

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NEW YORK

Justin Washington, on behalf of himself, FLSA Collective Plaintiffs, and the Class v. Green Trips Inc. d/b/a Green Trips and Peter Kim

Washington v. Green Trips · No. 24 Civ. 3585 (DG) (VMS) · Decided December 19, 2025

SUMMARY

The United States District Court for the Eastern District of New York addresses Plaintiff Justin Washington’s motions to amend the complaint, conditionally certify an FLSA collective, and compel discovery in an action alleging unpaid overtime and violations of New York wage laws. The court grants leave to amend, conditionally certifies a collective of current and former New York drivers employed by Defendants on or after May 16, 2018 through December 19, 2025, denies Plaintiff’s motion to strike Defendants’ opposition, and grants related relief concerning notice and discovery.

CASE DETAILS

COURT	United States District Court for the Eastern District of New York
WRITING FOR THE COURT	Vera M. Scanlon
JURISDICTION	United States District Court for the Eastern District of New York
DECIDED	December 19, 2025
DOCKET	24 Civ. 3585 (DG) (VMS)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for leave to amend the complaint, conditional certification of an FLSA collective action, and an order compelling production of collective and class discovery. Defendants opposed amendment and conditional certification and opposed discovery relief in part. The magistrate judge addressed the motions together.
STANDARD OF REVIEW	Leave to amend under Federal Rule of Civil Procedure 15(a)(2) is committed to the court's discretion and should generally be denied only for futility, undue delay, bad faith, repeated failure to cure deficiencies, or undue prejudice. At the conditional-certification stage of an FLSA collective action, the plaintiff must make a lenient, modest factual showing that the plaintiff and potential opt-in plaintiffs were or may have been victims of a common policy or plan violating the

	FLSA; the court may not resolve factual disputes, decide merits issues, or make credibility determinations.
PRECEDENTIAL VALUE	Unknown; district-court memorandum and order with no reported citation.
PARTIES	Justin Washington v. Green Trips Inc. d/b/a Green Trips, Peter Kim

TOPICS

flsa

wage and hour

class actions

motion to amend

discovery dispute

PRACTICE AREAS

employment law

wage and hour

civil procedure

remedies

QUESTIONS PRESENTED

1. Whether Plaintiff should be granted leave to amend the complaint to add allegations concerning additional time-shaving practices.
2. Whether Plaintiff made the modest factual showing required for conditional certification of an FLSA collective of current and former drivers.
3. Whether the court should authorize dissemination of collective-action notice by mail, email, and text message and require production of potential collective members' contact information.
4. Whether Plaintiff's motion to strike Defendants' opposition to conditional certification should be granted as untimely.
5. Whether Plaintiff's motion to compel should be granted as to discovery concerning potential collective members and deposition scheduling.
6. Whether equitable tolling of the FLSA limitations period should be granted at the conditional-certification stage.

HOLDINGS

1. Leave to amend was granted because Defendants failed to establish undue delay, bad faith, or undue prejudice, and the proposed amendments concerned additional allegations supported by discovery.
2. The motion to strike Defendants' opposition to conditional certification was denied, and Defendants' request for a nunc pro tunc extension was granted.
3. Plaintiff satisfied the lenient first-stage standard for conditional certification by making a modest factual showing that he and other current and former New York drivers may have been subject to a common policy of unpaid work and overtime violations.
4. The court authorized dissemination of the collective-action notice and consent form by mail, email, and text message, subject to court-approved or subsequently submitted text-message language.

5. Defendants were ordered to produce an Excel spreadsheet containing covered employees' names, titles, dates of employment, last-known mailing addresses, email addresses, and known telephone numbers, but not compensation rates.
6. The motion to compel was granted in part as to discovery concerning potential collective members, while the request to schedule depositions was denied as moot because Defendants had already offered deposition times.
7. The court did not toll the FLSA limitations period at that time but granted Plaintiff leave to request equitable tolling in a motion for final approval of the collective.

KEY QUOTATIONS

“Plaintiff need only “make a ‘modest factual showing’” that he and potential opt-in plaintiffs “together were victims of a common policy or plan that violated the law.”” (Section III(A))

“Accordingly, Plaintiff has met the “modest showing” necessary to conditionally certify a collective of Covered Employees” (Section III(C)(b))

“The Court conditionally certifies a collective action comprised of all current and former drivers employed by Defendants in New York on or after May 16, 2018 until December 19, 2025” (Conclusion ¶ 2(a))

FACTUAL BACKGROUND

Justin Washington worked as a driver for Green Trips, a provider of ambulatory wheelchair and door-to-door transportation services, from approximately May 2, 2023, through January 8, 2024. He alleged that he was scheduled for approximately 57 hours per week but was not paid for travel time to the first client and from the last client or for periods spent on-call at home or at the company's offices. Washington also alleged that Green Trips and its owner, Peter Kim, subjected other drivers to the same time-shaving practices and failed to provide compliant New York wage notices and wage statements.

PROCEDURAL HISTORY

Plaintiff commenced the action on May 16, 2024, alleging unpaid overtime and wage-notice and wage-statement violations under the FLSA and NYLL. Defendants answered on July 10, 2024. After discovery disputes and disputes concerning the briefing schedule, Plaintiff filed motions to amend, conditionally certify an FLSA collective, strike Defendants' opposition as untimely, and compel discovery. The court denied the motion to strike, granted Defendants' request for a nunc pro tunc extension, and granted the motions to amend, conditionally certify, and compel in the specified respects.

