

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY

Flores v. Brink’s, Inc.

Civ. No. 25-5383 (SDW) (MAH) (D.N.J. Feb. 17, 2026) · No. 2:25-cv-05383; Civ. No. 25-5383 (SDW) (MAH)
· Decided February 17, 2026

SUMMARY

The United States District Court for the District of New Jersey denied Brink’s, Inc.’s motion to dismiss Jose Flores’s complaint under Federal Rule of Civil Procedure 12(b)(6). The court held that Flores plausibly alleged retaliation under the Surface Transportation Assistance Act and the New Jersey Conscientious Employee Protection Act, a related common-law wrongful-termination claim, and age discrimination under the ADEA and NJLAD. The opinion also addressed causation, pretext, the CEPA waiver doctrine, and comparator allegations.

CASE DETAILS

COURT	United States District Court for the District of New Jersey
WRITING FOR THE COURT	Susan D. Wigenton
JURISDICTION	United States District Court for the District of New Jersey
DECIDED	February 17, 2026
DOCKET	2:25-cv-05383; Civ. No. 25-5383 (SDW) (MAH)
DISPOSITION	other
PROCEDURAL POSTURE	Defendant moved under Federal Rule of Civil Procedure 12(b)(6) to dismiss Plaintiff’s complaint alleging retaliation under the Surface Transportation Assistance Act, retaliation and wrongful termination under the New Jersey Conscientious Employee Protection Act and New Jersey common law, and age discrimination under the ADEA and NJLAD.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts well-pleaded factual allegations as true, construes the complaint in the plaintiff’s favor, disregards legal conclusions, and determines whether the alleged facts state a plausible claim for relief under Rule 8(a)(2).
PRECEDENTIAL VALUE	unpublished and not for publication
PARTIES	Jose Flores v. Brink’s, Inc.

TOPICS

[whistleblower](#)[retaliation](#)[age discrimination](#)[motions to dismiss](#)[employment law](#)

PRACTICE AREAS

[employment law](#)[civil procedure](#)[whistleblower](#)[age discrimination](#)

QUESTIONS PRESENTED

1. Whether Flores plausibly alleged protected activity, employer knowledge, adverse action, and contributing-factor causation for a retaliatory discharge claim under the STAA.
2. Whether Flores plausibly alleged retaliation and wrongful termination under CEPA.
3. Whether assertion of a CEPA claim waived Flores's New Jersey common-law wrongful-termination claim at the pleading stage.
4. Whether Flores plausibly alleged disparate-treatment age discrimination under the ADEA and NJLAD.

HOLDINGS

1. The complaint plausibly alleged an STAA retaliatory-discharge claim and therefore the claim could proceed past the pleading stage.
2. Flores plausibly alleged CEPA retaliation and wrongful termination, so the CEPA claims could proceed.
3. Assertion of a CEPA claim did not require dismissal of Flores's common-law wrongful-termination claim at this stage.
4. The complaint plausibly alleged disparate-treatment age discrimination under the ADEA and NJLAD, so those claims could proceed.

KEY QUOTATIONS

“Plaintiff has also stated a plausible claim of retaliation under the STAA.” (III.A)

“For the foregoing reasons, this Court DENIES Defendant’s Motion to Dismiss.” (IV)

FACTUAL BACKGROUND

Jose Flores worked for Brink's and its predecessor Dunbar for more than twenty-five years as an armored-truck driver. He alleged that, after Brink's changed its armored-truck staffing model, management required or pressured him to drive in violation of federal hours-of-service and rest regulations, and that he complained and refused to operate under unsafe conditions. Brink's terminated him on July 25, 2024, citing distracted driving, but Flores alleged that reason was pretextual because management knew drivers used phones for navigation and because younger employees who committed more serious infractions were not terminated.

PROCEDURAL HISTORY

Flores filed a retaliation complaint with OSHA on October 15, 2024. After the Secretary of Labor failed to issue a final order within 210 days, Flores filed this action on May 23, 2025. Brink's moved to dismiss on July 22, 2025, and the court denied the motion as to all claims.

DISPOSITION

other

CASES CITED

- Ashcroft v. Iqbal, 556 U.S. 662, 677-79 (2009)
- Conley v. Gibson, 355 U.S. 41, 47 (1957)
- Mayer v. Belichick, 605 F.3d 223, 229-30 (3d Cir. 2010)
- Fowler v. UPMC Shadyside, 578 F.3d 203, 210-11 (3d Cir. 2009)
- Connelly v. Lane Construction Corp., 809 F.3d 780, 786 (3d Cir. 2016)
- Brock v. Roadway Express, Inc., 481 U.S. 252, 258 (1987)
- Greatwide Dedicated Transportation II, LLC v. U.S. Department of Labor, 72 F.4th 544, 553-54 (4th Cir. 2023)
- Weatherford U.S., L.P. v. U.S. Department of Labor, Administrative Review Board, 68 F.4th 1030, 1039-40 (6th Cir. 2023)
- Koch Foods, Inc. v. Secretary, U.S. Department of Labor, 712 F.3d 476, 481-83, 486 (11th Cir. 2013)
- Feldman v. Law Enforcement Associates Corporation, 752 F.3d 339, 348 (4th Cir. 2014)
- Allen v. Administrative Review Board, 514 F.3d 468, 476 n.3 (5th Cir. 2008)
- Munenzon v. Peters Advisors, LLC, 553 F. Supp. 3d 187, 203 (D.N.J. 2021)
- Pierce v. Ortho Pharmaceutical Corporation, 417 A.2d 505 (N.J. 1980)
- Myers v. Advanced Stores Co., No. 19-18183, 2020 WL 2744632, at *5 (D.N.J. May 27, 2020)
- Broad v. Home Depot U.S.A., Inc., 16 F. Supp. 3d 413, 417 (D.N.J. 2014)
- DeJoy v. Comcast Cable Communications Inc., 968 F. Supp. 963, 979 (D.N.J. 1997)
- Willis v. UPMC Children's Hospital of Pittsburgh, 808 F.3d 638, 644 (3d Cir. 2015)