and is denied as such. 11 The following facts are drawn from Plaintiff’s
FAC and construed in the 12 light most favorable to Plaintiff. *Schwarz v. United States*, 234 F.3d
428, 436 (9th 13 Cir. 2000). Defendant operates a meat processing and packing plant in Wallula,
14 Washington and employs hundreds of employees at any given time to provide 15 prepared food
products.

ECF No. 6 at ¶ 3.2. Plaintiff resides in Richland, 16 Washington and was employed by Defendant
from February 2016, through 17 January 2023, as a packer, meat handler, and machine operator.
Id. at ¶ 3.1. 18 Plaintiff alleges that during her time employed with Defendant, she experienced a
19 variety of willful wage-and-hour violations, including but not limited to: non- 20 compliant
meal and rest breaks, off-the-clock work, unpaid or underpaid overtime, 1 rounding, sick leave
violations, personnel record violations, and other violations.

2 Id. at ¶ 5.1. 3 1. Failure to provide meal breaks 4 Plaintiff alleges she was routinely denied the opportunity to take a full 5 thirty-minute meal break. She alleges that she had to take short breaks to get back 6 to production because meat would already be on the table ready for her to work on. 7 ECF No. 6 at ¶ 5.8. Plaintiff also alleges that when she arrived at work early or 8 was required to stay late, Defendant required her to work five or more consecutive 9 hours without a meal break.

Id. at ¶ 5.9. Additionally, Plaintiff and other 10 employees working were required to reach a quota prior to going on a meal break 11 which often resulted in working five or more hours in a row. Id. at ¶ 5.10. 12 Plaintiff alleges she had to be off the clock to discuss any questions 13 regarding her pay or pay stubs with payroll or human resources, and that at least 14 three times a month, Defendant engaged with Plaintiff regarding work related 15 matters while she was off the clock.

Id. at ¶¶ 5.11,5.12. These interruptions 16 prevented Plaintiff from taking a meaningful meal break; yet despite these 17 interruptions or Plaintiff's inability to take a meal break, Defendant automatically 18 deducted meal breaks from Plaintiff. Id. at ¶ 5.13. 19 2. Failure to pay minimum wages for all hours worked 20 Plaintiff alleges that she was not always paid for work she had to perform 1 prior to a work shift, such as donning and doffing, and other related tasks.

Id. at ¶ 2 5.15. Additionally, Defendant's automatic meal break deduction, even when 3 Plaintiff could not take a meal break or had a shortened meal break, resulted in 4 hours worked without pay. Id. at ¶ 5.16. 5 3. Failure to pay all overtime wages due 6 Plaintiff alleges that some of the hours she worked without pay were 7 overtime hours and that the overtime rates that were paid did not correctly factor in 8 Plaintiff's incentive pay of up to \$1.00 an hour.

ECF No. 6 at ¶¶ 5.18,5.19. 9 4. Unlawful Deductions and Rebates 10 Plaintiff alleges that Defendant required Plaintiff and other Class members 11 to incur employer expenses without reimbursement such as requiring Plaintiff to 12 purchase gloves every month and boots twice a year. Id. at ¶ 5.22. These items 13 were only used during work hours and for work purposes.

Id. 14 5. Failure to accrue and allow use of paid sick leave 15 Plaintiff alleges Defendant engaged in a common course of failing to accrue 16 sick leave for all the hours Plaintiff worked or not permitting Plaintiff to use sick 17 leave for qualified absences. Plaintiff also alleges that when she did take sick 18 leave, she was paid her base hourly rate rather than the required normal rate.

Id. at 19 ¶¶5.25,5.26. As an example, Plaintiff states that during the pay period of 20 September 25, 2022 to October 1, 2022, Plaintiff took two hours of sick leave 1 which were paid out as \$19.00 per hour even though she received \$20.00 per hour 2 for her regular hours, and \$30.00 per hour for her overtime pay during the same 3 pay period. Id. at 5.26. 4 Plaintiff also alleges that Defendant did not distribute the sick leave policy 5 to employees so employees did not know when sick leave was permitted to be 6 used.

Id. at ¶ 5.27. 7 6. Failure to pay all wages due at termination 8 Plaintiff alleges Defendant had a common course of failing to pay Plaintiff 9 and the Class members all wages due upon termination. Id. at ¶ 5.29. 10 7. Failure to maintain accurate payroll records 11 Plaintiff alleges that Defendant failed to maintain accurate payroll records as 12 required under Washington law and failed to produce certain records with 13 Plaintiff's personnel file pursuant to a statutory records request under RCW 14 49.12.240.