DISPOSITION

other

REMAND INSTRUCTIONS

No remand. Plaintiff must file the proposed amended complaint by December 29, 2025. Defendants must answer or otherwise respond within 30 days thereafter. Defendants must produce the specified collective-member spreadsheet by January 22, 2026. Plaintiff must disseminate the approved notice within 15 days after receiving the contact information and submit proposed text-message language by January 22, 2026. The parties must meet and confer by January 22, 2026 and file a joint discovery plan, or a joint letter concerning unresolved discovery disputes, by January 29, 2026.

CASES CITED

- United States ex rel. Ladas v. Exelis, Inc., 824 F.3d 16, 28 (2d Cir. 2016)
- Block v. First Blood Assocs., 988 F.2d 344, 350 (2d Cir. 1993)
- State Farm Mut. Auto. Ins. Co. v. CPT Med. Servs., P.C., 246 F.R.D. 143, 148 (E.D.N.Y. 2007)
- Zou v. Han, 2025 WL 2490269, at *4 (E.D.N.Y. Aug. 29, 2025)
- Perez v. Escobar Constr., Inc., 342 F.R.D. 378, 382 (S.D.N.Y. 2022)
- See v. Gov't Emps. Ins. Co., 2025 WL 2042323, at *3 (E.D.N.Y. July 21, 2025)
- Fiedler v. Incandela, 222 F. Supp. 3d 141, 156 (E.D.N.Y. 2016)
- Hoffmann-La Roche Inc. v. Sperling, 493 U.S. 165, 169-70, 174 (1989)
- Genesis Healthcare Corp. v. Symczyk, 569 U.S. 66, 70 n.1 (2013)
- Myers v. Hertz Corp., 624 F.3d 537, 554-56 (2d Cir. 2010)
- Sobczak v. AWL Indus., Inc., 540 F. Supp. 2d 354, 362 (E.D.N.Y. 2007)
- Scott v. Chipotle Mexican Grill, Inc., 954 F.3d 502, 516 (2d Cir. 2020)
- McGlone v. Contract Callers, Inc., 867 F. Supp. 2d 438, 443 (S.D.N.Y. 2012)
- Young v. Cooper Cameron Corp., 229 F.R.D. 50, 55 (S.D.N.Y. 2005)
- Jeong Woo Kim v. 511 E. 5th Street, LLC, 985 F. Supp. 2d 439, 446-47 (S.D.N.Y. 2013)
- Yi Mei Ke v. JR Sushi 2 Inc., 2021 WL 148751, at *8 (S.D.N.Y. Jan. 15, 2021)
- Miranda v. Gen. Auto Body Works, Inc., 2017 WL 4712218, at *2 (E.D.N.Y. Oct. 18, 2017)
- Wraga v. Marble Lite, Inc., 2006 WL 2443554, at *2 (E.D.N.Y. Aug. 22, 2006)
- Fa Ting Wang v. Empire State Auto Corp., 2015 WL 4603117, at *2, *6-7 (E.D.N.Y. July 29, 2015)
- Qiang Lu v. Purple Sushi, Inc., 447 F. Supp. 3d 89, 95 (S.D.N.Y. 2020)
- Errickson v. Paychex, Inc., 447 F. Supp. 3d 14, 23 (W.D.N.Y. 2020)
- Qing Gu v. T.C. Chikurin, Inc., 2014 WL 1515877, at *3 (E.D.N.Y. Apr. 17, 2014)
- Sanchez v. Gansevoort Mgmt. Grp., 2013 WL 208909, at *1 n.1 (S.D.N.Y. Jan. 10, 2013)
- Patton v. Thomson Corp., 364 F. Supp. 2d 263, 266-67 (E.D.N.Y. 2005)
- Sbarro, 982 F. Supp. at 261
- Valdez v. MichPat & Fam, LLC, 2022 WL 950450, at *13, *15 (E.D.N.Y. Mar. 30, 2022)
- Aleman-Valdivia v. Top Dog Plumbing & Heating Corp., 2021 WL 4502479, at *8 (E.D.N.Y. Sept. 30, 2021)
- Ding v. Mask Pot Inc., 347 F.R.D. 417, 429, 437 (E.D.N.Y. 2024)
- Alvarado v. Villas Mkt. Place Inc., 2020 WL 91489, at *3 (S.D.N.Y. Jan. 8, 2020)
- Parada v. Banco Indus. De Venezuela, C.A., 753 F.3d 62, 71 (2d Cir. 2014)

- Mottahedeh v. United States, 794 F.3d 347, 352 (2d Cir. 2015)
- Cabrera v. Stephens, 2017 WL 4326511, at *7 (E.D.N.Y. Sept. 28, 2017)
- Gonzalez v. Wicked Taco LLC, 764 F. Supp. 3d 77, 101, 103 (E.D.N.Y. 2025)
- Jackson v. Total Relocation Servs., LLC, 2024 WL 4850814, at *5 (S.D.N.Y. Nov. 21, 2024)
- Mei Rong Du v. Dingxiang Inc., 2020 WL 7404984, at *6 (S.D.N.Y. Dec. 17, 2020)

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