

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
PENNSYLVANIA

**William Walker, Individually and for Others Similarly Situated v.
Audubon Companies, LLC, Audubon Field Solutions, LLC, and
Audubon Engineering Company, L.P.**

Civil Action No. 2:25-CV-764 (W.D. Pa. Mar. 16, 2026) · No. Civil Action No. 2:25-CV-764 · Decided March
16, 2026

SUMMARY

The court addresses Defendants' motion to dismiss and alternative motion to transfer venue in William Walker's FLSA, Pennsylvania Minimum Wage Act, and Pennsylvania Wage Payment and Collection Law action concerning allegedly unpaid overtime wages. The court denies dismissal for lack of personal jurisdiction, concluding that Defendants consented to general jurisdiction in Pennsylvania by registering to do business there, and denies transfer under 28 U.S.C. § 1404(a). The court dismisses without prejudice Walker's WPCL claim insofar as it seeks overtime compensation at a higher rate than the agreed-upon wage, while otherwise allowing the PMWA and WPCL claims to proceed.

CASE DETAILS

COURT	United States District Court for the Western District of Pennsylvania
WRITING FOR THE COURT	Maureen P. Kelly
JURISDICTION	United States District Court for the Western District of Pennsylvania
DECIDED	March 16, 2026
DOCKET	Civil Action No. 2:25-CV-764
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff brought a putative FLSA collective and potential class action alleging unpaid overtime wages under the FLSA, PMWA, and WPCL. Defendants moved to dismiss for lack of personal jurisdiction and failure to state a claim, or alternatively to transfer venue under 28 U.S.C. § 1404(a).
STANDARD OF REVIEW	On a Rule 12(b)(2) motion without an evidentiary hearing or jurisdictional discovery, the plaintiff need only establish a prima facie case of personal jurisdiction, with allegations accepted as true and competent evidence required beyond bare pleadings. On a Rule 12(b)(6) motion, the court accepts nonconclusory factual allegations as true,

	draws favorable inferences for the plaintiff, and asks whether the complaint states a plausible claim. A § 1404(a) transfer motion is evaluated under the private and public interest factors identified in <i>Jumara v. State Farm Insurance Co.</i>
PRECEDENTIAL VALUE	unpublished
PARTIES	William Walker, individually and for others similarly situated v. Audubon Companies, LLC, Audubon Field Solutions, LLC, Audubon Engineering Company, L.P.

TOPICS

flsa wage and hour personal jurisdiction motions to dismiss venue

PRACTICE AREAS

employment law wage and hour civil procedure personal jurisdiction venue

QUESTIONS PRESENTED

1. Whether the court could exercise personal jurisdiction over the Audubon entities based on their registration to do business in Pennsylvania and consent to general jurisdiction.
2. Whether the court could exercise jurisdiction over FLSA claims asserted by opt-in plaintiffs who did not reside or work in Pennsylvania.
3. Whether Walker plausibly stated PMWA and WPCL claims based on allegations that he worked in Pennsylvania and was denied overtime wages.
4. Whether Walker plausibly alleged an employment agreement supporting a WPCL claim for overtime compensation at a higher rate than the agreed regular wage.
5. Whether the action should be transferred to the Southern District of Texas or Eastern District of Louisiana under 28 U.S.C. § 1404(a).

HOLDINGS

1. Pennsylvania may exercise general personal jurisdiction over Audubon because Audubon registered to do business in Pennsylvania and thereby consented to general jurisdiction, and applying that registration-based jurisdiction to Walker's claims did not violate due process or the dormant Commerce Clause on the facts presented.
2. Because the court had general personal jurisdiction over Audubon, it could adjudicate the claims of all FLSA opt-in plaintiffs, including those who were not based in Pennsylvania.
3. Walker plausibly stated PMWA and WPCL claims by alleging that Audubon employed him in Pennsylvania and Ohio during the relevant period; dismissal based on the assertion that he never worked in Pennsylvania was unwarranted at the pleading stage.

4. Walker failed to state a WPCL claim for overtime pay at a higher rate because he alleged an implied agreement to pay the stated day-rate compensation but did not allege an express or implied agreement to pay overtime at a higher rate.
5. Transfer to the Southern District of Texas or Eastern District of Louisiana was not warranted because the Jumara private and public interest factors weighed marginally or substantially against transfer.

KEY QUOTATIONS

“Thus, Audubon consented to the Court’s exercise of general personal jurisdiction.” (at 8)

“Thus, Walker fails to state a WPCL claim for overtime pay at a higher rate.” (at 13)

“After weighing the Jumara public and private factors, Audubon has not met its burden to show that the interest of justice and the convenience of the parties support a transfer to the Southern District of Texas or to the Eastern District of Louisiana.” (at 19)

FACTUAL BACKGROUND

Audubon provides multistate engineering, procurement, and construction services and employed Walker as an environmental inspector in Pennsylvania and Ohio from approximately January 2021 through February 2025. Audubon classified Walker and similarly situated workers as temporary day-rate employees, generally paid \$340 for the first ten hours of a workday and an hourly bonus for additional daily hours, while allegedly not paying weekly overtime for work exceeding forty hours. Walker alleged that he commonly worked sixty to eighty-four hours per week and that Audubon’s compensation and scheduling practices were designed to avoid overtime obligations.

PROCEDURAL HISTORY

Walker alleged that Audubon classified him and other day-rate workers as temporary employees and failed to pay overtime at one and one-half times their regular rate. Audubon moved to dismiss or transfer the action. After briefing, including a reply, sur-reply, and supporting declarations, the court granted the motion only as to Walker's WPCL claim for overtime wages at a higher rate than his regular rate, dismissed that portion without prejudice with leave to amend, denied the remaining dismissal requests, and denied transfer.