Id. at ¶¶ 5.31, 5.32, 5.33. 15 Based on these alleged facts, Plaintiff brings the following eight causes of 16 action: violations of RCW 49.12.020 and WAC 296-126-092 for (1) failure to 17 provide rest periods and (2) failure to provide meal periods; (3) violation of RCW 18 49.46.130 for failure to pay overtime wages; (4) violation of RCW 49.46.090 for 19 payment of wages less than entitled; (5) violations of RCW 49.46.210 and WAC 20 296-128-620 for failure to accrue and allow use of paid sick leave; (6) violations of 1 RCW 49.52.060 and WAC 296-126-028 for unlawful deductions and rebates; (7) 2 violation of RCW 49.48.010 for failure to pay all wages due at termination; and (8) 3 violation of RCW 49.52.050 for willful refusal to pay wages.

ECF No. 6 at 20-28. 4 DISCUSSION 5 Defendant moves pursuant to Fed. R. Civ. P. 12(b)(6) to dismiss Counts 1-4 6 and 6-8 of Plaintiff's FAC for failing to present sufficient facts to support a 7 cognizable claim. ECF No. 9. 8 A. Legal Standard 9 A motion to dismiss for failure to state a claim "tests the legal sufficiency" 10 of the plaintiff's claims. *Navarro v. Block*, 250 F.3d 729, 732 (9th Cir.

2001). To 11 withstand dismissal, a complaint must contain "enough facts to state a claim to 12 relief that is plausible on its face." *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 13 (2007). "A claim has facial plausibility when the plaintiff pleads factual content 14 that allows the court to draw the reasonable inference that the defendant is liable 15 for the misconduct alleged." *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (citation 16 omitted).

This requires the plaintiff to provide "more than labels and conclusions, 17 and a formulaic recitation of the elements." *Twombly*, 550 U.S. at 555. While a 18 plaintiff need not establish a probability of success on the merits, he or she must 19 demonstrate "more than a sheer possibility that a defendant has acted unlawfully." 20 *Iqbal*, 556 U.S. at 678. 1 When analyzing whether a claim has been stated, the Court may consider the 2 "complaint, materials incorporated into the complaint by reference, and matters of 3 which the court may take judicial notice." *Metzler Inv.*

GMBH v. Corinthian 4 Colleges, Inc., 540 F.3d 1049, 1061 (9th Cir. 2008) (citing *Tellabs, Inc. v. Makor 5 Issues & Rights, Ltd.*, 551 U.S. 308, 322 (2007)). A complaint must contain "a 6 short and plain statement of the claim showing that the pleader is entitled to relief." 7 Fed. R. Civ. P. 8(a)(2). A plaintiff's "allegations of material fact are taken as true 8 and construed in the light most favorable to the plaintiff[,]" however "conclusory 9 allegations of law and unwarranted

inferences are insufficient to defeat a motion to 10 dismiss for failure to state a claim.” In re Stac Elecs.

Sec. Litig., 89 F.3d 1399, 11 1403 (9th Cir. 1996) (citation and brackets omitted). 12 B. Pleading under Landers 13 Defendant contends that Plaintiff has failed to plead sufficient facts for her 14 wages and hour claims as required under Landers v. Quality Communications, Inc., 15 771 F.3d 638 (9th Cir. 2014). ECF No. 9 at 6.

In Landers, the Ninth Circuit held 16 that in order for a plaintiff to state a plausible claim for overtime wages under the 17 Fair Labor Standards Act (“FLSA”) that met the Rule 8 pleading standard, the 18 plaintiff must allege facts that during a given week the plaintiff was entitled to but 19 denied overtime wages. Landers, 771 F.3d at 644-45. “A plaintiff may establish a 20 plausible claim by estimating the length of her average workweek during the 1 applicable period and the average rate at which she was paid, the amount of 2 overtime wage she believes she is owed, or any other facts that will permit the 3 court to find plausibility.” Id. at 645.

However, “conclusory allegations that 4 merely recite the statutory language” are inadequate. Id. In that case, the court 5 concluded that Mr. Landers “generalized allegations asserting violations of the 6 minimum wage and overtime provisions of the FLSA” failed to provide “sufficient 7 detail about the length and frequency of [his] unpaid work to support a reasonable 8 inference that [he] worked more than forty hours in a given week.” Id. at 646.