DISPOSITION

other

CASES CITED

- Fowler v. UPMC Shadyside, 578 F.3d 203, 210-11 (3d Cir. 2009)
- Strata Skin Sciences, Inc. v. LaserOptek America Corp., No. 24-4138, 2026 WL 181486, at *2 (E.D. Pa. Jan. 21, 2026)
- Miller Yacht Sales, Inc. v. Smith, 384 F.3d 93, 97 (3d Cir. 2004)
- Colur World, LLC v. Supmedic, Inc., 801 F. Supp. 3d 524, 529 (E.D. Pa. 2025)

- O'Connor v. Sandy Lane Hotel Co., 496 F.3d 312, 316 (3d Cir. 2007)
- Time Share Vacation Club v. Atlantic Resorts, Ltd., 735 F.2d 61, 66 n. 9 (3d Cir. 1984)
- In re Enterprise Rent-A-Car Wage & Hour Employment Practices Litigation, 735 F. Supp. 2d 277, 307 (W.D. Pa. 2010), *aff'd*, 683 F.3d 462 (3d Cir. 2012)
- Mallory v. Norfolk Southern Railway Co., 600 U.S. 122, 134-38, 150 (2023)
- Pennsylvania Fire Insurance Co. of Philadelphia v. Gold Issue Mining & Milling Co., 243 U.S. 93 (1917)
- Murphy v. Audubon Companies, LLC, et al., No. 2:25-cv-815
- Hegna v. Smitty's Supply, Inc., No. 16-3613, 2017 WL 2563231, at *4 (E.D. Pa. June 13, 2017)
- Tri-M Group, LLC v. Sharp, 638 F.3d 406, 418 (3d Cir. 2011)
- Oregon Waste Systems, Inc. v. Department of Environmental Quality of State of Oregon, 511 U.S. 93, 98 (1994)
- South Dakota v. Wayfair, 585 U.S. 162, 173 (2018)
- Davis v. Farmers' Co-op Equity Co., 262 U.S. 312, 315 (1923)
- International Milling Co. v. Columbia Transportation Co., 292 U.S. 511, 517 (1934)
- AK Steel Corp. v. PAC Operating Ltd. Partnership, No. 15-9260, 2017 WL 3314294, at *6 (D. Kan. Aug. 3, 2017)
- Fischer v. Federal Express Corp., 42 F.4th 366, 370, 383, 387 (3d Cir. 2022)
- Thurlow v. National Inspection Services, LLC, No. 2:24-1135, 2025 WL 408352, at *6 (W.D. Pa. Feb. 6, 2025)
- Kost v. Kozakiewicz, 1 F.3d 176, 183 (3d Cir. 1993)
- Ashcroft v. Iqbal, 556 U.S. 662, 678-79 (2009)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555 (2007)
- Mergl v. Wallace, No. 2:21-CV-1335, 2022 WL 4591394, at *3 (W.D. Pa. Sept. 30, 2022)
- Malleus v. George, 641 F.3d 560, 563 (3d Cir. 2011)
- Kulwicki v. Dawson, 969 F.2d 1454, 1462 (3d Cir. 1992)
- City of Cambridge Retirement System v. Altisource Asset Management Corp., 908 F.3d 872, 878-79 (3d Cir. 2018)
- James v. City of Wilkes-Barre, 700 F.3d 675, 681 (3d Cir. 2012)
- Timko v. NSPA Lounge LLC, No. 2:23-CV-1307, 2025 WL 2162470, at *22 (W.D. Pa. July 30, 2025)
- Thompson v. IntelyCare, Inc., No. 22-1599, 2025 WL 745224, at *6 (W.D. Pa. Mar. 7, 2025)
- Minehan v. McDowell, No. 21-5314, 2023 WL 5432508, at *15 (E.D. Pa. Aug. 22, 2023), *aff'd*, No. 23-2737, 2024 WL 4403873 (3d Cir. Oct. 4, 2024)
- Schupack v. Marketvision Research, Inc., No. 16-6233, 2017 WL 2828687, at *3 (E.D. Pa. June 29, 2017)
- Braun v. Wal-Mart Stores, Inc., 24 A.3d 875, 954 (Pa. Super. Ct. 2011), *aff'd*, 106 A.3d 656 (Pa. 2014)
- McEnheimer v. Walmart, Inc., No. 22-46, 2022 WL 3700911, at *1 (W.D. Pa. Aug. 26, 2022)
- Gordon v. Maxim Healthcare Services, Inc., No. 13-7175, 2014 WL 3438007, at *4 (E.D. Pa. July 15, 2014)
- Bogo v. Zator Law, LLC, No. 24-4685, 2025 WL 1116534, at *4 (E.D. Pa. Apr. 15, 2025)

- Stevens v. USA Today Sports Media Group, LLC, No. 1:23-cv-1367, 2024 WL 1285535, at *2 (M.D. Pa. Mar. 26, 2024)
- Shutte v. Armco Steel Corp., 431 F.2d 22, 24 (3d Cir. 1970)
- Stewart v. First Student, Inc., 639 F. Supp. 3d 492, 499-502 (E.D. Pa. 2022)
- Bensalem Lodging Associates, LLC v. Holiday Hospitality Franchising, LLC, 575 F. Supp. 3d 532, 541 (E.D. Pa. 2021)

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