9 Defendant contends that courts apply Landers to both state and federal 10 statutes and cites to several cases out of the Western District of Washington. ECF 11 No. 9 at 6. Indeed, district courts have applied Landers to overtime wage claims 12 other than those under the FLSA. See, e.g., Haralson v. United Airlines, Inc., 224 13 F. Supp. 3d 928, 942 (N.D. Cal. 2016) (applying Landers to state law overtime 14 wage claim).

However, district courts in this circuit are split on the specificity 15 Landers requires, with some holding that it does not require a plaintiff to identify a 16 particular calendar week where overtime wages were denied, but only that the 17 allegations “give rise to a plausible inference that there was” such an instance. Tan 18 v. GrubHub, Inc., 171 F. Supp. 3d 998, 1008 (N.D.

Cal. 1016); Boon v. Canon Bus. 19 Solutions, Inc., 592 Fed. Appx. 631, 632 (9th Cir. 2015). While others require the 20 plaintiff to identify a particular work week where plaintiff was not paid overtime 1 wages. See Rittman v. Amazon.com, Inc., No. C16-01554-JCC, 2017 WL 881384, 2 at *2 (W.D. Wash. Mar. 6, 2017). 3 The Western District of Washington consistently follows the latter 4 interpretation and requires “wage and hour claims to be ‘supported by facts that 5 demonstrate that each named Plaintiff did not receive minimum wage or overtime 6 compensation in a particular workweek[,]’, or with certain frequency.” Valdovinos 7 v. Delta Air Lines Inc., No. C25-2026-SKV, 2025 WL 3623739, at *4 (W.D.

8 Wash. Dec. 15, 2025) (internal citation omitted) (collecting cases). Only one other 9 case out of this district, *Sanders v. Western Express, Inc.*, No. 1:20-CV-03137- 10 SAB, 2021 WL 2772801, at *6 (E.D. Wash. Feb. 11, 2021), has addressed the 11 district court split in interpreting *Landers*.

However, the court there did not decide 12 the issue as it concluded the plaintiff met his pleading obligations under either 13 interpretation. *Id.* Therefore, if needed, the Court will follow the Western 14 District's interpretation. 15 1. Claim 1: failure to provide rest breaks 16 Washington law requires an employer to allow "a rest period of not less than 17 ten minutes, on the employer's time for each four hours of working time" and 18 cannot require an employee "to work more than three hours without a rest period." 19 Wash. Admin.

Code 296-126-092. 20 Defendant argues Plaintiff's rest break violation claim is insufficiently pled 1 because Plaintiff does not ever allege that her rest breaks were shorter than ten 2 minutes or allege a specific instance when she had to work more than three hours 3 without a break or worked through her break. ECF No. 9 at 7. Plaintiff counters 4 that Plaintiff's allegations that breaks were cut short from having to don and off 5 work gear and stand in line to use the rest rooms or go more than three consecutive 6 hours without a rest period on days she arrived early or stayed late are sufficient to 7 state a rest break claim.

ECF No. 10 at 5-6. 8 Plaintiff has failed to sufficiently plead a rest break claim. Plaintiff's 9 allegation that she took breaks unless they were behind on quotas requiring her to 10 work through a break does not allege a specific instance when this occurred or the 11 frequency of its occurrence. Similarly, Plaintiff's allegation that she worked 12 longer than three hours without a rest break on days she arrived early or stayed late 13 is not sufficiently specific to infer that a violation occurred.

See, e.g., *Flores v. 14 United Parcel Serv., Inc.*, No. 8:25-CV-01534-FWS-ADS, 2026 WL 41359, at *3 15 (C.D. Cal. Jan. 5, 2026) ("Because Plaintiff merely recites the statutory language 16 and does not allege a specific... instance where Plaintiff was denied a required 17 break, the court finds that Plaintiff fails to sufficiently allege his claims for... 18 failure to provide rest breaks."); see also *Johnson v. Q.E.D.*

Environmental 19 Systems Inc., Johnson v. Q.E.D. Env't Sys. Inc., No. 16-CV-01454-WHO, 2016 20 WL 4658963, at *4 (N.D. Cal. Sept. 7, 2016) (holding complaint sufficiently pled 1 where the plaintiff alleged he and other employees "took breaks of approximately 2 only 20 or 25 minutes... at least once every two weeks"). 3 Plaintiff's allegation that rest breaks were limited because she had to don 4 and doff protective and work gear is also insufficient because she never actually 5 alleges that the remaining break periods between donning and doffing were shorter 6 than ten minutes.

7 Claim 1 is dismissed, with leave to amend. 8 2. Claim 2: failure to provide meal breaks 9 The Washington Administrative Code (“WAC”) requires: 10 Employees shall be allowed a meal period of at least thirty minutes which commences no less than two hours nor more than five hours from 11 the beginning of the shift. Meal periods shall be on the employer's time when the employee is required by the employer to remain on duty on 12 the premises or at a prescribed work site in the interest of the employer.

13 Wash. Admin. Code § 296-126-092(1) (1999). 14 The provision does not “permit any mitigation of the section’s mandatory 15 thirty-minutes duty-free directive.” *Alvarez v. IBP, Inc.*, 339 F.3d 894, 913 (9th 16 Cir. 2003).

Thus, an employee is “owed compensation for the full thirty-minute 17 period where” the employer “has intruded upon or infringed the mandatory thirty- 18 minute term to any extent.” *Id.* at 914. 19 Defendant contends that Plaintiff has not sufficiently pled her meal break 20 claims because, similar to her rest break claims, she does not identify a single 1 instance when the violation occurred.

ECF No. 9 at 7-8. Defendant also argues 2 that Plaintiff’s allegation that her supervisor would speak to her about work related 3 matters when she clocked off approximately three times a month lacks sufficient 4 detail as to what those work related matters were or if Plaintiff actually engaged in 5 those discussions. *Id.* at 7. 6 The Court disagrees and concludes Plaintiff has sufficiently pled her meal 7 break violation claim.

Plaintiff’s allegation that her supervisor interrupted her 8 meal break to talk about work related matters “approximately three times a month” 9 and that Defendant automatically deducted meal breaks from Plaintiff regardless of 10 any interruptions is sufficiently specific to satisfy Lander. See *Arnold v. Marriott* 11 Int’l, No. 3:24-CV-00221-RAJ, 2025 WL 1919260, at *6 (W.D.

Wash. July 11, 12 2025) (“[C]ourts in this circuit have found complaints sufficient if they identify a 13 specific time or frequency where violations occurred, and some detail regarding 14 the nature of the alleged violation.”) (emphasis added). Plaintiff’s allegation that 15 the discussions were work related is also sufficient for pleading purposes. See 16 *Parker v. Walgreen Pharmacy Servs.*

Midwest, LLC, No. 3:25-CV-05624-BHS, 17 2025 WL 3214395, at *2 (W.D. Wash. Nov. 18, 2025) (holding complaint 18 sufficient where the plaintiff alleged his supervisor frequently interrupted his 19 breaks to discuss or require him to complete work tasks). 20 Defendant’s challenge to Claim 2 fails. 1 3. Claim 4: payment of wages less than entitled 2 RCW 49.46.090 requires employers to pay employees all amounts to which 3 they are entitled to under the Washington Minimum Wage Act (“WMA”).

4 Defendant again argues Plaintiff has not sufficiently pled a minimum wage 5 claim because she does not identify a specific instance where she was not 6 compensated for work performed prior to

her scheduled shift, does not allege a 7 particular instance or the frequency in which she had to work through meal breaks 8 that were unpaid, and does not allege that the off-the-clock time forced her pay rate 9 below Washington's minimum wage.

ECF No. 9 at 8. 10 As Plaintiff has adequately pled her violation of meal break claim, it follows 11 that any meal breaks that were interrupted in violation of WAC § 296-126-092(1), 12 yet still deducted, would result in payment of wages less than entitled. Plaintiff 13 has adequately pled her failure to pay minimum wages for all hours worked claim. 14 4. Claim 3: failure to pay overtime wages 15 RCW 49.46.130 provides: 16 no employer shall employ any of his or her employees for a workweek longer than forty hours unless such employee receives compensation 17 for his or her employment in excess of the hours above specified at a rate not less than one and one-half times the regular rate at which he or 18 she is employed.

19 Defendant argues Plaintiff's claim for overtime wages is deficient because she fails 20 to allege any particular work week where she worked over forty hours and was 1 denied overtime wages. ECF No. 9 at 12-13. Plaintiff contends that she properly 2 pled that there was at least one work week she worked over forty hours and was 3 not properly compensated because she alleged that she and her class members were 4 not paid overtime "during workweeks in which the missed meal break time 5 extended the workweek beyond forty (40) hours." ECF No. 6 at 17.

6 Plaintiff has sufficiently pled her overtime wages claim. Because Plaintiff 7 plausibly alleges that she was not able to take her full thirty-minute meal breaks 8 due to interruptions "approximately three times a month," and those thirty-minutes 9 were deducted regardless, Plaintiff's overtime claim based on the allegation that 10 those missed meal breaks extended such weeks beyond forty hours is plausible.

11 See Johnson, 2016 WL 4658963, at *4 ("Because Johnson plausibly alleges that he 12 was not able to take a full 30-minute meal break, and QED has a policy of 13 automatically deducting 30 minutes from employee's paychecks regardless of the 14 actual length of their meal period, his overtime claim based on these missed wages 15 also survives."). 16 5. Claim 6: unlawful deductions and rebates 17 Defendant contends that Plaintiff's claim that Defendant failed to reimburse 18 business expenses is not a cognizable claim under Washington law.

ECF No. 9 at 19 11. Plaintiff responds that the language under RCW 49.48.010(3) that an employer 20 may not "withhold or divert any portion of an employee's wages" applies in this 1 case because forcing an employee to incur a business expense in the course of 2 performing their duties is a diversion or withholding of the employee's wages. 3 ECF No. 10 at 10-11.

Plaintiff also cites to the language of RCW 49.52.060 in 4 arguing that such a diversion is only lawful where "the employer derives no 5 financial benefit from such deduction and the same is openly, clearly and in due 6 course recorded in the employer's books." 7 The Wage Rebate Act

was enacted to “prevent abuses by employers in a 8 labor-management setting, e.g., coercing rebates from employees in order to 9 circumvent collective bargaining agreements.” *LaCoursiere v. Camwest Dev., 10 Inc.*, 181 Wash. 2d 734, 741 (2014). “[T]he aim or purpose of the act is to see that 11 the employee shall realize the full amount of the wages which by statute, 12 ordinance, or contract he is entitled to receive from his employer, and which the 13 employer is obligated to pay....” *Schilling v. Radio Holdings, Inc.*, 136 Wash. 14 2d 152, 159 (1998) (quoting *State v. Carter*, 18 Wash. 2d 590, 621 (1943)).

15 Plaintiff does not demonstrate that Defendant “withheld or diverted” wages 16 within the meaning of RCW 49.48.010(3) because she has not alleged facts that 17 she is entitled to the personal expenses incurred as part of her wages either by 18 statute, ordinance, or contract, and which Defendant was obligated to pay. 19 Therefore, this claim is dismissed.

20 Defendant argues that because no claim exists under Washington law for the 1 reimbursement of business expenses, this claim should be dismissed with 2 prejudice. “Dismissal with prejudice and without leave to amend is not appropriate 3 unless it is clear... that the complaint could not be saved by amendment.” 4 *Eminence Capital, L.L.C. v. Aspeon, Inc.*, 316 F.3d 1048, 1052 (9th Cir.

2002). 5 The Court agrees that Plaintiff does not have a cognizable claim for reimbursement 6 under Washington’s Wage Rebate Act, therefore this claim is dismissed with 7 prejudice. 8 6. Claims 7 and 8: failure to pay all wages due and willful refusal to pay wages 9 Defendant moves to dismiss Plaintiff’s failure to pay and willful refusal to 10 pay wages claims on the basis they are completely derivative of Plaintiff’s other 11 wage and hour claims.

ECF No. 9 at 13. As Plaintiff has adequately pled her 12 overtime, minimum wage, and meal break claims, Defendant’s challenge to the 13 claims as derivative thereof fails. 14 // 15 // 16 // 17 // 18 // 19 // 20 // ACCORDINGLY, IT IS HEREBY ORDERED: 2 1. Defendant’s Motion for Judgment on the Pleadings (ECF No. 4) is 3 DENIED as moot. 4 2. Defendant’s Motion to Dismiss (ECF No. 9) is GRANTED in part and 5 DENIED in part.

6 3. Plaintiff shall have twenty (20) days from the date of this order to file a 7 Second Amended Complaint. 8 The District Court Executive is directed to enter this Order and furnish 9|| copies to counsel. 10 DATED March 17, 2026. <> United States District Judge 13 14 15 16 17 18 19 20 ORDER GRANTING IN PART AND DENYING IN PART DEFENDANT’S